Under federal legislation, unless a fish species is specifically listed on the Live Import List (visit environment.gov.au), they cannot be imported into Australia, traded, nor kept if here.

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) also applies to any progeny of non-permitted fish present in Australia – this is a common misconception among ornamental fish hobbyists.

Many fish are not permitted for importation because they present both an ecological and a disease-carrying risk into Australia. All exotic aquatic diseases, parasites and viruses are regarded as prohibited matter under the Queensland Biosecurity Act 2014.
There are many fish in circulation that were either here prior to the implementation of the EPBC Act or illegally smuggled into the country.

The Queensland *Biosecurity Act 2014* now also describes a General Biosecurity Obligation (GBO), which applies to all Queenslanders, that is, a person who deals with biosecurity matter or a carrier, or carries out an activity, if the person knows or reasonably ought to know that the biosecurity matter, carrier or activity poses or is likely to pose a biosecurity risk.

Not knowing whether or not your fish is on the Live Import List is not an adequate defence against a general biosecurity obligation offence provision.

All fish in possession that are not on the Live Import List are considered to be biosecurity matter in Queensland. The species does not have to be listed in the noxious fish section of the *Biosecurity Act 2014*, or as a non-native invasive ornamental fish in the Biosecurity Regulation 2016, for a species to be seized and prosecution to take place.

Under a general biosecurity obligation offence provision, the maximum penalty for matter not listed in the Act as prohibited or restricted – termed 'otherwise', is 500 penalty units.

In Queensland, it is also an offence under the *Fisheries Act 1994* to release or place fish that are classified as ‘non-indigenous’ into Queensland waters. The maximum penalty is 2000 penalty units.

All federal police, customs officers and authorised officers for the Department of Environment and Energy and the Department of Agriculture do have the authority to prosecute under the EPBC Act.

In Queensland, authorised officers for the Department of Agriculture and Fisheries and the Queensland Police can prosecute under *Biosecurity Act 2014* and the *Fisheries Act 1994*.

Biosecurity Queensland focuses its resources on compliance activities that address the highest risk.

**In Queensland it is illegal to sell prohibited and restricted invasive fish on Gumtree, eBay, Facebook or any marketplace.**

**Further information**

Further information is available from your local government office, or by contacting Biosecurity Queensland on 13 25 23 or visit daf.qld.gov.au.

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**Assassin snail** (*Clea (Anentome) helena*)

**Peacock bass** (*Cichla spp.*)