

## EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

### **List of Specimens taken to be Suitable for Live Import Amendment (Electric Yellow Cichlid) 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* (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 of unregulated specimens exempt from the requirement for an import permit under the EPBC Act. Part 2 comprises allowable regulated specimens that can be imported with a permit under the EPBC Act.

This instrument amends the Live Import List to include *Labidochromis caeruleus* (Electric Yellow Cichlid) in Part 1.

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

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 29 October and 29 November 2017. Two public comments were received. One supported the listing, the other did not and provided several comments.

Consultation was carried out also 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 final assessment. Four states/territories responded, all supported amending the Live Import List to include *Labidochromis caeruleus*.

The final 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 *Labidochromis caeruleus* in Part 1 of the Live Import List.

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*

### ***Environment Protection and Biodiversity Conservation Act 1999***

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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 of the List of Specimens taken to be Suitable for Live Import to include *Labidochromis caeruleus* (Electric Yellow Cichlid).

#### **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**