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COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**Amendment of List of Exempt Native Specimens**

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts pursuant to subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by revoking the conditions to which the inclusion of the following item on the list on 25 July 2009 is subject:

- 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 New South Wales Ocean Trap and Line Fishery, as defined in the Fishery Management Strategy for the Ocean Trap and Line Fishery made under the New South Wales *Fisheries Management Act 1994*.

and imposing the following conditions to which inclusion of the specimens in the list is subject:

- The specimen, or the fish or invertebrate from which it is derived, was taken lawfully in accordance with the restricted entry management regime in force under the New South Wales (NSW) *Fisheries Management Act 1994*;
- The specimens are included on the list until 31 March 2010;
- NSW Department Industry and Investment (DII) to continue to further analyse information from the scientific observer program in the line fishing sector and fishery-dependent logbooks on grey nurse shark and other protected species interactions, and provide a report to the Department of the Environment, Water, Heritage and the Arts (DEWHA) by 31 December 2009. Should this report identify that Ocean Trap and Line (OTLF) fishers have significant interactions with protected species, DII to commence the development of appropriate management measures to reduce these interactions; and
- From 1 February 2010, no new permits to be issued in the OTLF that allow the targeting of large shark species until a precautionary level of take and associated management measures for those species can be demonstrated and agreed to by DEWHA.

Dated this 26th day of November 2009

Delegate of the Minister for the Environment, Heritage and the Arts