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, Heritage and the Arts)

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, taken in the New South Wales Estuary General Fishery, as defined in the Fishery Management Strategy for the Estuary General Fishery made under the New South Wales Fisheries Management Act 1994, other than specimens belonging to an eligible listed threatened species.

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; and

- The specimen is included on the list until 25 July 2008.

Listing of the specimens described above on the list of exempt native specimens 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 Australian Government’s Guidelines for the ecologically sustainable management of fisheries. Those Guidelines establish the criteria for assessment of the ecological sustainability of the relevant fisheries management arrangements.

Consultation was undertaken in accordance with subsection 303DC(3) of the EPBC Act. This subsection requires consultation to take place with other Ministers (including Ministers of States and self-governing Territories) and other such persons and organisations, as considered appropriate. In this instance, consultation took place with the New South Wales Department of Primary Industries. In addition, notice of the proposal to include the specimens on the list was published on the Department’s internet site and persons who have previously indicated an interest in the fishery (or fisheries of a particular State or Territory) were invited to comment on the proposal as part of a 20 day public consultation period. Comments received during this period were taken into account in deciding to amend the list to include the specimens.

This instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003.
The instrument commenced on 25 April 2008.

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