EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument Amending the List of Specimens Taken to be Suitable for Live Import

(issued under Authority of the Minister for the Environment, Heritage and the Arts)

Under the Environment Protection and Biodiversity Conservation Act 1999 (the Act), a live specimen may be imported into Australia only if it is included on the list of specimens suitable for live import (the list).

The list is established under section 303EB of the Act. It has two Parts. Part 1 comprises of unregulated species. Part 2 comprises species that can be imported with a permit under the Act.

The effect of this instrument is to include a new item in Part 1 of the list.

The new item will define Felis catus (Domestic Cat) to exclude any hybrid cross of Felis catus (Domestic Cat) and Felis serval (Serval). The hybrid derived from Felis catus (Domestic Cat) and Felis serval (Serval) is commonly known as the Savannah Cat. The inclusion of the item in the list will prohibit the import of live specimens of Felis catus (Domestic Cat) and Felis serval (Serval) hybrids and any reproductive material. This means that any specimen with genetic material derived from the Serval will be a prohibited specimen unless it has been lawfully imported prior to the instrument taking effect, or if the specimen is Felis serval (Serval), listed under Part 2 of the list, imported in accordance with a permit granted under the Act.

Amendments to the list can be made either on the initiative of the Minister or by application. The list amendment was initiated by the Minister formulating a proposal for the list to be amended under section 303ED of the Act.

In accordance with section 303EF of the EPBC Act, the draft assessment report, titled Draft environmental assessment of the suitability of the import of the Savannah Cat (Domestic Cat x Serval hybrid specimens) into Australia, was published on the Department of the Environment, Water, Heritage and the Arts’ website and public comments were sought. The draft report was made available for public comment from 19 June 2008 to 17 July 2008. 540 comments were received. The majority of comments received outlined concerns about the risk the Savannah Cat potentially poses to native populations if introduced and established with feral Domestic Cat populations. Comments were also received in support of the proposal to import Savannah Cats, and those comments outlined how the import of the Savannah Cats would be managed. People interested in importing and breeding the Savannah Cat also made submissions highlighting the nature of specimens they intend to import and offer for sale and export and how they would manage their activities. The report was finalised taking these comments into account, as required under s.303EF of the Act.

In determining whether to amend the list to prohibit the importation of Felis catus (Domestic Cat) and Felis serval (Serval) hybrid specimens, the Minister considered the final assessment report as required under s.303EC(5)(a) of the Act. A copy of the final assessment report is available at the following website: http://www.environment.gov.au/biodiversity/trade-use/invitecomment/index.html

In addition, under paragraph 303EC(3) of the Act, other appropriate State, Territory and Australian Government ministers were consulted. In this case, the Department of the Environment, Water, Heritage and the Arts consulted with all relevant State and Territory ministers responsible for environment and primary industries portfolios, and the Australian Minister for Agriculture, Fisheries and Forestry.

Before amending the list, the Minister took into account the submissions received, comments from other Ministers consulted, the precautionary principle and the risks to the Australian environment.

This instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003. The instrument commenced on the day it was registered on the Federal Register of Legislative Instruments.