COMMONWEALTH OF AUSTRALIA

##### **Environment Protection and Biodiversity Conservation Act 1999**

###### Declaration of an Approved Wildlife Trade Operation – Commonwealth Southern and Eastern Scalefish and Shark Fishery, February 2019

I, PAUL MURPHY, Assistant Secretary, Wildlife Trade and Biosecurity Branch, 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 Australian Fisheries Management Authority, 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 Southern and Eastern Scalefish and Shark Fishery as defined in the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* in force under the *Fisheries Management Act 1991* (Cth) and *Fisheries Management Regulations 1992* (Cth), but not including

* specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
* specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES list) except for Scalloped Hammerhead (*Sphyrna lewini*), Smooth Hammerhead (*S. zygaena*), and Great Hammerhead (*S. mokarran*) sharks

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:

1. is valid until 12 February 2022 and;
2. is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 14th day of February 2019

Signed

………….……Paul Murphy………………

Delegate of the Minister for the Environment

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 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, Wildlife Trade Assessments Section, Department of the Environment and Energy, Telephone: (02) 6274 1917 Email: sustainablefisheries@environment.gov.au.

# SCHEDULE

Declaration of the harvest operations of the Commonwealth Southern and Eastern Scalefish and Shark Fishery as an approved wildlife trade operation, February 2019

**Additional Provisions (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the Commonwealth Southern and Eastern Scalefish and Shark Fishery:

1. Operation of the Commonwealth Southern and Eastern Scalefish and Shark Fishery will be carried out in accordance with the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* in force under the *Fisheries Management Act 1991* (Cth)*.*
2. The Australian Fisheries Management Authority to inform the Department of the Environment and Energy of any intended material changes to the Commonwealth Southern and Eastern Scalefish and Shark Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Australian Fisheries Management Authority 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.*
4. AFMA to:

a) ensure that management measures are in place to meet the objectives of the rebuilding strategies and management strategies for species listed as conservation dependent under the EPBC Act, and

b) continue to evaluate and report to the Department on the effectiveness of rebuilding strategies and management strategies for conservation dependent listed species.

1. AFMA to:

a) continue regular reviews of ecological risk assessments in the fishery, ensuring that the cumulative impact of all Commonwealth commercial fisheries in the area is taken into account, and

b) implement management actions to address and mitigate risks and impacts for species that are identified as high risk., including data collection for species that are assessed as high risk because of missing information.