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 **delete** from the list of exempt native specimens the following specimens and any associated notations:

* 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 lawfully by vessels operating in waters outside the outer limits of the exclusive economic zone of all countries (High Seas) including Australia and its external territories not already covered under existing Australian fisheries management regimes

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. In this instance, the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities consulted with the Australian Fisheries Management Authority as the Australian Fisheries Management Authority has management responsibilities for Australia’s High Seas Permits. The Department of Agriculture, Fisheries and Forestry was also consulted. In addition, 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 23 business days. All comments received were taken into account in the decision to include specimens derived from Australia’s High Seas Permits in the list of exempt native specimens.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

This legislative instrument does not engage any of the applicable rights or freedoms. This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The instrument commenced on the day after it was registered on the Federal Register of Legislative Instruments.

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Amendment of List of Exempt Native Specimens**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

The effect of this instrument is to **delete** from the list of exempt native specimens the following specimens and any associated notations:

* 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 lawfully by vessels operating in waters outside the outer limits of the exclusive economic zone of all countries (High Seas) including Australia and its external territories not already covered under existing Australian fisheries management regimes

**Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Geoff Richardson, Assistant Secretary, Marine Biodiversity and Biosecurity Branch (Delegate of the Minister for Sustainability, Environment, Water, Population and Communities)**