



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Department of Primary Industries and Resources, public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the New South Wales Ocean Trawl Fishery, as defined in Schedule 1 of the New South Wales *Fisheries Management Act 1994* to be an approved Wildlife Trade Operation, in accordance with subsection 303FN (2) and paragraph 303FN(10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 28 February 2012 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 25 day of February 2009

.....Nigel Routh.....

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

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment, Water, Heritage and the Arts within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.

SCHEDULE

Declaration of the Harvest Operations of the New South Wales Ocean Trawl Fishery as an approved Wildlife Trade Operation

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the New South Wales (NSW) Ocean Trawl Fishery.

1. Operation of the fishery will be carried out in accordance with the New South Wales (NSW) Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006 in force under the NSW *Fisheries Management Act 1994*.
2. NSW Department of Primary Industries (DPI) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of imminent and substantive changes to the Ocean Trawl Fishery management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. NSW DPI to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. NSW DPI to review its current management arrangements for Eastern Gemfish, and where appropriate, in collaboration with AFMA and other jurisdictions, develop and implement timely and complementary management arrangements that assist to stop the decline of, and support the recovery of Eastern Gemfish stocks.