

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 in the Queensland Marine Aquarium Fish Fishery, as defined in the management arrangements in force under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulations 2008.

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 Queensland Department of Agriculture, Fisheries and Forestry as the Queensland Department of Agriculture, Fisheries and Forestry has management responsibilities for the fishery concerned, and with the Great Barrier Reef Marine Park Authority, as the fishery operates in the Great Barrier Reef Marine Park. 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 22 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/2013/46

**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 **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 in the Queensland Marine Aquarium Fish Fishery, as defined in the management arrangements in force under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulations 2008.

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.

**Ilse Kiessling, Acting Assistant Secretary, Wildlife Trade and Biosecurity Branch
(Delegate of the Minister for the Environment)**