

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. Amendment of the entry described above in the list of exempt native specimens will exclude Nautilidae species, which have recently been listed on CITES, from the list of exempt native specimens. As a result exporters and importers will be subject to trade control provisions which apply to regulated native specimens.

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.

Nathan Hanna, A/g Assistant Secretary, Wildlife Trade and Biosecurity Branch (Delegate of the Minister for the Environment and Energy)