



Interim (Small Pelagic Fishery) Declaration 2012

Environment Protection and Biodiversity Conservation Act 1999
(Cth), section 390SD

I, TONY BURKE, Minister for Sustainability, Environment, Water, Population and Communities, having agreed with the Minister administering the *Fisheries Management Act 1991* (Cth) in relation to the matters specified in section 390SD(3) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the **EPBC Act**), make this interim declaration under section 390SD of the EPBC Act.

Dated 20 September 2012

TONY BURKE

Minister for Sustainability, Environment, Water, Population and Communities

1 Name of declaration

This declaration is the *Interim (Small Pelagic Fishery) Declaration 2012*.

2 Interpretation

In this declaration:

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

mid-water trawl method means a method of fishing which involves towing a net behind a boat or boats through the water at a depth below the ocean surface, but higher in the water column than the bottom of the ocean.

Small Pelagic Fishery means the total of the sub-areas described in clauses 1, 2 and 3 of Schedule 1 to the *Small Pelagic Fishery Management Plan 2009*.

specified vessel means a type of vessel which:

- (a) is greater than 130 metres in total length (determined in accordance with section 10 of the *Shipping Registration Act 1981* (Cth)); and
- (b) has an on-board fish processing facility; and
- (c) has storage capacity for fish or fish products in excess of 2,000 tonnes.

Note: Pursuant to paragraph 13(1)(b) of the *Legislative Instruments Act 2003* (Cth), expressions used in this declaration have the same meaning as in the EPBC Act. For example, **commercial fishing activity** is defined in subsection 390SC(1A) of the EPBC Act.

3 Period for which this declaration is in force

This declaration is to be in force until the end of the 60th day after it came into force.

Note: Pursuant to paragraph 390SD(4)(a) of the EPBC Act, this declaration comes into force at the end of the day on which it is registered in the Federal Register of Legislative Instruments.

4 Declaration of commercial fishing activity

(1) This section applies to a commercial fishing activity that:

- (a) is in the Small Pelagic Fishery; and
- (b) uses the mid-water trawl method; and
- (c) uses a specified vessel.

(2) A commercial fishing activity to which this section applies is a declared commercial fishing activity.