

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Amendment to the List of Specimens Taken to be Suitable for Live Import
in accordance with paragraph 303EC (1) (a)

(Issued under Authority of the Minister for the Environment and Heritage)

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 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 need for an import permit under the EPBC Act. Part 2 comprises species that can be imported with a permit under the EPBC Act.

Due to an error that occurred when the then Minister, by instrument published in the Gazette, established a list of specimens that are taken to be suitable for live import, this species was not included on Part 2 of the list. This species was permitted for entry and release under the previous legislation, the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*, and for this reason it should also appear on Part 2 of the live import list established under the EPBC Act. The conditions to be attached to this import are that only the Vienna strain can be imported, and that only sterile males are to be released from Quarantine Approved Premises.

The Vienna strain of *Ceratititis capitata* (Mediterranean fruit fly (Medfly)) is used in sterile insect release. High temperatures are lethal to the females of the strain, and under controlled rearing conditions the females are eliminated, leaving only the males to be sterilised. The sterile males are then released in to regions where an outbreak of *C. capitata* occurs to reduce the population. The sterile males are then released in regions in Western Australia and South Australia when an outbreak of *C. capitata* occurs to reduce the population.

In accordance with s. 303EC(1)(c) of the EPBC Act, the effect of this instrument is to correct an inaccuracy to Part 2 of the list by adding *C. capitata* (Vienna strain).

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

The instrument commenced on the day after it was registered on the Federal Register of Legislative Instruments.