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 8 July 2009 is subject:

- Specimens that are or are derived from fish or invertebrates, taken in the Broome Prawn Managed Fishery, as defined in the Broome Prawn Management Plan 1999, made under the Western Australian Fish Resources Management Act 1994, other than specimens that belong to species listed under Part 13 of the Act;

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Kimberley Prawn Managed Fishery, as defined in the Kimberley Prawn Management Plan 1993, made under the Western Australian Fish Resources Management Act 1994;

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Onslow Prawn Managed Fishery, as defined in the Onslow Prawn Fishery Management Plan 1991, made under the Western Australian Fish Resources Management Act 1994; and

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Nickol Bay Prawn Managed Fishery, as defined in the Nickol Bay Prawn Fishery Management Plan 1991, made under the Western Australian Fish Resources Management 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 20 August 2010.

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 20 August 2010.

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 – 2nd Edition. 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 Environment Protection, 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 Protection, Heritage and the Arts consulted with the Western Australian Department of Fisheries as the Department has management responsibility for the fishery concerned.

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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