EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 303EC(1)(c)

(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 can be imported with a permit under the EPBC Act.

The effect of this instrument is to update the scientific name of the sucker catfish (*Otocinclus arnoldi*) on Part 1 of the list of specimens suitable for live import. A review of this species in 2010 resurrected *Otocinclus arnoldi* from the synonymy of *Otocinclus flexilis*.

In 2005 the live import listing of *Otocinclus arnoldi* was updated to *Otocinclus flexilis* to reflect the taxonomic position at that time, with *Otocinclus arnoldi* considered to be junior synonym of *Otocinclus flexilis*. Now that the species are recognised to be two distinct species, it is necessary to correct the listing again. The effect of the change in listing to acknowledge *O. arnoldi* is a distinct species means that *O. flexilis* is no longer included on the live import list and an assessment would be required to determine suitability.

In accordance with s. 303EC(1)(c) of the EPBC Act, the effect of this instrument is to correct an inaccuracy to Part 1 of the list by correcting the scientific name.

This instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

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.

This instrument will commence on the day after it is registered.