

## 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 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 EPBC Act, taken in the Macquarie Island Toothfish Fishery, as defined in the *Macquarie Island Toothfish Fishery Management Plan 2006* in force under the *Commonwealth Fisheries Management Act 1991*,

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 7 April 2016.

Listing of the specimens described above in the list of exempt native specimens will allow continued export of these specimens until 7 April 2016.

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 – 2<sup>nd</sup> 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 proposal to amend the list of exempt native specimens was advertised on the Department of Sustainability, Environment, Water, Population and Communities' website and comment was invited from interested people for a period of 22 business days. The Australian Fisheries Management Authority was also consulted. All comments received were taken into account in the decision to include the fishery 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/2011/09