



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the 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 the New South Wales Department of Primary Industries, 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 Abalone Fishery, as defined in the New South Wales *Fisheries Management (Abalone Share Management Plan) 2000* 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 8 August 2014; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this

10th

day of

August

2011

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

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 Department of Sustainability, Environment, Water, Population and Communities 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 New South Wales Abalone Fishery as an approved wildlife trade operation, August 2011

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 New South Wales Abalone Fishery:

1. Operation of the New South Wales Abalone Fishery will be carried out in accordance with the *Fisheries Management (Abalone Share Management Plan) Regulation 2000* in force under the New South Wales *Fisheries Management Act 1994*.
2. The New South Wales Department of Primary Industries to inform the Department of Sustainability, Environment, Water, Population and Communities of any proposed substantive changes to the New South Wales Abalone Fishery management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The New South Wales Department of Primary Industries 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*.
4. The New South Wales Department of Primary Industries, in consultation with stakeholders, to review the management objectives, performance indicators and trigger points set out in the *Fisheries Management (Abalone Share Management Plan) Regulation 2000* and implement any amendments as appropriate to ensure they are appropriately precautionary and effective.