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**COMMONWEALTH OF AUSTRALIA**

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

**Amendment of List of Exempt Native Specimens – Western Australian Pilbara Trap Managed Fishery, January 2024**

I, BELINDA JAGO, Branch Head, Ocean and Wildlife Branch, as Delegate of the Minister for the Environment and Water, pursuant to subsection303DC(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 associated notations specified in **Schedule 1**, and by **including** in the list specimens and associated notations as set out in **Schedule 2**.

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

This instrument commences on 7 January 2024.

# Dated this 11th day of December 2023

BELINDA JAGO

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Delegate of the Minister for the Environment and Water

**SCHEDULE 1**

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

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| --- | --- | --- |
| **Taxon/Item** | **Common Name** | **Notation** |
| Specimens that are or are derived from fish or invertebrates taken in the Western Australian Pilbara Trap Managed Fishery, as defined in the management regime in force under the *Fish Resources Management Act 1994* (FRMA, will be replaced by the Aquatic Resources Management Act once enacted); Fish Resources Management Regulations 1995 (FRMR); FRMA Section 43 Order — *Prohibition on Commercial Fishing for Demersal Scalefish (Pilbara Area) Order 1997* and *Prohibition on Fishing by Line from Fishing Boats (Pilbara Waters) Order 2006* , but not including:  (a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia’s List of Migratory Species), or  (b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia’s List of Marine Species), or  (c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or  (d) specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List). | Western Australian Pilbara Trap Managed Fishery | * the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; * the specimens are covered by the declaration of an approved wildlife trade operation under section 303FN of the EPBC Act in relation to the fishery. |

**SCHEDULE 2**

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

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| --- | --- | --- |
| **Taxon/Item** | **Common Name** | **Notation** |
| Specimens that are or are derived from fish or invertebrates taken in the Western Australian Pilbara Trap Managed Fishery in force under the *Fish Resources Management Act 1994* (WA), Fish Resources Management Regulations (1995) (WA), *Fish Resources Management Act 1994* Section 43 Order — *Prohibition on Commercial Fishing for Demersal Scalefish (Pilbara Area) Order 1997* and *Prohibition on Fishing by Line from Fishing Boats (Pilbara Waters) Order 200*, but not including:   1. specimens that belong to taxa listed under section 209 of the EPBC Act (Australia’s List of Migratory Species), or 2. specimens that belong to taxa listed under section 248 of the EPBC Act (Australia’s List of Marine Species), or 3. specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or 4. specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List). | Western Australian Pilbara Trap Managed Fishery | * the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; * the specimens are covered by the declaration of an approved wildlife trade operation under section 303FN of the EPBC Act in relation to the fishery. |