

## EXPLANATORY STATEMENT

### *Environment Protection and Biodiversity Conservation Act 1999*

Amendment of the List of Exempt Native Specimens in accordance with Section 303DC(1)

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 amend the following entry in the list of exempt native specimens from:

- Marine shells of any taxa within the Phylum Mollusca except species of Tridacnidae.
- to:
- Marine shells of any taxa within the Phylum Mollusca except species of Tridacnidae and Nautilidae.

Specimens listed on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are not generally included in the list of exempt native specimens. The Nautilidae species was recently listed under CITES and therefore the amendment of the entry described above in the list of exempt native specimens will exclude the Nautilidae species. As a result exporters and importers will be subject to trade control provisions which apply to regulated native specimens.

Subsection 303DC(3) of the EPBC Act provides that before amending the list of exempt native specimens, the Minister for the Environment and Energy 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 then Minister for the Environment had already consulted on the proposed listing of the Nautilidae species under CITES with the relevant Commonwealth, State and Territory fisheries agencies and commercial fishing industries and associations, commercial shell traders, and homewares and retail industry.

No additional consultation was therefore conducted for this amendment to the list of exempt native specimens, as the amendment is administrative in nature and is required as a consequence of listing Nautilidae under CITES, for which consultation was undertaken.

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

The instrument commenced on the day after it was registered on the Federal Register of Legislation.

**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 amend the following entry in the list of exempt native specimens from:

- Marine shells of any taxa within the Phylum Mollusca except species of Tridacnidae.

to:

- Marine shells of any taxa within the Phylum Mollusca except species of Tridacnidae and Nautilidae.

**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 and Energy)**