

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, JUNE 2025

I, MURRAY WATT, 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 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 Commonwealth Southern and Eastern Scalefish and Shark Fishery as defined in the management regime in force under the *Fisheries Management Act 1991* (Cth), theFisheries Management Regulations 2019 (Cth), and the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003, but not including:

1. specimens that belong to taxa listed under section 209 of the EPBC Act (Australia’s List of Migratory Species), or
2. specimens that belong to taxa listed under section 248 of the EPBC Act (Australia’s List of Marine Species), or
3. specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
4. specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List), except for silvertip shark (*Carcharhinus albmimarginatus*), grey reef shark (*Carcharhinus amblyrhynchos*), copper shark (*Carcharhinus brachyurus*), bull shark (*Carcharhinus leucas*), common blacktip shark (*Carcharhinus limbatus*), blacktip reef shark (*Carcharhinus melanopterus*), dusky shark (*Carcharhinus obscurus*), sandbar shark (*Carcharhinus plumbeus*), Australian blacktip shark (*Carcharhinus tilstoni*), blue shark (*Prionace glauca*), scalloped hammerhead (*Sphyrna lewini*) and smooth hammerhead (*Sphyrna zygaena*)

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 30 June 2028 and;
2. is subject to the conditions applied under section 303FT specified in Schedule 1.

Dated this 19 day of June 2025

………….…MURRAY WATT….……………

Minister for the Environment and Water

Notes:

1. 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 is available from https://www.dcceew.gov.au/environment/wildlife-trade/cites.

Schedule 1

Declaration of the harvest operations of the Commonwealth Southern and Eastern Scalefish and Shark Fishery as an approved wildlife trade operation, June 2025

**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), unless those specimens are subject to any exceptions as outlined in this declaration, taken in the Commonwealth Southern and Eastern Scalefish and Shark Fishery:

**Condition 1**

Export approval for the Commonwealth Southern and Eastern Scalefish and Shark Fishery (the fishery) has been provided on the basis the fishery will be managed in accordance with the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003, made under the *Fisheries Management Act 1991* (Cth) and the Fisheries Management Regulations 2019 (Cth).

During the term of the export approval, the Australian Fisheries Management Authority must:

1. Consistent with Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries, provide the Department of Climate Change, Energy, the Environment and Water (the department), with an annual report by 29 August each year.

Annual reports should include species-specific harvest data (including discards) for any species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

1. In the interim, if there are any intended changes to legislative instruments, or material changes to management arrangements, that may affect the basis on which the export accreditation was made for this fishery, the department must be notified.

**Condition 2**

To ensure there is a high degree of probability that overfished stocks in the fishery will recover, the Australian Fisheries Management Authority must continue to implement measures to address and end overfishing. In addressing overfishing, the Australian Fisheries Management Authority must:

1. Develop and implement measures to improve confidence in the total mortality of blue warehou by 20 January 2028, to inform future management controls to reduce the incidental bycatch and discarding of blue warehou in the fishery.
2. Investigate methods for providing an alternative primary index of abundance (relative or absolute) for blue warehou stocks in the fishery by 20 January 2028.
3. Develop and implement a rebuilding strategy for jackass morwong by 20 January 2028.
4. Complete and publish a review of the School Shark Stock Rebuilding Strategy which incorporates the updated school shark population assessment and other relevant research by 20 January 2028.
5. During the term of this approval, engage with jurisdictions that share management responsibility for stocks subject to overfishing to ensure all forms of mortality are considered and effectively managed, particularly for school shark.

**Condition 3**

To ensure there is a high degree of probability overfished stocks in the fishery will recover, continue to recover species identified in Fisheries Status Reports as overfished. In addressing overfished stocks in the fishery, the Australian Fisheries Management Authority must:

1. Review and where necessary revise the rebuilding strategies for eastern gemfish, upper-slope dogfish, orange roughy, and redfish stocks by 20 January 2028.
2. Develop and implement a rebuilding strategy to guide the recovery of John dory stocks in the fishery by 20 January 2028.
3. Continue to develop the Climate Risk Framework to ensure the impacts of climate change on target and bycatch species are taken into account when making future management decisions in the fishery.

**Condition 4**

The Australian Fisheries Management Authority must document how uncertainty in species stock assessments is accounted for within the fishery’s interim Harvest Strategy Framework by 30 August 2027. This should set out how uncertainty will be considered and reflected in future management decisions made during the transition to a new harvest strategy framework for the fishery.

**Condition 5**

The Australian Fisheries Management Authority must provide the department with details of its revised and expanded independent monitoring and validation program for the fishery by 30 June 2026. This program must:

* provide independent data that is reliable and representative across all sectors of the fishery; and
* be sufficient to provide a robust estimate of protected species interactions and discards in the fishery, in particular for depleted stocks
* support the validation of, and confidence in, protected species and discard information recorded in catch and effort logbooks.

**Condition 6**

The Australian Fisheries Management Authority must commence implementation of the expanded independent monitoring and validation program by 30 June 2027. This may involve the use of electronic monitoring, independent onboard observers, or other means.

**Condition 7**

The Australian Fisheries Management Authority must:

1. Review and update all sector specific ecological risk assessments in the fishery by 30 June 2027.
2. During the term of this approval, investigate management actions to address and mitigate risks and impacts for species that are identified as high risk in ecological risk assessments, including data collection for species that are assessed as high-risk because of data deficiency.

**Condition 8**

The Australian Fisheries Management Authority must:

1. Develop and publish a seal management strategy to guide efforts to minimise seal interactions in the fishery by 30 June 2027.
2. Continue to implement the Gillnet Dolphin Mitigation Strategy to ensure effective measures are in place to minimise interactions with dolphins.
3. Continue to implement effective measures designed to minimise interactions with seabirds in all sectors of the fishery consistent with international best practice measures (including those described in the Agreement on the Conservation of Albatrosses and Petrels and other emerging scientific research).

An update on any new mitigation measures developed and implemented through these processes, and their effectiveness, should be provided to the department as part of the fishery’s next export application.