

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 in the list of exempt native specimens on 1 December 2004 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 Act, taken in the Western Australian South Coast Crustacean Fishery

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

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully;
- by September 2011, the Department of Fisheries Western Australia to implement new proposed management arrangements in the South Coast Crustacean Fishery that will improve the ecological sustainability of the fishery and seek to address the sustainability issues outlined in “*The South Coast Crustacean Fishery - A Discussion Paper*”; and
- the specimens are included in the list until 30 September 2011.

Revoking the conditions and imposing the above conditions to which the inclusion of the specimens in the list of exempt native specimens is subject will allow continued export of these specimens until 30 September 2011.

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 Sustainability, Environment, Water, Population and Communities 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 Department of Fisheries, Western Australia has been consulted and is agreeable to the proposed List of Exempt Native Specimens amendment.

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:
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