

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 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 *Haliotis iris* (NZ Paua) to Part 2 of the list of specimens suitable for live import. Including this species in the live import list will allow the import of live specimens under the specified conditions: Research only. 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 *Haliotis iris*, 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 fisheries (or their delegates).

All respondents supported the proposal or had no objection provided the listing included conditions to limit import purposes and relating to 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 comments were received from members of the public.

The Minister considered that listing this species with stringent conditions relating to security of holding facilities poses little risk to the Australian environment. Limiting imports to research purposes will prevent import for commercial trade and further conditions placed on individual import permits would prevent any specimens entering commercial trade at the completion of research.

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 come into effect on the date of gazettal in the Commonwealth of Australia Gazette.

Unique identifying number
EPBC/s.303EC/SSLI/Amend/054