



Environment Protection and Biodiversity Conservation Act 1999

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION –
COMMONWEALTH CORAL SEA FISHERY, NOVEMBER 2022**

I, ADAM SINCOCK, Principal Director, Wildlife Trade Office, as Delegate of the Minister for the Environment and Water, hereby vary under paragraph 303FT(7)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the declaration of an approved wildlife trade operation dated 27 July 2021 for the Commonwealth Coral Sea Fishery, as defined in the management regime in force under the *Fisheries Management Act 1991* (Cth) and Fisheries Management Regulations 2019 (Cth), such that the conditions specified in the Schedule to that declaration is varied as follows:

In Condition 2, delete the words

“The Australian Fisheries Management Authority must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Coral Sea Fishery’s management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.”

and replace with the words

“The Australian Fisheries Management Authority must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Coral Sea Fishery’s management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.”

In Condition 3, delete the words

“The Australian Fisheries Management Authority 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.”

and replace with the words

“The Australian Fisheries Management Authority must inform the Department of Climate Change, Energy, the Environment and Water of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.”

In Condition 4, delete the words

“The Australian Fisheries Management Authority must provide 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*. ”

and replace with the words

“The Australian Fisheries Management Authority must provide reports to the Department of Climate Change, Energy, the Environment and Water annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. ”

In Condition 7, delete the words

“As part of the annual reporting requirement referred to in Condition 4, the Australian Fisheries Management Authority must report the following to the Department of Agriculture, Water and the Environment, as the CITES Scientific Authority of Australia:

- a) the harvested weight and locations of harvest for each coral species. This reporting must be undertaken at a species-level.
- b) the number of individual Humphead Maori Wrasse (*Cheilinus undulatus*), their sex, lengths and locations of harvest.
- c) any assessments, management changes or findings relevant to the management of CITES-listed species in the Coral Sea Fishery.”

and replace with the words

“As part of the annual reporting requirement referred to in Condition 4, the Australian Fisheries Management Authority must report the following to the Department of Climate Change, Energy, the Environment and Water, as the CITES Scientific Authority of Australia:

- a) the harvested weight and locations of harvest for each coral species. This reporting must be undertaken at a species-level.
- b) the number of individual Humphead Maori Wrasse (*Cheilinus undulatus*), their sex, lengths and locations of harvest.
- c) any assessments, management changes or findings relevant to the management of CITES-listed species in the Coral Sea Fishery.”

In Condition 8, delete the words

“The Australian Fisheries Management Authority must update the science underpinning the Coral Sea Fishery - Sea Cucumber Sector Harvest Strategy by December 2022, including undertaking a fishery independent survey in the area of the fishery, to ensure that the harvest strategy is supported by up-to-date scientific information and supports a longer-term export approval for the fishery.”

and replace with the words

“By 31 August 2023, the Australian Fisheries Management Authority must:

- a) undertake a comprehensive review to update the science underpinning the Coral Sea Fishery Harvest Strategy - Sea Cucumber Sector to ensure it supports a longer-term export approval for the fishery. This should consider all relevant science applicable to the key biological parameters of the fishery's main sea cucumber species, including the Expert advice for the assessment of Australian sea cucumber (Holothuria) fisheries report commissioned by the Department of Climate Change, Energy, the Environment and Water
- b) drawing on the findings of the comprehensive review, finalise an updated Coral Sea Fishery Harvest Strategy - Sea Cucumber Sector and develop, at a minimum, species-specific trigger limits and reference points (or proxies) for species listed under CITES; and ongoing data collection and monitoring plans required to support ongoing fishing of these species.

In Condition 9, delete the words

“By 1 December 2023, the Australian Fisheries Management Authority must complete a review of the Coral Sea Fishery Harvest Strategy – Sea Cucumber Sector and develop, at a minimum:

- a) species-specific trigger limits and reference points (or proxies) for species listed under CITES; and
- b) ongoing data collection and monitoring plans required to support ongoing fishing of these species.”

Dated this 30th day of November 2022

Adam Sincock

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Delegate of the Minister for the Environment and Water

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 Climate Change, Energy, the Environment and Water 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, Department of Climate Change, Energy, the Environment and Water, Telephone: (02) 5156 3278 Email: sustainablefisheries@environment.gov.au.
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 <https://www.dcceew.gov.au/environment/wildlife-trade/cites>.