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:

• Specimens that are or are derived from fish or invertebrates, other than
specimens that belong to species listed under Part 13 of the EPBC Act, taken
in the New South Wales Abalone Fishery.

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

• The specimen, or the fish or invertebrate from which it is derived, was taken
lawfully.

• The specimens are covered by the declaration of an approved Wildlife Trade
Operation under section 303FN of the EPBC Act in relation to the fishery

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 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 Ian Macdonald MLC, Minister for Agriculture and Fisheries.

Consultation was also undertaken in accordance with section 303DC(3)(c) of the Act.
This extended to the New South Wales Department of Primary Industries.
This instrument is a legislative instrument for the purposes of the Legislative

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

Unique Identifying Number:
EPBC303DC/SFS/2005/033