



## COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

### **DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – VICTORIAN SCALLOP (OCEAN) FISHERY, NOVEMBER 2017**

I, VERONICA BLAZELY, Acting Assistant Secretary, Wildlife Trade and Biosecurity Branch, as Delegate of the Minister for the Environment and Energy, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Victorian Department of Economic Development, Jobs, Transport and Resources, 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, other than specimens that belong to species listed under Part 13 of the EPBC Act (other than a species listed in the conservation dependent category), and specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list), taken in the Victorian Scallop (Ocean) Fishery, as defined in the management regime for the fishery made under the *Fisheries Act 1995* (Vic) and the *Fisheries Regulations 2009* (Vic), 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 27 November 2020; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this                      28                      day of                      November                      2017

Delegate of the Minister for the Environment and Energy

A person whose interests are affected by this declaration may, within 28 days, make an application in writing to the Department of the Environment and Energy for the reasons for the decision.

An application for independent review of the decision (under section 303GJ(1) of the *Environment Protection and Biodiversity Conservation Act 1999*) may be made to the Administrative Appeals Tribunal (AAT), on payment of the relevant fee (currently \$884 or reduced fee where applicable due to financial hardship) by the applicant, either within 28 days of receipt of the reasons for the decision, or within 28 days of this declaration if

reasons for the decision are not sought. Applications should be made to the Deputy Registrar, AAT in your Capital City. Please visit the AAT's website at <http://www.aat.gov.au/> for further information.

You may make an application under the *Freedom of Information Act 1982* (Cth) to access documents relevant to this decision. For further information, please visit <http://www.environment.gov.au/foi/index.html>.

Further enquiries should be directed to the Director, Sustainable Fisheries Section, Department of the Environment and Energy, Telephone: (02) 6274 1917 Email: [sustainablefisheries@environment.gov.au](mailto:sustainablefisheries@environment.gov.au).

## SCHEDULE

### **Declaration of the Harvest Operations of the Victorian Scallop (Ocean) Fishery as an Approved Wildlife Trade Operation, November 2017**

#### **ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens that belong to species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (other than a species listed in the conservation dependent category), and specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list), taken in the Victorian Scallop (Ocean) Fishery:

1. Operation of the Victorian Scallop (Ocean) Fishery will be carried out in accordance with the *Fisheries Act 1995* (Vic) and *Fisheries Regulations 2009* (Vic).
2. The Victorian Fisheries Authority to provide the Department with information on the fishery's management arrangements including any intended material changes to management arrangements that may affect the assessment against which EPBC Act decisions are made.
3. The Victorian Fisheries Authority to produce and present reports to the Department annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.
4. In consultation with the Department of the Environment and Energy, the Victorian Fisheries Authority to develop and seek to implement a harvest strategy for the Victorian Scallop (Ocean) Fishery within the duration of this declaration as a wildlife trade operation. Evidence towards implementing this condition must be provided as part of the annual report to the Department, in accordance with Condition 3 of this approval.
5. Increases to the baseline 135 t total allowable commercial catch (TACC) for the Victorian Scallop (Ocean) Fishery will be underpinned by the harvest strategy described in Condition 4. The Victorian Fisheries Authority to update the Department on any changes to the TACC and its rationale for doing so.
6. The Victorian Fisheries Authority to continue to work with relevant jurisdictions to actively pursue consistent and/or complementary management arrangements for the commercial scallop stock off southeast Australia, and to provide the Department with a summary of the activities.