

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Amendment to the List of Specimens taken to be Suitable for Live Import

Instrument under paragraph 303EC(1)(a)

(Issued under Authority of the Minister for the Environment)

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 section 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.

The effect of this instrument is to add *Cebus capucinus* (White-throated Capuchin monkey) 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: Commercial filming purposes only, excluding household pets, Specimens imported cannot be capable of breeding with each other and Specimens must be re-exported at the conclusion of filming requirements

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 section 303EE of the EPBC Act.

In determining whether to amend the live import list to include *Cebus capucinus* (White-throated Capuchin monkey), the Minister considered the outcomes of assessment reports on the potential impacts on the environment, prepared in accordance with section 303EF of the EPBC Act.

In accordance with paragraph 303EC(3) of the EPBC Act, appropriate state, territory and Australian Government ministers were consulted. In this case, the Department of the Environment consulted with all relevant ministers for the environment and agriculture (or their delegates).

Of the eight responses received initially, all supported listing if imports and keeping could be adequately managed and that listing should be subject to specific conditions to limit further importation of this species for other reasons

In accordance with section 303EF of the EPBC Act, the assessment report was published on the Department of the Environment website and public comments sought. Two comments were received from non government organisations opposing the listing on the grounds of animal welfare.

Although the species, *Cebus capucinus*, poses a moderate risk of becoming a pest if they were to escape containment, the Minister considered that listing the species with appropriate conditions poses little risk to the environment. This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. It will take effect on the day after registration on the Federal Register of Legislative Instruments.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Environment Protection and Biodiversity Conservation Act 1999

Amendment – List of Specimens taken to be Suitable for Live Import – section 303EB

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.

Overview of the Legislative Instrument

The purpose of this instrument is to amend the List of Specimens taken to be Suitable for Live Import to include *Cebus capucinus* on Part 2 of the list. The amendment will allow import of live specimens of *Cebus capucinus* for Commercial filming purposes only, excluding household pets, Specimens imported cannot be capable of breeding with each other and Specimens must be re-exported at the conclusion of filming requirements

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Greg Hunt

Minister for the Environment