



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, TONY BURKE, Minister for Sustainability, Environment, Water, Population and Communities, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from Industry and Investment New South Wales, 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, other than specimens of species listed under Part 13 of the EPBC Act, taken in the New South Wales Ocean Trap and Line Fishery, as defined in the New South Wales *Fisheries Management (Ocean Trap and Line Share Management) Regulation 2006* in force under the New South Wales *Fisheries Management Act 1994*, 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 11 November 2013; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2010).

Dated this

13

day of

December 2010

Minister for Sustainability, Environment, Water, Population and Communities

SCHEDULE

Declaration of the Harvest Operations of the New South Wales Ocean Trap and Line Fishery as an approved Wildlife Trade Operation, November 2010

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 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the New South Wales Ocean Trap and Line Fishery:

Condition 1:

Operation of the Ocean Trap and Line Fishery will be carried out in accordance with the management arrangements in force under the New South Wales *Fisheries Management Act 1994*.

Condition 2:

Industry & Investment New South Wales to advise the Department of Sustainability, Environment, Water, Population and Communities of any proposed substantive changes to the Ocean Trap and Line Fishery management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Act 1999* decisions are based.

Condition 3:

Industry and Investment New South Wales to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 4:

Industry and Investment New South Wales to take into account the findings of the two observer programs undertaken in the Ocean Trap and Line Fishery during 2007, 2008 and 2009, and:

- a) by 31 December 2010 review the effectiveness of the current mitigation measures for minimising interactions with grey nurse sharks;
- b) based on findings of the review referred to in a), by 30 June 2011 implement further actions, if appropriate, designed to mitigate the impact of fishing on grey nurse sharks;
- c) following 30 June 2011, continue to monitor and review the adequacy of mitigation measures and implement actions, if appropriate, designed to mitigate the impact of fishing on grey nurse sharks; and
- d) pending the development of a Reporting Memorandum of Understanding between Industry and Investment New South Wales and the department, commence the provision of quarterly reports to the Department of Sustainability, Environment, Water, Population and Communities on interactions with grey nurse sharks recorded in logbooks. The reports will include the nature of any interactions, the location and gear method.

Condition 5:

Industry and Investment New South Wales to:

- a) continue to implement a scientifically robust observer program for the shark fishing permit component of the Ocean Trap and Line Fishery, to collect biological data for sharks, and to assess the nature and levels of interactions with protected species, including grey nurse sharks and short and long fin makos, ensuring that scientific observer coverage is representative of fishing activities;
- b) provide a report from the observer program referred to in part a) on interactions with protected species and the level of scientific observer coverage by gear-specific effort, within six months of completion of the annual program; and
- c) annually compare observer reports with logbook records for protected species and implement measures to address any discrepancies.

Condition 6:

Industry and Investment New South Wales to implement a total allowable catch of 110 tonnes for 'Schedule 1' shark species for the period 1 February 2011 to 31 January 2012.

Condition 7:

Industry and Investment New South Wales to review the effectiveness of management arrangements for shark fishing in the Ocean Trap and Line Fishery annually, including stock status and the total catch level. The review is to take account of information collected in the scientific observer program and daily logbooks and any new biological data. The findings of each review must be provided to the Department of Sustainability, Environment, Water, Population and Communities and any changes to the total catch level must be agreed to by the Department of Sustainability, Environment, Water, Population and Communities prior to implementation. The first of the annual reviews (to be completed by 31 December 2011) is to be independently peer reviewed.

Within six months of finalisation of the reviews, Industry and Investment New South Wales to implement appropriate management measures recommended from the reviews, including a revised level of take for sharks if necessary.

Condition 8:

Industry and Investment New South Wales to investigate the suitability of maximum size limits for sharks caught under the shark fishing permits to reduce the likelihood of capture of reproductively mature adults and pregnant females.

Condition 9:

Industry and Investment New South Wales to work with other relevant jurisdictions to develop a stock assessment model for sandbar, dusky, black-tip and spinner sharks.

Condition 10:

Taking into consideration any recommendations made by the Threatened Species Scientific Committee or listing decisions made by the Minister for Sustainability, Environment, Water, Population and Communities under Part 13 of the *Environment Protection and Biodiversity Act 1999*, Industry and Investment New South Wales to:

- a) continue to consult with the Australian Fisheries Management Authority and implement further complementary measures to limit the take of deepwater dogfish and other deep water shark species of concern to support rebuilding of the relevant shark species;
- b) in consultation with, and agreement to by the Department of Sustainability, Environment, Water, Population and Communities, by 1 June 2011, taking into account available information, implement long-term mitigation measures, directed towards stopping the decline of, and supporting the recovery of Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog. These measures must include and are not limited to:
 - i. ongoing review of catch limits;
 - ii. improved handling practices; and
 - iii. fisheries spatial closures, which prohibit all relevant Ocean Trap and Line Fishery activities, assessed by Industry and Investment New South Wales as being high risk (and provide the results of this assessment to the department), having regard to the early project outcomes provided in 2010 of the Commonwealth Scientific and Industrial Research Organisation projects on the spatial distribution and movement of deepwater dogfish; and
- c) continue to monitor and review the adequacy of management measures towards the objective of stopping the decline of, and supporting the recovery of Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog.

Condition 11:

Industry and Investment New South Wales to:

- a) by 30 June 2011, review its current management arrangements for eastern gemfish and school shark; and
- b) by 30 June 2012, where appropriate, in collaboration with the Australian Fisheries Management Authority and other jurisdictions, develop and implement timely and complementary management arrangements that assist in stopping the decline of, and support the recovery of eastern gemfish and school shark stocks.