



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Accreditation of a Plan, Regime or Policy for the purposes of Part 13

I, STEPHEN OXLEY, First Assistant Secretary, Marine Division, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, being satisfied that, during the period the *Final (Small Pelagic Fishery) Declaration 2012 (Cth)* (**Final Declaration**) made under section 390SF of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**) is in force:

- a. the *Small Pelagic Fishery Management Plan 2009* (the **SPF Plan**), in force under the *Fisheries Management Act 1991 (Cth)*, requires persons engaged in fishing under the SPF Plan to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species), listed migratory species, cetaceans and listed marine species are not killed or injured as a result of the fishing; and
- b. the fishery to which the SPF Plan relates does not, or is not likely to, adversely affect:
 - i. the survival or recovery in nature of any listed threatened species, or
 - ii. the conservation status of a listed migratory species, a species of cetacean, or listed marine species or a population of those species,

accredit the SPF Plan under sections 208A, 222A, 245 and 265 of the EPBC Act for the purposes of Divisions 1, 2, 3 and 4 respectively of Part 13 of the EPBC Act.

The SPF Plan is accredited:

- a. only for the period the Final Declaration is in force; and
- b. subject to the conditions specified in the Schedule to this Instrument.

Dated this

28th

day of

NOVEMBER

2012

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

SCHEDULE

Conditions on the Part 13 accreditation for the Small Pelagic Fishery in force under the *Fisheries Management Act 1991* (Cth)

Condition 1

Prior to fishing, mid-water trawl vessels must have in place effective mitigation approaches and devices, to the satisfaction of the Australian Fisheries Management Authority (AFMA), to minimise interactions with dolphins, seals and seabirds.

Condition 2

AFMA requires that at least one observer be deployed on each new mid-water trawl vessel for the first 10 fishing trips with additional observer coverage or other monitoring implemented as appropriate, following scientific assessment of the Small Pelagic Fishery.