Section 303DB of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC 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 delete the following specimens to the list of exempt native specimens and to make those inclusions subject to the notations specified below:

- *Pecten fumatus* (Commercial Scallop) and *Mimachlamys asperrima* (Doughboy Scallop) taken in the Bass Strait Central Zone Scallop Fishery.

Subsection 303DC(3) of the EPBC Act provides that before amending the list, the Minister must consult such other Minister or Ministers, including a Minister or Ministers of each State and self-governing Territory and such other persons and organizations as the Minister considers appropriate. In this instance, the Minister for the Environment, Heritage and the Arts consulted with the Minister for Agriculture, Fisheries and Forestry and the Australian Fisheries Management Authority as the Minister and Department have management responsibilities for the fishery concerned. In addition, the proposal to amend the list of exempt native specimens was advertised on DEWHA’s website and comment was invited from interested people for a period of 24 days. All comments received were taken into account in the decision to include the fishery on the list of exempt native specimens.

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.

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