

# EXPLANATORY STATEMENT

## *Environment Protection and Biodiversity Conservation Act 1999*

### **Instrument under section 303EC(1)(a)**

#### **(Issued under the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)**

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a live specimen is allowed to be imported only if it is included on the list of specimens taken to be suitable for live import (live import list).

The list was established in accordance with s.303EB of the EPBC Act and has two Parts. Part 1 comprises species exempt from the requirement for an import permit under the EPBC Act. Part 2 comprises species that require an import permit under the EPBC Act.

The effect of this instrument is to add *Drosophila birchii* (Fruit Fly, Vinegar Fly, Pomace Fly) to Part 2 of the live import list. Including this species in the list will allow the import of live specimens under the specified conditions: Research only. High security facilities only.

Amendments to the live import list can be made either on the initiative of the Minister or by application. This list amendment was initiated by an application made to the Minister under s.303EE of the EPBC Act.

In determining whether to amend the live import list to include *D. birchii*, the Minister considered the outcomes of an assessment report on the potential impacts on the environment, prepared in accordance with s.303EF of the EPBC Act.

In accordance with s.303EC(3), appropriate state, territory and Australian Government ministers were consulted. In this case, the Department of Sustainability, Environment, Water, Population and Communities consulted with all relevant state and territory ministers for the environment, conservation and fisheries (or their delegates).

All respondents supported the proposal or had no objection provided the listing included conditions to limit import purposes and to ensure the security of holding facilities.

In accordance with s.303EF of the EPBC Act, the assessment report was published on the Department of Sustainability, Environment, Water, Population and Communities' website and public comments sought. No comments were received from members of the public.

*D. birchii* is an Australian native species with very specific habitat requirements. The specimens that are proposed for import are descended from flies sourced in Queensland and kept in a laboratory in the United Kingdom. As it is a native species that has not been genetically modified, it poses a low risk to the Australian environment.

The Minister considered that listing this species with conditions limiting import purpose and security of holding facilities poses little risk to the Australian environment.

This instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003. It will take effect on the day after registration on the Federal Register of Legislative Instruments.

#### **Statement of Compatibility with Human Rights**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth). This Legislative Instrument does not engage any of the applicable rights or freedoms.

Unique identifying number  
EPBC/s.303EC/SSLI/Amend/058