

# EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act, 1999*

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

(Issued under the Authority of the Minister for the Environment and Heritage)

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

- 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 Victorian Scallop Fishery.

The inclusion of the specimens in the list is subject to the following notations:

- The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.
- The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the EPBC Act in relation to the fishery.

Listing of the specimens described above on the list of exempt native specimens will allow continued export of these specimens, without requiring export permits, as long as the wildlife trade operation (WTO) declaration is in force. The fishery must continue to operate in accordance with its WTO conditions or the WTO must be revoked. Should a fishery WTO expire or be revoked, the declaration will no longer apply and will be removed from the list of exempt native specimens. Export would no longer be permitted.

In accordance with section 303DC of the Act, consultation was undertaken with the following Ministers of the Commonwealth and of each State and self-governing Territory: The Hon Bob Cameron MP, Victorian Minister for Agriculture.

Consultation was also undertaken in accordance with section 303DC(3)(c) of the Act. This extended to the Department of Primary Industries, Victoria. 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.

**Unique Identifying Number:**  
EPBC303DC/SFS/2006/002