



## COMMONWEALTH OF AUSTRALIA

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

#### **VARIATION TO A DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, 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 5 December 2007 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 Small Pelagic Fishery, as defined in the Small Pelagic Fishery's management regime in force under *Fisheries Management Act 1991*:

1. Revoke condition a):  
is valid until 27 February 2009.
2. Include a new condition a):  
is valid until 5 December 2010.
3. Revoke condition b) and the Schedule (dated December 2007):  
is subject to the conditions applied under section 303FT specified in the Schedule (dated December 2007).
4. Include a new condition b) and Schedule (dated February 2009):  
Is subject to the conditions applied under section 303FT specified in the Schedule dated February 2009.

Dated this 25 day of February 2009

.....Nigel Routh.....

Delegate of the Minister for the Environment, Heritage and the Arts

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 reason may be made in writing to the Department of the Environment, Water, Heritage and the Arts 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.

## SCHEDULE

### **Declaration of the Harvest Operations of the Small Pelagic Fishery as an approved Wildlife Trade Operation, February 2009**

#### **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*, taken in the Small Pelagic Fishery.

1. Operation of the Small Pelagic Fishery (SPF) will be carried out in accordance with the Management Regime in place under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. AFMA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.