



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 Sustainability, Environment, Water, Population and Communities, 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, 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 Western Australian Pilbara Fish Trawl Interim Managed Fishery, as defined in the management regime for the fishery, made under the Western Australian *Fish Resources Management Act 1994* 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 June 2013 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated March 2011).

Dated this 23rd day of March 2011



Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

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 the Department of the Sustainability, Environment, Water, Population and Communities 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 Western Australian Pilbara Fish Trawl Fishery as an approved Wildlife Trade Operation, March 2011

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 the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) 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 SEWPaC annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA, in consultation with SEWPaC, to continue to implement measures to minimise the PFTIMF's interactions with protected species, particularly with dolphins and marine turtles. Specifically DFWA:
 - (a) in consultation with SEWPaC, to assess the effectiveness of the proposed excluder grid and escape hatch design in reducing dolphin mortality following the six month industry trial;
 - (b) to ensure that, if the proposed excluder grid and escape hatch design shows an identifiable reduction in dolphin mortality, the design will be implemented across the fishery;
 - (c) at the conclusion of the six month trial, to develop and implement, within six months, an ongoing program to validate protected species bycatch; and
 - (d) if the proposed excluder grid and escape hatch design does not show an identifiable reduction in dolphin mortality, DFWA to continue to explore/develop mitigation methods to further minimise dolphin mortality.
5. DFWA to continue to provide annual reports, summarised by quarter, of all protected species interactions reported in the PFTIMF to SEWPaC.