

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 suitable for live import.

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 require an import permit under the EPBC Act.

The effect of this instrument is to add *Hylaeogena jureceki* (a leaf-mining jewel beetle), 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 *H. jureceki*. The purpose of importing this species into Australia is for biological control of cat's claw creeper (*Macfadyena unguis-cati*).

Amendments to the list of specimens suitable for live import 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 list of specimens suitable for live import to include *H. jureceki*, the Minister considered a report on the potential impacts on the environment, prepared in accordance with s.303EF of the EPBC Act.

In accordance with paragraph 303EC(3) other appropriate state, territory and Australian Government ministers were consulted. In this case, the Department of Sustainability, Environment, Water, Population and Communities consulted with all state and territory ministers for the environment, conservation and agriculture, or delegated agencies, and the Australian Minister for Agriculture, Fisheries and Forestry. Six responses were received, all of which supported the proposal, with one requesting additional information. Upon receipt of further information, this respondent advised that they were satisfied and supported the proposal.

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, raising concerns about ensuring that imports are limited to a single biotype and doubting the likely effectiveness of the agent in controlling cat's claw creeper. The applicant provided sufficient information to indicate that *H. jureceki* is likely to be an effective agent. The applicant also provided additional information to confirm that additional imports are not likely to be considered necessary as the laboratory colony is robust. Should any further imports be required however, any new biotype of the species would be subject to further host-specificity testing before being released to assess the risks from importing a different biotype,

Unique identifying number
EPBC/s.303EC/SSLI/Amend/050

with a potential different host range. The department will regulate further imports, including host-specificity testing of any new biotypes and their release, via import permits.

The Minister considered that listing this species under Part 2 of the list of specimens suitable for live import poses little risk to the Australian environment and has the potential to control a serious environmental weed.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. This amendment will take effect on the date this instrument is published in the Commonwealth of Australia Gazette.

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.