

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

List of Specimens taken to be Suitable for Live Import Amendment (Turquoise Killifish) Instrument 2019

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 *Nothobranchius furzeri* (Turquoise Killifish) in Part 2 with the 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 amendment to add *Nothobranchius furzeri* 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 11 July and 17 August 2018. Two public comments were received. Both supported the listing of Turquoise Killifish with one commenter doing so on the condition that this species be kept in high security laboratory facilities to address its potential threats to freshwater environments. The Department considered these comments and determined that all potential threats would be addressed by confinement in an appropriate laboratory facility and by the quarantine conditions put in place for the importation of live fish by the Department of Agriculture and Water Resources.

Consultation was also 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 during February 2019. The Department considered comments received in its final assessment. Two states/territories responded both supported amending the Live Import List to include *Nothobranchius furzeri* with the same reservations raised in the first consultation round.

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 *Nothobranchius furzeri* in Part 2 of the Live Import List with the conditions ‘Research only. High security facilities only.’

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 2 of the List of Specimens taken to be Suitable for Live Import to include *Nothobranchius furzeri* (Turquoise Killifish) with the conditions ‘Research only. High security facilities only.’

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**