



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – SOUTH AUSTRALIAN MARINE SCALEFISH FISHERY, DECEMBER 2023

I, BELINDA JAGO, Branch Head, Ocean and Wildlife Branch, as Delegate of the Minister for the Environment and Water, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from Primary Industries and Regions South Australia 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 South Australian Marine Scalefish Fishery as defined in the management regime in force under the:

- *Fisheries Management Act 2007* (SA)
- Fisheries Management (Marine Scalefish Fisheries) Regulations 2017 (SA)
- Fisheries Management (General) Regulations 2017 (SA)
- Fisheries Management (Fish Processor) Regulations 2017 (SA)
- Management plan for the South Australian Commercial Marine Scalefish Fishery 2013,

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), except for smooth hammerhead shark (*Sphyrna zygaena*), dusky shark (*Carcharhinus obscurus*) and copper shark (*Carcharhinus brachyurus*)

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 7 December 2026 and
- b) is subject to the conditions applied under section 303FT specified in Schedule 1.

Dated this 11th day of December 2023

SIGNED

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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, Email: sustainablefisheries@dcceew.gov.au.

Declaration of the harvest operations of the South Australian Marine Scalefish Fishery as an approved Wildlife Trade Operation, December 2023

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 Victorian Corner Inlet Fishery:

Condition 1:

Operation of the South Australian Marine Scalefish Fishery must be carried out in accordance with the management plan for the South Australian Commercial Marine Scalefish Fishery 2013 in force under the *Fisheries Management Act 2007* (SA) and the Fisheries Management (Marine Scalefish Fisheries) Regulations 2017 (SA), the Fisheries Management (General) Regulations 2017 (SA) and the Fisheries Management (Fish Processor) Regulations 2017 (SA).

Condition 2:

The Department of Primary Industries and Regions, South Australia must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the South Australian Marine Scalefish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Department of Primary Industries and Regions, South Australia 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.

Condition 4:

The Department of Primary Industries and Regions, South Australia must produce and present reports on the South Australian Marine Scalefish Fishery, including progress against all Part 13A conditions, to the Department of Climate Change, Energy, the Environment and Water by 13 December annually, with the first annual report due by 13 December 2024 as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. Annual reports must include details of the performance of any stock rebuilding or ecological risk management strategies.

Condition 5:

The South Australian Department of Primary Industries and Regions must:

- a) By 13 December 2024 implement vessel monitoring systems on all Marine Scalefish Fishery vessels including geofences around sea lion colonies.
- b) By 13 December 2024 implement electronic logbook reporting across the Marine Scalefish Fishery to support reporting of bycatch and discards.
- c) By 30 June 2026, review bycatch and discard reporting measures to determine whether the information collected sufficiently and reliably demonstrates accurate reporting of all catch (including bycatch and discards) and protected species (particularly CITES listed Chondrichthyes) interaction data.
- d) By 30 June 2026, the South Australian Department of Primary Industries and Regions must provide advice to the Department of Climate Change, Energy, the Environment and Water on the review findings and any measures applied.

Condition 6:

Consistent with Principle 1 of the Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition and the precautionary principle, the Department of Primary Industries and Regions South Australia must:

- a) ensure the rebuilding strategies for snapper (once developed/fishery is opened) and southern garfish remain publicly available on the Department of Primary Industries and Regions South Australia’s website and implemented until the stocks are assessed and classified as ‘sustainable’.
- b) maintain, adopt, or implement management arrangements that prevent the overfishing of snapper and southern garfish.
- c) report any changes to, and performance against, the rebuilding strategies to the Department of Climate Change, Energy, the Environment and Water as per the annual report requirements specified in Condition 4.

Condition 7

By 13 December 2024, the South Australian Department of Primary Industries and Regions must:

- a) require that all catch of CITES listed species taken in the South Australian Marine Scalefish Fishery are recorded to a species level, and species-specific discards where possible, and that these catches are reported to the Department of Climate Change, Energy, the Environment and Water as part of the annual reporting requirement referred to in Condition 4.
- b) develop identification resources for species found in the Marine Scalefish Fishery and distribute to fishers to assist with accurate species-specific reporting.

Condition 8

The South Australian Department of Primary Industries and Regions (PIRSA) must:

- a) monitor large mesh net usage and provide an annual report on large mesh gill net use, including the number of days of large mesh net fishing by marine fishing area, and catch data summary. If changes in large mesh net effort are identified, PIRSA to undertake risk assessment and implement management changes where necessary.

PIRSA to maintain management measures directed toward reducing and managing the impact of fishing activity on Australian sea lions:

- b) Continue to monitor and review the adequacy of its Australian sea lion interaction mitigation management measures, in consultation with relevant stakeholders.
- c) Include an effort report within the annual reports, outlining effort using large mesh nets, particularly in ‘high risk blocks’ of the fishery.

Condition 9

The South Australian Department of Primary Industries and Regions must:

- a) By 30 June 2024, report on the findings of FRDC project 2019-044 *Quantifying post-release survival and movement of Snapper (Chrysophrys auratus): Informing strategies to engage the fishing community in practices to enhance the sustainability of an important multi-sector fishery*, and any subsequent changes to management arrangements.
- b) By 30 June 2024, report on the findings of FRDC project 2019-046 *Cost-effective, non-destructive solutions to developing a pre-recruit index for Snapper*, and any subsequent changes to management arrangements.