

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 303EC(1)(a)

**(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 live import 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 require an import permit under the EPBC Act.

The effect of this instrument is to add ten insect species to Part 2 of the list of specimens suitable for live import. The species are: *Ambia* sp. nov. 3404QA (lygodium stem borer), *Bagous affaber*, *Bagous chinensis*, *Bagous indistinctus*, *Bagous vicinus*, *Bagous* n. sp. nov. 3409QA (hydrilla stem-boring weevils), *Carea varipes* (rhodomyrtus leaf borer), *Idiophantis* sp. nov. 4031QA (rhodomyrtus fruit borer), *Lygomusotima stria* (lygodium leaf defoliator), and *Sternuchopsis reticulatus* (rhodomyrtus shoot borer). Including these species in the list will allow the import of live specimens of these species under the specified conditions (Research only. High security facilities only). Specimens will be housed under strict quarantine conditions and will never be released into the Australian environment.

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 these ten species, the Minister considered the outcomes of assessment reports 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 specify 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. One comment was received which raised a number of concerns, particularly in relation to import of undescribed species and the risks versus benefits of the proposed imports. The conditions that apply to the listing are considered to mitigate the risks of importing these species, even in the absence of detailed information on some aspects of their biology.

Unique identifying number
EPBC/s.303EC/SSLI/Amend/053

Although the Minister is not required to consider risks versus benefits in making a decision, it is noteworthy that there are significant benefits derived from the collaboration between the CSIRO and United States Department of Agriculture. The CSIRO has advised that the United States Department of Agriculture partners also undertake, within their respective countries, preliminary screening of biological control agents indigenous to their region for use on major weeds and pests in Australia. This has logistical and economic advantages for Australia. It is understood that funding provided by the United States Department of Agriculture through this collaboration is beneficial for the ongoing development of expertise and facilities that support Australian biological control research.

The Minister considered that listing these species with strict conditions poses minimal risk to the Australian environment.

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 is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. This amendment will take effect on the day after registration on the Federal Register of Legislative Instruments.