

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act, 1999

Amendment of the List of Exempt Native Specimens in accordance with Section 303DC

(Issued under the Authority of the Minister for the Environment and Heritage)

Section 303DB of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) provides for the establishment of a list of exempt native specimens. Specimens included on the list are exempt from the trade control provisions that apply to regulated native specimens.

The effect of this instrument is to add the following specimens to the list of exempt native specimens and to make those inclusions subject to the notations specified below:

- 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 Tasmanian Commercial Dive Fishery, as defined in the *Fisheries (Commercial Dive) Rules 2005*, under the *Tasmanian Living Marine Resources Management Act 1995*.

The inclusion of the specimens in the list is subject to the following notations:

- The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.
- The specimen is included on the list until 25 November 2010.

Listing of the specimens described above on the list of exempt native specimens will allow continued export of these specimens for the next five years.

In determining to include the above specimens in the list of exempt native specimens regard was had to the Australian Government's *Guidelines for the ecologically sustainable management of fisheries*. Those Guidelines establish the criteria for assessment of the ecological sustainability of the relevant fisheries management arrangements.

In accordance with section 303DC of the Act, consultation was undertaken with the following Ministers of the Commonwealth and of each State and self-governing Territory: Senator the Hon Steven Kons MHA, Minister for Primary Industries and Water.

Consultation was also undertaken in accordance with section 303DC(3)(c) of the Act. This extended to the Department of Primary Industries, Water and Environment, Tasmania.

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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