EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act, 1999

Amendment of the List of Exempt Native Specimens in accordance with Section 303DC

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

Section 303DB of the Environment Protection and Biodiversity Conservation Act 1999 (the Act) provides for the establishment of a list of exempt native specimens. Specimens included on the list are exempt from the trade control provisions that apply to regulated native specimens.

The effect of this instrument is to add the following specimens to the list of exempt native specimens and to make those inclusions subject to the notations specified below:

- Cast Bull Kelp from the Family Durvillaeaceae harvested by Kelp Industries Pty Ltd under licence from the Tasmanian Department of Primary Industries, Water and Environment under the Living Marine Resources Act 1995.

The inclusion of the specimens in the list is subject to the following conditions:

- The specimen was taken lawfully.
- The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the Act in relation to the harvest.

Listing of the specimens described above on the list of exempt native specimens will allow continued export of these specimens, without requiring export permits, as long as the approved wildlife trade operation (WTO) declaration is in force. The fishery must continue to operate in accordance with its WTO conditions or the WTO must be revoked. Should a fishery WTO expire or be revoked, the declaration will no longer apply and will be removed from the list of exempt native specimens. Export would no longer be permitted.

In accordance with section 303DC of the Act, consultation was undertaken with the following Ministers of the Commonwealth and of each State and self-governing Territory: the Hon Steve Kons, MHA, Minister for Primary Industries, Water and Environment.

Consultation was also undertaken in accordance with section 303DC(3)(c) of the Act. This extended to the Tasmanian Department of Primary Industries, Water and Environment.

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.