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

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 in the list are exempt from the trade control provisions that apply to regulated native specimens.

The effect of this instrument is to revoke the conditions to which the inclusion of the following item on the list of exempt native specimens on 16 April 2008 is subject:

- 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 Queensland Eel Fishery, as defined in the regime, made under the Queensland *Fisheries Regulations 2008*, in force under the *Fisheries Act 1994*.

and impose the following conditions to which the inclusion of the specimens in the list is subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and

- the specimens are included on the list until 1 May 2014.

Revoking the conditions and imposing the above conditions to which the inclusion of the specimens in the list of exempt native specimens is subject will allow continued export of these specimens until 1 May 2014.

In determining to include the specimens on 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.

Subsection 303DC(3) of the EPBC Act provides that before amending the list, the Minister for the Environment, Heritage and the Arts must consult such other Commonwealth Minister or Ministers and such other Minister or Ministers of each State and self-governing Territory, as the Minister considers appropriate. The Minister may also consult with such other persons and organisations as the Minister considers appropriate. In this instance, the Delegate of the Minister for Environment, Heritage and the Arts consulted with the Queensland Primary Industries and Fisheries (QPIF), part of the Department of Employment, Economic Development and Innovation (DEEDI) as the 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. No comments were received.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

For the purposes of section 12(1) of the *Legislative Instruments Act 2003*, the specified day for the purposes of the commencement of this instrument is 2 November 2009.