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 include the following specimens in the list of exempt native specimens:

- 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 lawfully by vessels operating in waters outside the outer limits of the exclusive economic zone of all countries (High Seas) including Australia and its external territories not already covered under existing Australian fisheries management regimes.

with a notation that inclusion of the specimens in the list is subject to the following restrictions or conditions:

- The specimen, or the fish or invertebrate from which it is derived, was taken lawfully under a fishing concession issued by the Australian Fisheries Management Authority and legally imported into Australia; and

- the specimens are included in the list until 17 December 2010.

Listing of the specimens described above on the list of exempt native specimens will allow continued export of these specimens until 17 December 2010.

In determining to include the specimens in 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 Sustainability, Environment, Water, Population and Communities consulted with the Commonwealth Minister for Agriculture, Fisheries and Forestry and the Australian Fisheries Management Authority as they have management responsibilities for the fisheries 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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