I, TONY BURKE, Minister for Sustainability, Environment, Water, Population and Communities, having agreed with the Minister administering the Fisheries Management Act 1991 (Cth) in relation to the matters specified in section 390SD(3) of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (the EPBC Act), make this interim declaration under section 390SD of the EPBC Act.

Dated 20 September 2012

Tony Burke
TONY BURKE
Minister for Sustainability, Environment, Water, Population and Communities
1 Name of declaration
This declaration is the Interim (Small Pelagic Fishery) Declaration 2012.

2 Interpretation
In this declaration:

EPBC Act means the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

mid-water trawl method means a method of fishing which involves towing a net behind a boat or boats through the water at a depth below the ocean surface, but higher in the water column than the bottom of the ocean.

Small Pelagic Fishery means the total of the sub-areas described in clauses 1, 2 and 3 of Schedule 1 to the Small Pelagic Fishery Management Plan 2009.

specified vessel means a type of vessel which:

(a) is greater than 130 metres in total length (determined in accordance with section 10 of the Shipping Registration Act 1981 (Cth)); and

(b) has an on-board fish processing facility; and

(c) has storage capacity for fish or fish products in excess of 2,000 tonnes.

Note: Pursuant to paragraph 13(1)(b) of the Legislative Instruments Act 2003 (Cth), expressions used in this declaration have the same meaning as in the EPBC Act. For example, commercial fishing activity is defined in subsection 390SC(1A) of the EPBC Act.

3 Period for which this declaration is in force
This declaration is to be in force until the end of the 60th day after it came into force.

Note: Pursuant to paragraph 390SD(4)(a) of the EPBC Act, this declaration comes into force at the end of the day on which it is registered in the Federal Register of Legislative Instruments.

4 Declaration of commercial fishing activity
(1) This section applies to a commercial fishing activity that:

(a) is in the Small Pelagic Fishery; and

(b) uses the mid-water trawl method; and

(c) uses a specified vessel.

(2) A commercial fishing activity to which this section applies is a declared commercial fishing activity.