



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, PETER GARRETT, 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 Australian Fisheries Management Authority, 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 Bass Strait Central Zone Scallop Fishery, as defined in the management regime for the fishery, made under the Commonwealth *Fisheries Management Act 1991* and the Commonwealth *Fisheries Management (Bass Strait Central Zone Scallop Fishery) Regulations 2002* 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 31 March 2010 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 25 day of May 2009

[Signed]

.....Peter Garrett.....
Minister for the Environment, Water, 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 Bass Strait Central Zone 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 Bass Strait Central Zone Scallop Fishery, made under the *Commonwealth Fisheries Management Act 1991* and the *Commonwealth Fisheries Management (Bass Strait Central Zone Scallop Fishery) Regulations 2002*.

1. Operation of the fishery will be carried out in accordance with the BSCZSF management regime in force under the *Fisheries Management Act 1991* and the *Fisheries Management (Bass Strait Central Zone Scallop Fishery) Regulations 2002*.
2. AFMA to inform DEWHA of any intended amendments to the BSCZSF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. AFMA to produce and present a report to DEWHA on or before 31 March 2010 as per Appendix B to the Guidelines for the Ecologically Sustainable Management of Fisheries -2nd Edition.
4. AFMA to implement an observer program for the BSCZSF by 1 July 2009 with particular focus on levels of bycatch and interactions with protected species.
5. AFMA to:
 - a. review the current limit reference point of 500t; and
 - b. as part of the review consider the appropriateness of introducing a target reference point for the fishery. AFMA to report to DEWHA on the review outcomes.