

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

List of Specimens taken to be Suitable for Live Import Amendment (giant Madagascar day gecko) Instrument 2024

Instrument made under subparagraph 303EC(1)(b)

(Issued under authority of the delegate of the Minister for the Environment and Water)

Legislative Authority

Under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a specimen is taken to be suitable for live import if it is included in the *List of Specimens taken to be Suitable for Live Import (29/11/2001)* (Live Import List).

The Live Import List was established in accordance with s303EB of the EPBC Act and has 2 Parts. Part 1 comprises a list of unregulated specimens exempt from the requirement for an import permit under the EPBC Act. Part 1 of the list must not contain a CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) specimen. Part 2 comprises a list of allowable regulated specimens that can be imported with a permit issued by the Minister, along with notation of any restrictions or conditions attached to the inclusion of a specimen.

Subsection 303EC(1)(b) of the EPBC Act provides that the Minister may, by legislative instrument, amend the Live Import List by:

- correcting an inaccuracy or updating the name of a species.

This instrument was made by the delegate of the Minister for the Environment and Water, under the *Environment Protection and Biodiversity Conservation (Minister to Department and Director of National Parks) Delegation 2024*, Schedule 1, Part 2.

Purpose

The purpose of this instrument is to amend Part 2 of the Live Import List to update the scientific name of the giant Madagascar day gecko:

- Delete *Phelsuma madagascariensis grandis* (giant Madagascar day gecko)
 - Eligible non-commercial purpose only, excluding household pets.
- Insert *Phelsuma grandis* (giant Madagascar day gecko)
 - Eligible non-commercial purpose only, excluding household pets.

CITES recognises this taxon as a full species following its elevation from a sub-species *Phelsuma madagascariensis grandis* to the species *Phelsuma grandis*. This decision was taken by CITES on 23 June 2010 at the fifteenth meeting of the Conference of the Parties (CoP15).

Consultation

There are no consultation requirements under the EPBC Act for correcting an inaccuracy or updating the name of a species under subsection 303EC(1)(b) of the EPBC Act.

The department confirmed the accuracy of the updated name with databases of international organisations with expertise in species taxonomy.

The instrument does not include new items or remove items from the Live Import List. It only applies to make amendments of a scientific and technical nature. In accordance with section 17 of the *Legislation Act 2003*, the Delegate was satisfied that it was not necessary to undertake further consultation on this instrument.

Details

Details of this instrument are set out in Attachment A.

Commencement and Operation

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*. It commenced on the day after it was registered on the Federal Register of Legislation.

Subsection 303EC(6) of the EPBC Act provides that an instrument made under subsection 303EC(1)(b) is not subject to disallowance. Instruments of this type are made to apply corrections and updates to the nomenclature of species. These changes are informed by expert taxonomy and do not have policy significance outside of ensuring that the Live Import List is accurate. As such, instruments of this type would benefit little from the scrutiny process.

ATTACHMENT A

Details of the *List of Specimens taken to be Suitable for Live Import Amendment (giant Madagascar day gecko) Instrument 2024*

Section 1 – Name

This section provides that the name of the instrument is the *List of Specimens taken to be Suitable for Live Import Amendment (giant Madagascar day gecko) Instrument 2024* (the amendment instrument).

Section 2 – Commencement

This section provides that the amendment instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the amendment instrument is made under subparagraph 303EC(1)(b) of the of the EPBC Act.

Section 4 – Schedules

This section provides for the amendments to the *List of Specimens taken to be Suitable for Live Import (29/11/2001)*.

Schedule 1—Amendments

Items 1 and 2 of Schedule 1 to the amendment instrument amend Part 2 of the Live Import List, by deleting *Phelsuma madagascariensis grandis* (giant Madagascar day gecko) and inserting *Phelsuma grandis* (giant Madagascar day gecko) with import conditions in the table of Reptiles (Reptilia) under the heading of Vertebrate Animals.