



Declaration of an Approved Wildlife Trade Operation - Queensland East Coast Inshore Fin Fish Fishery (Variation)

made under section 303FN(2) and paragraph 303FN(10)(d) of the
Environment Protection and Biodiversity Conservation Act 1999

Compilation No. 1

Compilation date: 17 September 2016

Includes amendments up to: F2016N00019

Prepared by the Department of the Environment and Energy

About this compilation

This compilation

This is a compilation of the Declaration of an Approved Wildlife Trade Operation - Queensland East Coast Inshore Fin Fish Fishery (Variation) that shows the text of the law as amended and in force on 17/09/2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, PAUL MURPHY, Assistant Secretary, Wildlife Trade and Biosecurity Branch, as Delegate of the Minister for the Environment, having satisfied myself on the matters set out in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), declare the operation that is specified in column 1 of Table 1, to be an approved wildlife trade operation under subsection 303FN (2) of the EPBC Act, but only to the extent the operation relates to the class of specimens specified in column 2 of Table 1.

Table 1

Operation	Class of Specimens
Queensland East Coast Inshore Fin Fish Fishery, as defined in the management regime in force under the Queensland Fisheries Regulation 2008 and the Queensland <i>Fisheries Act 1994</i>	Specimens that are, or are derived from, fish or invertebrates, other than: a) specimens that belong to species listed under Part 13 of the EPBC Act, and b) specimens that belong to taxa listed under section 303CA of the EPBC Act (Part 13A), except for scalloped hammerhead shark (<i>Sphyrna lewini</i>) smooth hammerhead (<i>S. zygaena</i>) and great hammerhead shark (<i>S. mokarran</i>).

Unless amended or revoked, this declaration:

- a) is subject to the conditions applied under section 303FT specified in the Schedule.

1. Notes:

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 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, Sustainable Fisheries Section.

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>.

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SCHEDULE

Declaration of the Harvest Operations of the Queensland East Coast Inshore Fin Fish Fishery as an approved wildlife trade operation

ADDITIONAL PROVISIONS (section 303FT)

Condition 1:

Operation of the Queensland East Coast Inshore Fin Fish Fishery will be carried out in accordance with the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.

Condition 2:

The Queensland Department of Agriculture and Fisheries to inform the Department of the Environment and Energy of any intended material changes to the Queensland East Coast Inshore Fin Fish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Queensland Department of Agriculture and Fisheries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 4:

The Queensland Department of Agriculture and Fisheries to develop a strategy for the harvest of key fish and shark species taken in the Queensland East Coast Inshore Fin Fish Fishery in consultation with relevant experts and stakeholders. The strategy should include decision rules and reference points that trigger management actions to ensure catch limits remain ecologically sustainable.

Condition 5:

The Queensland Department of Agriculture and Fisheries to work with relevant stakeholders to determine an improved data collection and validation approach that can provide a robust monitoring regime to inform and allow evaluation of the strategy outlined in Condition 4, and the fishery's risk to bycatch species.

Condition 6:

The Queensland Department of Agriculture and Fisheries to:

- a) provide appropriate identification tools and education to assist fishers in providing accurate identification and recording of sharks at the species level.
- b) Commence consultation with stakeholders on alternate provisions for the processing of sharks at sea including; introducing a prohibition on the removal of fins and filleting sharks.

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Condition 7:

The Queensland Department of Agriculture and Fisheries to continue work to improve understanding of stock status of identified recreationally and commercially important species which are currently classified as ‘undefined’ through:

- a) biological monitoring for these species, and
- b) publication of this information, along with catch and effort data, in stock status reports.

Condition 8:

Unless otherwise amended or revoked, this declaration is valid until 28 September 2018.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Declaration of an Approved Wildlife Trade Operation - Queensland East Coast Inshore Fin Fish Fishery (Variation)	2 June 2016	3 June 2016	-
Declaration of an Approved Wildlife Trade Operation - Queensland East Coast Inshore Fin Fish Fishery (Variation)	16 September 2016	17 September 2016	-

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Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Schedule	Am F2016N00019