

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

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – WESTERN AUSTRALIAN PILBARA FISH TRAWL INTERIM MANAGED FISHERY, DECEMBER 2022**

I, SUSAN COOPER, acting 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 20 August 2021 for the Western Australian Pilbara Fish Trawl Interim Managed Fishery, as defined in the management regime in force under the *Fish Resources Management Act 1994* (WA), *Aquatic Resources Management Act 2016* (WA), Fish Resources Management Regulations 1995 (WA), Fisheries Management (Ocean Trawl Management Plan) Regulations 2006 (WA), and the Pilbara Fish Trawl Interim Managed Fishery Management Plan 1997, such that the conditions specified in the Schedule to that declaration is varied as follows:

In Condition 2, delete the words

“The Western Australian Department of Primary Industries and Regional Development must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Western Australian Pilbara Fish Trawl Interim Managed Fishery 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 Western Australian Department of Primary Industries and Regional Development must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Western Australian Pilbara Fish Trawl Interim Managed Fishery 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 Western Australian Department of Primary Industries and Regional Development 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 Western Australian Department of Primary Industries and Regional Development 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 Western Australian Department of Primary Industries and Regional Development 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.”

and replace with the words

“The Western Australian Department of Primary Industries and Regional Development must produce and present reports to the 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 5, delete the words

“By December 2022 the Western Australian Department of Primary Industries and Regional Development must publish an ecological risk assessment of the Western Australian Pilbara Fish Trawl Interim Managed Fishery, which considers the impacts of the fishery on all target and non-target species, habitats and other ecological processes.”

 and replace with the words

“By February 2024, the Western Australian Department of Primary Industries and Regional Development must publish an ecological risk assessment of the Western Australian Pilbara Fish Trawl Interim Managed Fishery, which considers the impacts of the fishery on all target and non-target species, habitats and other ecological processes.”

In Condition 8, delete the words

“By August 2024, the Western Australian Department of Primary Industries and Regional Development to formalise policy to support the existing electronic monitoring program for the Western Australian Pilbara Fish Trawl Interim Managed Fishery. This must include information on the frequency, and proportion of video data analysed, for independent review, to verify bycatch and reported rates of protected species interactions.

The findings from data collection and monitoring to be included in the annual reports provided to the Department of Agriculture, Water and the Environment.”

and replace with the words

“By February 2024, the Western Australian Department of Primary Industries and Regional Development must formalise a policy to support the existing electronic monitoring program for the Western Australian Pilbara Fish Trawl Interim Managed Fishery. This must include information on the frequency, and proportion of video data analysed, for independent review, to verify bycatch and reported rates of protected species interactions.

The findings from data collection and monitoring to be included in the annual reports provided to the Department of Climate Change, Energy, the Environment and Water.”

Dated this 21 day of December 2022

Susan Cooper

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Delegate of the Minister for the Environment and Water

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 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@dcceew.gov.au.