



## COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, IAN CRESWELL, Assistant Secretary, Marine and Biodiversity 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 Department of Fisheries Western Australia, 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 Pilbara Fish Trawl Interim Managed Fishery, as defined in the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997*, in force under the *Western Australian Fish Resources Management Act 1994*, 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 1 October 2009 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule, dated April 2008.

Dated this *twenty ninth* day of *April* 2008

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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 Pilbara Fish Trawl Interim Managed Fishery as an approved Wildlife Trade Operation, April 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 EPBC Act, taken in the Pilbara Fish Trawl Interim Managed Fishery.

1. Operation of the fishery will be carried out in accordance with the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997* made under the *Western Australian Fish Resources Management Act 1994*.
2. DFWA to advise DEWHA of any intended material change to the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) legislated management regime and management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA, in consultation with DEWHA, to finalise long-term arrangements to minimise the PFTIMF's interactions with protected species, particularly with dolphins and marine turtles. Specifically, DFWA will:
  - (a) continue to monitor developments in potential mitigation measures (both national and international);
  - (b) continue to develop, trial, test and refine the effectiveness of mitigation and other management measures, including, but not limited to, bycatch reduction grids; and
  - (c) implement and standardise across the fishery mitigation and/or management measures endorsed as effective and appropriate by the Dolphin Reference Group.
5. DFWA to maintain the Bycatch Action Plan for the PFTIMF, including ongoing review and progress reporting on implementation.
6. While no Memorandum of Understanding for the Reporting of Fisheries Interactions with Protected Species is in place between DFWA and DEWHA:
  - (a) fishers to continue to notify DFWA of any dolphin or marine turtle interactions;
  - (b) fishers to record all interactions with protected species in skippers' logbooks;
  - (c) DFWA to continue to provide a summary of all protected species interactions reported in the PFTIMF to DEWHA, on a quarterly basis; and
  - (d) DFWA to continue to ensure that industry has the capacity to make these reports at an appropriate level of accuracy.
7. DFWA to:
  - (a) by June 2008, provide to DEWHA an executive summary report of the age-structured model stock assessments for Rankin cod and red emperor;
  - (b) implement any ensuing changes to the management arrangements from the stock assessments, prior to the commencement of the 2009 fishing season (1 July 2009); and
  - (c) provide reports to DEWHA on the age-structured model stock assessments for goldband snapper and bluespot emperor as the results become available.