

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 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 revoke the conditions to which the inclusion of the following item on the list of exempt native specimens on 22 December 2009 is subject:

- 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 Southern and Eastern Scalefish and Shark Fishery, as defined in the management regime for the fishery, made under Fisheries Management Act 1991 and the Fisheries Management Regulations 1992.

and impose the following conditions to which the inclusion of the specimens in the list is subject:

- 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 Act in relation to the fishery.

In determining to include the specimens on 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.

Subsection 303DC(3) of the EPBC Act provides that before amending the list, the Minister for the Environment, 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. 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 33 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/2010/02