

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

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

Instrument under subparagraphs 303EC (1)(a)(i) and (a)(ii)

(Issued under Authority of the Minister for the Environment and Energy)

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 can be imported with a permit under the EPBC Act.

The effect of this instrument is to add *Eudyptes pachyrhynchus* (Fiordland crested penguin) 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

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.

Consultation was carried out in accordance with s.303EC(3). In this case, the Department of the Environment and Energy consulted with relevant commonwealth, state and territory agencies for the environment, conservation and agriculture. Comments were considered in the Department's assessment. In accordance with s.303EF of the EPBC Act, the recommendation report was published on the Department of the Environment and Energy's website and public comments sought. No comments from the public were received.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*. It will take effect on the day after registration.

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 Part 2 of the List of Specimens taken to be Suitable for Live Import to include *Eudyptes pachyrhynchus* (Fiordland crested penguin).

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.

Josh Frydenberg

Minister for the Environment and Energy