

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

List of Specimens taken to be Suitable for Live Import Amendment (Okapi) Instrument 2018

Instrument under subparagraph 303EC(1)(a)(i)

Issued under authority of the Minister for the Environment

Under the *Environment Protection and Biodiversity Conservation Act 1999* (the 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 under section 303EB of the EPBC Act and has two parts. Part 1 comprises unregulated specimens exempt from the requirement for an import permit under the Act. Part 2 comprises allowable regulated specimens that can be imported with a permit under the EPBC Act.

The effect of this instrument is to:

1. amend the Live Import List to include *Okapia johnstoni* (Okapi) in Part 2 with the condition: “Eligible non-commercial purpose only, excluding household pets.”
2. update the text under the heading ‘Plants’ in Part 1 and Part 2 of the List to amend references to the former *Quarantine Act 1908* to refer to the *Biosecurity Act 2015*; and to clarify text referring to the list of CITES specimens under the EPBC Act.

Amendments to the Live Import List can be made either on the initiative of the Minister or by application. This amendment to add the Okapi was initiated by an application made to the Minister under section 303EE of the EPBC Act.

Consultation was carried out in accordance with subsection 303EC(3) of the EPBC Act. In this case, the Department of the Environment and Energy consulted with relevant Commonwealth, state and territory agencies for the environment, conservation and agriculture. The comments received were considered in the Department’s assessment and all supported amending the Live Import List to include the Okapi with the listing condition of: “Eligible non-commercial purpose only excluding household pets.”

In accordance with subsection 303EF(2) of the EPBC Act, the draft risk assessment report was published on the Department of the Environment and Energy’s website and public comments sought between 1 November and 29 November 2017. One public comment supporting the amendment was received.

The final risk assessment report was provided to the Minister. In accordance with paragraph 303EC(5)(a) of the EPBC Act, the Minister considered the report before deciding to amend the list to include the Okapi in Part 2 of the Live Import List.

The updating of the ‘Plants’ text reflects the repeal of the *Quarantine Act 1908* by the *Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015* on 16 June 2016.

The ‘Plants’ text reference to the “list of CITES specimens under this Act” has been amended to indicate that the Act referred to is the *Environment Protection and Biodiversity Conservation Act 1999*.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*. It commences the day after registration.

Statement of Compatibility with Human Rights

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

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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 1 and Part 2 of the List of Specimens taken to be Suitable for Live Import to modify the text under the Plants headings and to include *Okapia johnstoni* (Okapi) in Part 2 of the List with the condition: “Eligible non-commercial purpose only excluding household pets”.

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.

**The Hon Melissa Price MP
Minister for the Environment**