



## 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 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 Victorian 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 Victorian Scallop Fishery, as defined in the management regime for the fishery, made under the Victorian *Fisheries Act 1995* and the Victorian *Fisheries Regulations 1998* 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 30 January 2012 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 28<sup>th</sup> day of January 2009

.....[signed].....

Delegate of the Minister for the Environment and 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 Victorian Scallop 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 *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the Victorian Scallop Fishery, made under the Victorian *Fisheries Act 1995* and the Victorian *Fisheries Regulations 1998*.

1. Operation of the fishery will be carried out in accordance with the Victorian Scallop Fishery (VSF) management arrangements made under the Victorian *Fisheries Act 1995* and *Fisheries Regulations 1998*.
2. Department of Primary Industries (DPI) will advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the fishery's management arrangements that could affect the assessment against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. DPI to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition* (the Guidelines).