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 (EPBC Act) provides for the establishment of a list of exempt native specimens (LENS). Specimens included on the LENS are exempt from the trade control provisions that apply to regulated native specimens.

The fisheries listed in the schedule will cease to be included on the LENS after 1 December 2005. The effect of this instrument is to add the following fisheries to the LENS for a further three months to enable export to continue after this date. Inclusion on the LENS will be subject to the notations specified below:

- The specimen, or the fish or invertebrate from which it is derived, was taken lawfully;
- The specimen is included on the list until 28 February 2006.

Listing of the specimens described above on the LENS will allow continued export of these specimens for the next three months.

In determining to include the above specimens in the list of exempt native specimens regard was had to the legislative requirements of the EPBC Act.

Section 303DC of the EPBC Act, requires consultation with other Ministers as the decision maker considers appropriate. The proposed extension of the deadline for these fisheries will enable export of product to continue and previous such amendments to the LENS have been strongly supported by fisheries agencies. Hence, it is considered unnecessary for consultation with Ministers to be undertaken at this time.

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.

Unique Identifying Number: EPBC303DC/SFS/2005/040