



## COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, CLAIRE HOWLETT, Acting Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Department of Primary Industries and Resources, 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 Schedule 1 of 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 1 November 2010 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 25<sup>th</sup> day of November 2008

[signed]

.....Claire Howlett.....

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 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 New South Wales 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 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the New South Wales (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 inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended material amendments to the Abalone Fishery management arrangements that could affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. NSW DPI to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to review management objectives, performance indicators and trigger points to ensure they are appropriately precautionary and effective.