

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 EPBC Act, taken in the Southern Bluefin Tuna Fishery, as defined in the *Southern Bluefin Tuna Fishery Management Plan 1995* (as amended) made under the *Fisheries Management Act 1991*.

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; and
- The specimens are included on the list until 22 February 2008.

For the purposes of section 12(1) of the Legislative Instruments Act 2003, the specified day for the purposes of the commencement of this instrument is 17 November 2007.

Listing of the specimens described above on the list of exempt native specimens will allow continued export of these specimens until 22 February 2008, during which a reassessment of the fishery for continued export approval will be undertaken.

This decision will allow the outcomes of the Commission for the Conservation of Southern Bluefin Tuna meeting in October 2007 to be considered in the reassessment. The Commission has the responsibility to oversee global sustainability of this species and the three-month extension will enable the best available scientific information to be considered in the fishery's export accreditation decision in February 2008.

In determining to include the above specimens in the list of exempt native specimens regard was had to the 2004 Southern Bluefin Tuna fishery assessment undertaken in accordance with 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.

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

This instrument commenced on 17 November 2007.

Unique Identifying Number:
EPBC303DC/SFS/2007/11