

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999 - Section 303EC(1)(c)

Amendment of the *List of Specimens taken to be Suitable for Live Import* (s303EB)

(Issued under Authority of the delegate of the Minister for the Environment, Heritage and the Arts)

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) a live specimen may only be imported 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 section 303EB of the EPBC Act and has two parts. Part 1 comprises specimens exempt from the need for an import permit under the EPBC Act. Part 2 comprises specimens that can be imported with a permit under the EPBC Act.

Pursuant to paragraph 303EC(1)(c) of the EPBC Act, the purpose of this instrument is to correct taxonomic name inaccuracies on Part 1 and 2 of the live import list. This will ensure that the list is consistent with the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) lists and with current taxonomic references in the scientific literature. It will also ensure that appropriate common names are given for species to help enable effective or easier identification leading to more effective compliance at the border.

There are twelve specimen listings being removed from the live import list as they are listed twice under both an old and current name on the same part of the list: *Python albertisii* (Dealberts Python) has been reclassified as *Leiopython albertisii*; *Cercopithecus talapoin* (Talapoin Monkey) has been reclassified as *Miopithecus talapoin*; *Helostoma rudolfi* (pink kissing gourami) is considered to be a colour morph of *Helostoma temminckii* (green kissing gourami); *Eretmodus maculates* (Tanganyikan Clown Cichlid) has been reclassified as *Eretmodus cyanostictus*; *Python boeleni* (Boelen's Python) has been reclassified as *Morelia boeleni*; *Nactus arnouxii* (Pelagic Sea Gecko) is now *Nactus pelagicus*; *Tropidoscincus rohssii* (Scincid lizard) has been reclassified as *Tropidoscincus variabilis* (New Caledonian Scincid Lizard); *Rasbora taeniata* (Blue line Rasbora) is now considered to be *Rasbora einthovenii*; *Brachydanio frankei* (Leopard Danio) has been reclassified as *Danio rerio*; *Prospaltella perniciosi* (Parasitoid wasp) has been reclassified as *Encarsia perniciosi*, which is already listed at genus level; *Scolopsis bleekeri* (Spine-cheek) has been reclassified as *Scolopsis bilineata*; and *Tephrina pulinda* (Geometrid moth) has been reclassified as *Isturgia pulinda*. The subspecies *Trichopoda pennipes pilipes* (Tachinid fly) is also being removed as it is already listed at species level (*T. pennipes*).

Consultation was undertaken with taxonomic advisers from the Australian Biological Resources Study Section (ABRS) who confirmed that the live import list is not using the most taxonomically correct names for these specimens. ABRS provided the correct taxonomic names. No further consultation with other Ministers or the public was undertaken with respect to this instrument as it is of a machinery nature required to reflect a taxonomic change. This amendment also does not change the application of the live import list in relation to these specimens.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The instrument commenced on the day after it was registered on the Federal Register of Legislative Instruments.