

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:

- Gould's squid (*Nototodarus gouldi*) taken by Rossglengary Pty Ltd T/A Aqua Marine Tasmania, in the Tasmanian Scalefish Fishery, as defined in the management regime for the fishery made under the Tasmanian *Living Marine Resources Management Act 1995* and the Tasmanian Fisheries (Scalefish) Rules 2004,

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 covered by the declaration of an approved wildlife trade operation under section 303FN of the EPBC Act in relation to the fishery.

Listing of the specimens described above in the list of exempt native specimens will allow export of these specimens, without requiring export permits, while an approved wildlife trade operation declaration for the fishery is in force.

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 fishery's management arrangements.

Subsection 303DC(3) of the EPBC Act provides that before amending the list, the Minister for the Environment 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 the Environment consulted with the Tasmanian Department of Primary Industries, Parks, Water and the Environment as the Tasmanian Department of Primary Industries, Parks, Water and the Environment has management responsibilities for the fishery in which the harvest of Gould's squid by Rossglengary Pty Ltd T/A Aqua Marine Tasmania takes place. In addition, the proposal to amend the list of exempt native specimens was advertised on the Department of the Environment's website and comment was invited from interested people for a period of 20 business days. No comments were received.

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/2013/59

**STATEMENT OF COMPATIBILITY FOR A BILL OR LEGISLATIVE
INSTRUMENT THAT DOES NOT RAISE ANY HUMAN RIGHTS ISSUES**

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 **include** the following specimens in the list of exempt native specimens:

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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.

Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch (Delegate of the Minister for the Environment)