



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens – Commission for the Conservation of Antarctic Marine Living Resources Exploratory Fisheries in Statistical Divisions 58.4.1 and 58.4.2 (the East Antarctica Fishery) and Statistical Subareas 88.1 and 88.2 (the Ross Sea Fishery), November 2020

I, LAURA TIMMINS, Senior Director, Office of Wildlife Trade, as Delegate of the Minister for the Environment, pursuant to subsection 303DC(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by **deleting** from the list specimens and any notations specified in **Schedule 1**, and by **including** in the list specimens and associated restrictions or conditions as set out in **Schedule 2**.

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

The instrument commences the day after it is registered.

Dated this 26 day of November 2020

Laura Timmins

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Delegate of the Minister for the Environment

SCHEDULE 1

Under the heading Freshwater and Marine Animals delete from the list the following items and any associated notations:

| Taxon/Item | Common Name | Notation |
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| <p>Specimens that are or are derived from fish or invertebrates, taken by Australian flagged vessels authorised under permits issued under the <i>Fisheries Management Act 1991</i> (Cth) to operate in the Ross Sea Exploratory Toothfish Fishery in Subareas 88.1 and 88.2 of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Convention Area, but not including:</p> <ul style="list-style-type: none"> • specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or • specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List). | <p>CCAMLR Ross Sea Exploratory Toothfish Fishery</p> | <ul style="list-style-type: none"> • The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; • The specimens are included in the list until 27 November 2020. |
| <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 and specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list) taken by Australian flagged vessels authorised under permits issued under the Commonwealth <i>Fisheries Management Act 1991</i> to operate in the Exploratory Fisheries in CCAMLR Statistical Divisions 58.4.1 and 58.4.2</p> | <p>Exploratory Fisheries in CCAMLR Statistical Divisions 58.4.1 and 58.4.2</p> | <ul style="list-style-type: none"> • The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and • The specimens are included in the list until 27 November 2020. |

SCHEDULE 2

Under the heading Freshwater and Marine Animals include in the list the following items and associated notations:

| Taxon/Item | Common Name | Notation |
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| <p>Specimens that are or are derived from fish or invertebrates taken by Australian flagged vessels authorised under permits issued under the <i>Fisheries Management Act 1991</i> (Cth) to operate in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Ross Sea Exploratory Fishery in Statistical Subareas 88.1 and 88.2 of the CCAMLR Convention Area, but not including:</p> <p>(a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or</p> <p>(b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or</p> <p>(c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or</p> <p>specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List).</p> | <p>CCAMLR Ross Sea Fishery in Statistical Subareas 88.1 and 88.2</p> | <ul style="list-style-type: none"> • The specimens, or the fish or invertebrate from which it is derived, was taken lawfully; • The specimens are included in the list until 27 November 2025. • Condition 1: The Australian Fisheries Management Authority (AFMA) to ensure that all relevant Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) conservation measures are implemented for the operation of Australian vessels in the CCAMLR Exploratory Fisheries in Statistical Subareas 88.1 and 88.1. • Condition 2: AFMA must inform the Department of any intended material changes to the management arrangements for Australian operations in the CCAMLR Exploratory Fisheries that may affect the assessment against which Environment Protection and Biodiversity Conservation Act 1999 decisions are made. • Condition 3: AFMA must produce and present reports to the Department annually as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition. • Recommendation 1: AFMA |

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| | | <p>to continue to work collaboratively with relevant expertise, particularly the Australian Antarctic Division of the Department, to ensure Australian operations in the CCAMLR Exploratory Fisheries reflect best practice for mitigation of ecological risks.</p> <ul style="list-style-type: none"> • Recommendation 2: AFMA to continue to collect data to estimate population biomass and density of Antarctic Toothfish (<i>Dissostichus</i> spp.) in waters within the Statistical Subarea 88.2 small-scale research units 882C to 882I to inform a stock assessment. |
| <p>Specimens that are or are derived from fish or invertebrates taken by Australian flagged vessels authorised under permits issued under the <i>Fisheries Management Act 1991</i> (Cth) to operate in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) East Antarctica Exploratory Fishery in Statistical Divisions 58.4.1 and 58.4.2 of the CCAMLR Convention Area, but not including:</p> <ol style="list-style-type: none"> specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or | <p>CCAMLR East Antarctica Fishery in Statistical Divisions 58.4.1 and 58.4.2</p> | <ul style="list-style-type: none"> • The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; • The specimens are included in the list until 27 November 2025. • Condition 1: The Australian Fisheries Management Authority (AFMA) to ensure that all relevant Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) conservation measures are implemented for the operation of Australian vessels in the CCAMLR Exploratory Fisheries in Statistical Divisions 58.4.1 and 58.4.2. • Condition 2: AFMA must inform the Department of any intended material changes to the management arrangements for Australian |

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| <p>specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List).</p> | | <p>operations in the CCAMLR Exploratory Fisheries that may affect the assessment against which Environment Protection and Biodiversity Conservation Act 1999 decisions are made.</p> <ul style="list-style-type: none">• Condition 3: AFMA must produce and present reports to the Department annually as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.• Recommendation 1: AFMA to continue to work collaboratively with relevant expertise, particularly the Australian Antarctic Division of the Department, to ensure Australian operations in the CCAMLR Exploratory Fisheries reflect best practice for mitigation of ecological risks.• Recommendation 2: AFMA to continue to collect data to estimate population biomass and density of Antarctic Toothfish (<i>Dissostichus</i> spp.) in waters within the Statistical Divisions 58.4.1 and 58.4.2 to inform a stock assessment |
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