



Interim (Small Pelagic Fishery) Declaration (No. 2) 2013

Environment Protection and Biodiversity Conservation Act 1999 (Cth),
section 390SD

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 subsection 390SD(3) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**), make this interim declaration under section 390SD of the EPBC Act.

Dated 25 February 2013

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 (No. 2) 2013*.

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.

processing includes the work of cutting up, dismembering, cleaning, sorting, packing, or freezing.

quota species has the same meaning as in the *Small Pelagic Fishery Management Plan 2009*.

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

specified vessel means a type of vessel which has storage capacity for fish or fish products of 1,600 tonnes or greater.

taken means caught, captured, taken or harvested.

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 the declaration is in force

This declaration is to be in force until the end of the 60th day after it comes 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 activitiesMid-water trawl activity

- (1) 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,
- is a declared commercial fishing activity.

Fish processing activity

- (2) A commercial fishing activity that:
- (a) is in the Small Pelagic Fishery; and
 - (b) uses a specified vessel; and

- (c) consists of receiving or processing fish or fish products that are quota species that have been taken in the Small Pelagic Fishery, is a declared commercial fishing activity.
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