

**Final (Small Pelagic Fishery) Declaration (No.2) 2013**

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

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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 paragraphs 390SF(2)(d) and (e) of the *Environment Protection and Biodiversity Conservation Act 1999 (*Cth) (**the EPBC Act**), make this final declaration under section 390SF of the EPBC Act.

Dated 26 April 2013

Tony Burke

TONY BURKE

Minister for Sustainability, Environment, Water, Population and Communities

Minister for the Arts

**1 Name of declaration**

This declaration is the *Final (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.

**3 Period for which the declaration is in force**

This declaration is to be in force for the period from the end of the day on which this instrument is registered in the Federal Register of Legislative Instruments until the earliest of the following times:

(a) the end of the day on which the report of the expert panel is published on the Department's website under paragraph 390SL(a) of the EPBC Act;

(b) midnight on 24 April 2015;

 (c) if this declaration is revoked—when the revocation comes into force.

Note: Pursuant to paragraph 390SF(3)(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**

 Mid-water trawl activity

 (a) A commercial fishing activity that:

(i) is in the Small Pelagic Fishery; and

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

(iii) uses a specified vessel,

 is a declared commercial fishing activity.

Fish processing activity

(b) A commercial fishing activity that:

(i) is in the Small Pelagic Fishery; and

(ii) uses a specified vessel; and

(iii) 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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