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.

In accordance with s. 303EC(1)(c) of the EPBC Act, the effect of this instrument is to correct an inaccuracy in the conditions for import for Ceratitis capitata (Mediterranean Fruit Fly) on Part 2 of the list.

Specimens of the Vienna 7 strain of C. capitata have been imported previously into Australia as a biological control agent for C. capitata outbreaks in Australia. Specimens were imported under the Wildlife Protection (Regulation of Exports and Imports) Act 1982 for mass rearing, sterilisation, and release of sterile males into the environment to control or eradicate outbreaks.

An error at the time of listing C. capitata on the live import list under the EPBC Act resulted in the inclusion of conditions that only permit the release of sterile males from Quarantine Approved Premises (QAP). This fails to recognise that specimens are transferred to a secure mass-rearing facility after one generation in a QAP. This error has only recently come to notice because of the need to import more specimens for rearing.

The effect of this amendment is to correct the conditions on the listing of C. capitata to allow imported flies to be transferred to a secure mass-rearing facility following post-arrival quarantine. Only sterile males are permitted for release into the environment.

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.