

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* (EPBC 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 (LENS) the following specimens and any associated notations:

- Specimens that are or are derived from fish or invertebrates taken in the Western Australian Marine Aquarium Fish Managed Fishery.

Deletion (under section 303DC(1)(b)) from the LENS is necessary, as a new item will be added to the LENS (through instrument number EPBC303DC/SFS/2008/30), which relates to this fishery. The new item excludes all Part 13 species (whales and other cetaceans and threatened, marine and migratory species) from this fishery from being included on the LENS. The previous item to be deleted did not exclude Part 13 species from inclusion on the LENS.

Subsection 303DC(3) of the EPBC Act provides that before amending the list, the Minister must consult such other Minister or Ministers, including a Minister or Ministers of each State and self-governing Territory and such other persons and organizations as the Minister considers appropriate. In this instance, the Delegate of the Minister for Environment, Heritage and the Arts consulted with the Western Australian Minister for Fisheries and the Western Australian Department of Fisheries as the Minister and Department have management responsibilities for the fishery concerned. In addition, the proposal to amend the list of exempt native specimens was advertised on DEWHA's website and comment was invited from interested people for a period of 20 days. All comments received were taken into account in the decision to include the fishery on 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.

Unique Identifying Number:
EPBC303DC/SFS/2008/29