



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION –
WESTERN AUSTRALIAN WEST COAST DEMERSAL GILLNET AND
DEMERSAL LONGLINE INTERIM MANAGED FISHERY AND THE SOUTHERN
DEMERSAL GILLNET AND DEMERSAL LONGLINE MANAGED FISHERY,
AUGUST 2021**

I, LAURA TIMMINS, Senior Director, Wildlife Trade Office, as Delegate of the Minister for the Environment, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Western Australian Department of Primary Industries and Regional Development, 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, taken in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery and as defined in the management regime in force under the *Fish Resources Management Act 1994* (WA), the Fish Resources Management Regulations 1995 (WA), *Aquatic Resources Management Act 2016* (WA), the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997, and Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan 2018, 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), except for Hammerhead Sharks (*Sphyrna* spp.).

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 19 August 2024 and;
- b) is subject to the conditions applied under section 303FT specified in Schedule 1.

Dated this 20 day of August 2021

Laura Timmins

Delegate of the Minister for the Environment

Notes:

1. 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 reasons may be made in writing to the Department of Agriculture, Water and the Environment 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, Wildlife Trade Assessments Section, Department of Agriculture, Water and the Environment, Telephone: 02 6274 1715 Email: sustainablefisheries@awe.gov.au.

2. Australia's obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are met through Part 13A of the EPBC Act. Specimens of species listed in Appendix II of Australia's CITES list under section 303CA of the EPBC Act may only be exported, under a CITES export permit issued under the EPBC Act, if Australia's CITES Scientific Authority has issued a non-detriment finding for that species. Further information, including a list of species for which non detriment findings have been issued and the fisheries from which they may be sourced, is available from <http://www.environment.gov.au/topics/biodiversity/wildlife-trade/internationally-endangered-plants-and-animals-cites/how-export>.

Part 13A conditions to the Western Australian Department of Primary Industries and Regional Development on the approved wildlife trade operation declaration for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery - August 2021

Condition 1:

Operation of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery must be carried out in accordance with the management arrangements specified in the *Fish Resources Management Act 1994* (WA), Fish Resources Management Regulations 1995 (WA), the *Aquatic Resources Management Act 2016* (WA), the Southern Demersal Gillnet and Demersal Longline Fishery Management Plan 2018 and West Coast Demersal Gillnet and Demersal Longline Interim Fishery Management Plan 1997.

Condition 2:

The Western Australian Department of Primary Industries and Regional Development must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Western Australian Department of Primary Industries and Regional Development must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 4:

The Western Australian Department of Primary Industries and Regional Development must produce and present reports to the Department of Agriculture, Water and the Environment annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 5:

By December 2022, the Western Australian Department of Primary Industries and Regional Development must ensure that all catch in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery is reported to species level. This includes landed and discarded catch. Where species-level reporting is not possible, catches of these species must be managed in a precautionary manner.

Condition 6:

By December 2022, the Western Australian Department of Primary Industries and Regional Development must ensure that all sharks retained by the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery are landed in a form that facilitates ready and reliable identification. This must include a prohibition on removal of fins and other morphological features that are necessary to identify species at the point of landing.

Condition 7:

The Western Australian Department of Primary Industries and Regional Development to develop and implement an independent data collection and validation program in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery by February 2024. This may involve the use of electronic monitoring, onboard observers or other means. The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks.

Condition 8:

By December 2021 the Western Australian Department of Primary Industries and Regional Development must publish an ecological risk assessment of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery, which considers the impacts of the fisheries on all target and non-target species, habitats and other ecological processes.

Condition 9:

The Western Australian Department of Primary Industries and Regional Development must develop, review and implement ecological risk mitigation measures to address any significant risks identified in the ecological risk assessment for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery.