

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 Water Resources)

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 to the list of exempt native specimens the specimens and associated notations specified in the Schedule.

Listing of the specimens described in the Schedule on the list of exempt native specimens will allow continued export of these specimens for the period specified in the Schedule.

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*. 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 Eric Abetz, Minister for Fisheries, Forestry and Conservation; the Hon Tony Rundle, Chairman Australian Fisheries Management Authority; the Hon Tim Mulherin MP, Minister for Primary Industries and Fisheries; the Hon David Llewellyn MHA, Minister for Primary Industries and Water; the Hon Rory McEwen, Minister for Agriculture, Food and Fisheries; the Hon John Ford MLC, Minister for Fisheries; and the Hon Chris Natt MLA, Minister for Primary Industry, Fisheries and Mines.

Consultation was also undertaken in accordance with section 303DC(3)(c) of the Act. This extended to the relevant Commonwealth and State and self-governing Territory Fishery Management Agencies.

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/2007/10

SCHEDULE

Amendment to the List of Exempt Native Specimens

Specimens to which the amendment applies	Conditions
Native oyster (<i>Ostrea angasi</i>)	<p>The specimen, or the fish or invertebrate from which it is derived, was taken in accordance with the <i>Fisheries (Shellfish) Rules 2007</i> in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i>; and</p> <p>The specimen is included on the list until 12 May 2012.</p>
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 Heard Island and McDonald Islands Fishery, as defined in the <i>Heard Island and McDonald Islands Fishery Management Plan 2002</i> , in force under the <i>Fisheries Management Act 1991</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and</p> <p>The specimen is included on the list until 9 May 2012</p>
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 Mud Crab Fishery, as defined in the management regime in force under the <i>Queensland Fisheries Act 1994</i> and the <i>Queensland Fisheries Regulation 1995</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and</p> <p>The specimen is included on the list until 24 August 2012.</p>
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 Western Australian Western Rock Lobster Fishery, as defined in the management regime in force under the Western Australian <i>West Coast Rock Lobster Limited Entry Fishery Notice 1993</i> and the Western Australian <i>Fish Resources Management Act 1994</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and</p> <p>The specimens are included on the list until 4 September 2012.</p>
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 South Australian Scallop and Turbo Fisheries, as defined in the South Australian <i>Fisheries Act 1982</i> , the <i>Fisheries (Scheme of Management – Miscellaneous Fishery) Regulations 2000</i> and the <i>Fisheries (General) Regulations 2000</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the EPBC Act in relation to the fisheries.</p>
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 Northern Territory Mud Crab Fishery, as defined in the <i>Mud Crab Fishery Management Plan</i> in force under the Northern Territory <i>Fisheries Act 1988</i> .	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and</p> <p>The specimen is included on the list until 25 September 2012.</p>

<p>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 waters outside the outer limits of the exclusive economic zone of all countries including Australia and its external territories.</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully under a fishing concession issued by the Australian Fisheries Management Authority and legally imported into Australia; and</p> <p>The specimen is included on the list until 19 September 2010</p>
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