



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, DONNA PETRACHENKO, First Assistant Secretary, Marine Division, 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 Australian Fisheries Management Authority (AFMA), 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 Eastern Tuna and Billfish Fishery, as defined in the *Eastern Tuna and Billfish Fishery Management Plan 2005* made under the *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 20 January 2011 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated July 2008).

Dated this 8th day of July 2008



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 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 Eastern Tuna and Billfish Fishery (ETBF) as an approved Wildlife Trade Operation, July 2008

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* (EPBC Act), taken in the ETBF.

1. Operation of the fishery will be carried out in accordance with the *Eastern Tuna and Billfish Fishery Management Plan 2005* made under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the 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 reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. In the absence of catch levels for primary species being agreed to at the WCPFC or a whole of government position developed on Australia's national allocation AFMA will, by 31 January 2010, implement an appropriate harvest strategy designed to achieve ecological sustainability for each primary species including:
 - a) target and limit reference points; and
 - b) clear decision rules to respond to the triggering of performance criteria and localised depletions.
5. By 31 January 2009, AFMA to finalise the Ecological Risk Assessment (ERA) for the ETBF.
6. By 31 July 2009, AFMA to implement appropriate management responses to address and mitigate risks and impacts identified in the ERA and review the effectiveness of management responses at appropriate intervals.