



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – NEW SOUTH WALES OCEAN TRAWL FISHERY, JULY 2021

I, LAURA TIMMINS, Senior Director, Wildlife Trade Office, 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 New South Wales Department of Primary Industries, 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 New South Wales Ocean Trawl Fishery as defined in the management regime in force under the *Fisheries Management Act 1994* (NSW), Fisheries Management (General) Regulation 2019 (NSW), and the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2007, but not including:

- (a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or
- (b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or
- (c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
- (d) specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List).

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 1 July 2024 and;
- b) is subject to the conditions applied under section 303FT specified in Schedule 1.

Dated this 1st day of July 2021

..... Laura Timmins.....
Delegate of the Minister for the Environment

Notes:

1. 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 Agriculture, Water and 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, Wildlife Trade Assessments Section, Department of Agriculture, Water and the Environment, Telephone: 02 6274 1715 Email: sustainablefisheries@awe.gov.au.

Part 13A conditions to the New South Wales Department of Primary Industries on the approved wildlife trade operation declaration for the New South Wales Ocean Trawl Fishery - July 2021

Condition 1:

Operation of the New South Wales Ocean Trawl Fishery must be carried out in accordance with the management arrangements specified in the NSW *Fisheries Management Act 1994* (NSW), Fisheries Management (General) Regulation 2019 (NSW), Fisheries Management (Supporting Plan) Regulation 2006, and the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006.

Condition 2:

The New South Wales Department of Primary Industries must inform the Department of Agriculture, Water and the Environment of any intended material changes to the New South Wales Ocean Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

New South Wales Department of Primary Industries must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 4:

The New South Wales Department of Primary Industries must produce and present reports to the Department of Agriculture, Water and the Environment annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 5:

By 1 July 2022, New South Wales Department of Primary Industries must provide the Department of Agriculture, Water and the Environment with a transition plan for the New South Wales Ocean Trawl Fishery. The transition plan must clearly document all existing data collection, assessment and performance monitoring, and management responses, for the recovery of depleted stocks impacted by the New South Wales Ocean Trawl Fishery.

The transition plan must clearly articulate the interrelationships between these functions, to demonstrate that management of the depleted stock(s) will remain sustainable and facilitate recovery.

The transition plan must also include timelines and milestones for the transition to and implementation of harvest strategies in the fishery.