

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 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 add *Astrochelys radiata* (radiated tortoise) to Part 2 of the list of specimens suitable for live import. Including this species in the list will allow the import of live specimens of this species under the specified conditions (Eligible non-commercial purpose only, excluding household pets. High security facilities only).

Amendments to the live import list can be made either on the initiative of the Minister or by application. This list amendment was initiated by an application made to the Minister under s.303EE of the EPBC Act.

In determining whether to amend the live import list to include *A. radiata*, the Minister considered the outcomes of an assessment report on the potential impacts on the environment, prepared in accordance with s.303EF of the EPBC Act.

In accordance with s.303EC(3), appropriate state, territory and Australian Government ministers were consulted. In this case, the Department of Sustainability, Environment, Water, Population and Communities consulted with all relevant state and territory ministers for the environment, conservation and agriculture. All respondents supported the proposal or had no objection provided the listing included conditions to limit import purposes and security of holding facilities.

In accordance with s.303EF of the EPBC Act, the assessment report was published on the Department of Sustainability, Environment, Water, Population and Communities' website and public comments sought. No comment from the public was received.

The Minister considered that listing this species poses a moderate risk to the Australian environment, but under the listed conditions this risk is reduced to a negligible level.

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

The instrument will take effect on the date of publication in the Commonwealth of Australia Gazette.