



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, TONY BURKE, 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 Australian Fisheries Management Authority and the Department of Agriculture, Fisheries and Forestry, 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 Southern Bluefin Tuna Fishery, as defined in the *Southern Bluefin Tuna Fishery Management Plan 1995 (as amended)*, made under the *Fisheries Management Act 1991*, 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 24 July 2013 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated October 2010).

Dated this

19 day of October 2010

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Tony Burke

Minister for Sustainability, Environment, Water, Population and Communities

SCHEDULE

Declaration of the Harvest Operations of the Southern Bluefin Tuna Fishery as an approved Wildlife Trade Operation, October 2010

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 Southern Bluefin Tuna Fishery:

1. Operation of the fishery will be carried out in accordance with the management arrangements for the Southern Bluefin Tuna (SBT) Fishery in force under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) of any intended amendments to the SBT Fishery's management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) Act decisions are based.
3. AFMA and the Department of Agriculture, Fisheries and Forestry (DAFF) to produce and present reports to SEWPaC annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. AFMA to continue to investigate appropriate catch monitoring technologies which provide increased confidence in the estimates of SBT catch in the purse seine sector, and specifically:
 - a) consistent with Australia's obligations under the CCSBT, complete commercial trials of stereo-video systems for monitoring at least 10 per cent of the SBT transferred to pontoons during the 2011 fishing season;
 - b) make publicly available an assessment of the level of success of the stereo-video trial, including whether it meets the criteria in c) below; and
 - c) if the commercial trials of stereo video in 'a)' are successful, and stereo video technology can be implemented in a manner that is cost-effective, practical and delivers estimates of average weight of fish within an appropriate timeframe, implement stereo video by the start of the 2012 fishing season.
5. DAFF and AFMA to:
 - a) develop a methodology by 1 September 2012 for obtaining regular statistically robust estimates of recreational and charter fishing catch of SBT in Australian waters;
 - b) using the methodology in a), to work towards progressing a first round of data and information collection with a view to making this information publicly available.

6. AFMA to:
 - a) continue to ensure that there are statistically significant levels of scientific observer effort (or other reliable method) representative of sector/operation (purse seine, towing, transfer, and longline), by areas and months to, at a minimum, meet CCSBT requirements and to validate:
 - i. the nature and level of interactions with species listed under the EPBC Act. This will facilitate a quantification of the effects of fishing on these species;
 - ii. SBT commercial catch;
 - iii. SBT mortalities occurring during purse seine fishing operations;
 - iv. SBT mortalities occurring during tow operations and final transfer into the 'grow out' pontoons;
 - v. the incidence of discarding (including life status), and high grading (all sectors); and
 - vi. interactions with bycatch.
 - b) continue to report on the level of scientific observer coverage by gear-specific effort as part of the annual reporting to SEWPaC prescribed in Condition 3; and
 - c) continue to annually compare observer reports with logbook records for species listed under the EPBC Act, implement measures to address any inconsistencies and publicly report these as part of the annual reporting to SEWPaC.
 - d) continue to ensure that 100 per cent observer coverage is met during the release process of the trial of the release of live fish to ensure compliance with the requirements of live release and to detect mortalities of SBT during the release process.
7. As part of the annual reporting to SEWPaC prescribed in Condition 3, AFMA to include an evaluation of the outcomes of the trial of the release of live fish for that year, including reporting on any measures under development or implemented that reduce or increase the probability of overcatches or to maximise the survivorship of SBT that are to be released.
8. AFMA to:
 - a) note and report any detected significant increase in protected species interactions, bycatch and discarding in any sector/operation of the SBT Fishery (purse seine, towing, and longline) as part of its annual reporting to SEWPaC prescribed in Condition 3; and
 - b) continue to monitor interactions with threatened species, especially white sharks (*Carcharodon carcharias*), and implement appropriate management measures to minimise interactions.
9. To the extent consistent with domestic legislation, AFMA and DAFF to implement as a minimum all actions agreed by the CCSBT to help ensure the recovery of SBT stock to ecologically sustainable levels.

