



## COMMONWEALTH OF AUSTRALIA

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

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

I, CLAIRE HOWLETT, Delegate of the Minister for the Environment and Water Resources, hereby vary under subsection 303FT(7b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Declaration of an Approved Wildlife Trade Operation dated 28 November 2005 for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than species listed under Part 13 of the EPBC Act, taken in the New South Wales Abalone Fishery, as defined in Schedule 1 of the New South Wales *Fisheries Management Act 1994*:

1. Revoke condition b) and the Schedule (dated November 2006):  
Is subject to the conditions applied under section 303FT specified in the November 2006 Schedule.
2. Include a new condition b) and Schedule (dated November 2007):  
Is subject to the conditions applied under section 303FT specified in the November 2007 Schedule.

Dated this 19<sup>th</sup> day of November 2007

[Signed]

Claire Howlett

Delegate of the Minister for the Environment and Water Resources

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 and Water Resources 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  
November 2007

**Declaration of the Harvest Operations of the New South Wales (NSW) Abalone Fishery as  
an approved Wildlife Trade Operation**

**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 EPBC Act, taken in the NSW Abalone Fishery.

1. Operation of the fishery will be carried out in accordance with the NSW *Abalone Share Management Plan 2000* in force under the NSW *Fisheries Management Act 1994*.
2. NSW Department of Primary Industries (DPI) to advise the Department of the Environment and Water Resources of any material change to the Abalone Fishery management arrangements that could negatively affect the assessment of the fishery against the *Environment Protection and Biodiversity Conservation Act 1999* criteria, within three months of that change being made.
3. A report to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
  - a) information sufficient to allow assessment of the progress of NSW DPI, in conjunction with industry and other stakeholders, in implementing the conditions and recommendations made; and
  - b) the status of the Abalone Fishery performance indicators compared to the trigger points.
4. The Fishery Management Strategy for the NSW Abalone Fishery to be finalised and approved by the end of April 2007.
5. NSW DPI, in conjunction with NSW Abalone Fishery stakeholders, to:
  - (a) develop and implement by 28 July 2008 an agreed recovery strategy for abalone stocks across the fishery that defines the following:
    - precautionary recovery targets and associated timeframes;
    - specific measures to promote the rebuilding of stocks to target levels; and
    - stock and catch monitoring and compliance measures required to evaluate and enforce the recovery of depleted stocks.
  - (b) report to the Department of the Environment and Water Resources by 31 March 2008 on progress in the development of the recovery strategy including recommendations made by the Special Abalone Recovery Group.