EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

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 in the Queensland Blue Swimmer Crab Pot Fishery as defined in the management regime in force under the Queensland Fisheries Act 1994 and Fisheries Regulation 2008.

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; and
- the specimens are included in the list until 14 October 2015.

Listing of the specimens described above in the list of exempt native specimens will allow continued export of these specimens until 14 October 2015.

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 Sustainability, Environment, Water, Population and Communities 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 Fisheries Queensland on behalf of the Minister for Primary Industries, Fisheries and Rural and Regional Queensland as they have management responsibilities for the fishery concerned. The proposal to amend the list of exempt native specimens was advertised on the then Department of the Environment Water Heritage and the Art’s website and comment was invited from interested people for a period of 26 days. All comments received were taken into account in the decision to include specimens derived from the fishery in 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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