

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 Act, taken in the Broome Prawn Managed Fishery, as defined in the *Broome Prawn Managed Fishery Management Plan 1999*, in force under the *Western Australian Fish Resources Management Act 1994*;
- 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 Kimberley Prawn Managed Fishery, as defined in the *Kimberley Prawn Management Plan 1993*, in force under the *Western Australian Fish Resources Management Act 1994*;
- 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 Onslow Prawn Managed Fishery, as defined in the management regime in force under the *Fish Resources Management Act 1994*; and
- 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 Nickol Bay Prawn Managed Fishery, as defined in the management regime in force under the *Fish Resources Management Act 1994*;

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 20 August 2015.

Listing of the specimens described above on the list of exempt native specimens will allow continued export of these specimens until 20 August 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 Environment Protection, 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. In this instance, the Delegate of the Minister for Environment Protection, Heritage and the Arts consulted with the Western Australian Minister for Mines and Petroleum, Fisheries and Electoral Affairs and the Department of Fisheries Western Australia as they have management responsibilities for the fisheries 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 25 days. All comments received were taken into account in the decision to include specimens derived from the fisheries 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.

Unique Identifying Number:
EPBC303DC/SFS/2010/33