

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act, 1999

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 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 delete from the list of exempt native specimens the specimens and associated notations specified in the Schedule.

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*. Those Guidelines establish the criteria for assessment of the ecological sustainability of the relevant fisheries management arrangements.

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 Rory McEwen, Minister for Agriculture Food and Fisheries.

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

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

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Unique Identifying Number:
EPBC303DC/SFS/2007/19

SCHEDULE

Deletion from the List of Exempt Native Specimens

Taxon /Item	Notation
<i>Jasus edwardsii</i>	<p>The specimen must have been taken in accordance with the <i>Scheme of Management (Rock Lobster Fisheries) Regulations 1991</i> and the <i>Fisheries (General) Regulations 2000</i> in force under the <i>Fisheries Act 1982</i> (South Australia).</p> <p>Included on the list until 31/10/2008</p>
Specimens that are or are derived from fish or invertebrates, taken in the South Australian Abalone Fishery, as defined in the management regime made under the South Australian <i>Fisheries Act 1982</i> and <i>Scheme of Management (Abalone Fisheries) Regulations 1991</i> , other than specimens that belong to species listed under Part 13 of the Act.	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 21/7/2009.</p>
Specimens taken in the South Australian Beach-cast Seagrass and Marine Algae fishery, as defined in the <i>Beach-cast Seagrass and Marine Algae Management Plan 2000</i> , made under the South Australian <i>Fisheries Act 1982</i> and the <i>Scheme of Management (Miscellaneous Fisheries) Regulations 1991</i> , other than specimens that belong to species listed under Part 13 of the Act.	<p>The specimen was taken lawfully.</p> <p>Included on the list until 1/8/2009.</p>
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 South Australian Blue Crab Fishery, as defined in the South Australian <i>Fisheries (Scheme of Management – Blue Crab Fishery) Regulations 1998</i> and the <i>Fisheries (Scheme of Management – Marine Scalefish Fisheries) Regulations 1991</i> , made under the South Australian <i>Fisheries Act 1982</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 29/11/2009.</p>
Specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Scallop and Turbo Fisheries, as defined in the South Australian <i>Fisheries Act 1982</i> , the <i>Fisheries (Scheme of Management – Miscellaneous Fishery) Regulations 2000</i> and the <i>Fisheries (General) Regulations 2000</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the EPBC Act in relation to the fisheries.</p>
Specimens that are or are derived from fish or invertebrates, taken in the South Australian Pilchard Fishery, in accordance with the management arrangements legislated pursuant to the <i>Scheme of Management (Marine Scalefish Fishery) Regulations 1989</i> made under the South Australian <i>Fisheries Act 1992</i> , other than specimens that belong to species listed under Part 13 of the Act.	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 15/10/2009.</p>
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 Spencer Gulf Prawn Fishery, the Gulf St Vincent Prawn Fishery and the West Coast Prawn Fishery, as defined in the management regime, made under the South Australian <i>Scheme of Management (Prawn Fisheries) Regulations 1991</i> and the <i>Fisheries (General) Regulations 2000</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 3/11/2009.</p>
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 South Australian Specimen Shell Fishery, as defined in the management regime, made under the South Australian <i>Scheme of Management (Miscellaneous Fisheries) Regulations 1991</i> and the <i>Fisheries (General) Regulations 2000</i> , in force under the South Australian <i>Fisheries Act 1982</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 15/11/2009.</p>

