



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Heritage, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the 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 during scientific surveys for the Bass Strait Central Zone Scallop Fishery, as defined by scientific permit conditions granted under section 33 of the Commonwealth *Fisheries Management Act 1991*, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 17 November 2009 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 17th day of November 2006

.....Andrew McNee.....
Delegate of the Minister for the Environment and Heritage

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 and Heritage 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 (BSCZSF) scientific surveys 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 BSCZSF scientific surveys.

1. Operation of the surveys will be carried out consistent with the management regime in force under scientific permits granted under section 33 of the Commonwealth *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to advise the Department of the Environment and Heritage (DEH) of any material change to the BSCZSF scientific surveys that could negatively affect the assessment of the surveys against the criteria of the *Environment Protection and Biodiversity Conservation Act 1999*.
3. AFMA to provide annual reports to DEH on the following:
 - information sufficient to allow assessment of the compliance of operators participating in the BSCZSF scientific surveys with the management arrangements outlined in AFMA's *Bass Strait Central Zone Scallop Fishery – Briefing for Export Approval for Scallops Taken During Scientific Surveys*;
 - a description of the BSCZSF scientific surveys including:
 - i. catch and effort information; and
 - ii. outcomes from the BSCZSF scientific surveys relating to the status of the scallop stock.
4. The annual research allowance of scallops for the BSCZSF scientific surveys to be set at a sustainable level in accordance with the AFMA Research Catch and Effort Allowance Policy.