



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

VARIATION TO DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, PETER GARRETT, Minister for the Environment, Heritage and the Arts, hereby vary under section 303FT(7b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the Declaration of an Approved Wildlife Trade Operation dated 12 December 2007 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 and Eastern Scalefish and Shark Fishery, as defined in the *Southern and Eastern Scalefish and Shark Management Plan 2003*, made under the *Fisheries Management Act 1991*:

1. Revoke condition b and the Schedule (dated December 2007), as varied by the order of the Administrative Appeals Tribunal (dated February 2008):
is subject to the conditions applied under section 303FT specified in the December 2007 Schedule
2. Include a new condition b and Schedule (dated December 2008):
is subject to the conditions applied under section 303FT specified in the December 2008 Schedule.

Dated this 18 day of December 2008

.....[signed].....

Minister for the Environment, Heritage and the Arts

SCHEDULE
December 2008

Declaration of the Harvest Operations of the Southern and Eastern Scalefish and Shark Fishery (SESSF) 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 SESSF.

1. Operation of the fishery will be carried out in accordance with the *Southern and Eastern Scalefish and Shark Management Plan 2003*.
2. Australian Fisheries Management Authority (AFMA) will inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any changes to the *Southern and Eastern Scalefish and Shark Management Plan 2003* or other significant policy documents to enable DEWHA to evaluate any impact on the ecological sustainability of the fishery.
3. Reports to be produced and presented to the DEWHA annually, and to include:
 - a. a statement of the extent to which the performance criteria of the *Southern and Eastern Scalefish and Shark Management Plan 2003* were met in the year; and
 - b. information sufficient to allow assessment of the progress of AFMA in implementing the recommendations made in the *Assessment of the Southern and Eastern Scalefish and Shark Fishery December 2006*.
4. AFMA by the end of 2007 to ensure a defined process for expanding fishing effort in each sector of the SESSF to new areas and/or new species is implemented within the formal management arrangements for the SESSF.
5. Consistent with the *Commonwealth Fisheries Harvest Strategy Policy*, AFMA to develop and implement rebuilding strategies for all SESSF species below their limit reference point (B-Lim). Priority is to be given to finalising rebuilding strategies for eastern gemfish and school shark to be completed by 21 December 2007, and blue warehou by 21 December 2008.
6. AFMA to finalise the SESSF Bycatch Action Plan (BAP) by June 2007. The BAP should include specified targets for bycatch reduction across all sectors, with the aim of minimisation, along with measures to address bycatch mitigation and performance measures to evaluate effectiveness of the various bycatch reduction measures.
7. AFMA to:
 - (1) investigate and report back to DEWHA by 30 June 2008 on methods of reducing the capture and subsequent discard of the juvenile eastern gemfish within the Commonwealth Trawl Sector, including particular consideration of gear modifications and spatial closures, and review the utility of bycatch quotas; and

- (2) implement by 1 May 2009 effective measures identified in paragraph (1) to ensure the take of juvenile eastern gemfish of not impeding the rebuilding of the stock.
8. AFMA, after considering advice from relevant experts, to develop and implement management measures, including fishery closures, that take account of site-specific issues and which seek to minimise the risks of interaction between fisheries regulated by AFMA and sea lions by 21 December 2009.
9. AFMA to:
 - (1) investigate and report back to DEWHA by 31 December 2008 on the extent and nature of seabird interactions in the trawl sectors of the SESSF and effective mitigation measures, including offal management;
 - (2) in accordance with the findings of the report required by paragraph (1), develop and implement effective seabird mitigation measures to minimise interactions in the trawl sectors of the SESSF by 30 June 2009; and
 - (3) operate the SESSF in accordance with the *2006 Threat Abatement Plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations*.
10. By 1 July 2009, AFMA to ensure statistically robust levels of ongoing observer effort (or other reliable method) to validate the nature and level of all interactions by area, season and fishery for all bycatch species that are identified as high risk through the ecological risk assessment processes.
11. AFMA to;
 - (1) investigate and report back to DEWHA by 31 December 2008 on the extent and nature of Harrison's dogfish interactions in all sectors of the SESSF; and
 - (2) in accordance with the findings of the report required by paragraph (1) develop and implement effective mitigation measures including consideration of additional closures, to minimise interactions with each sector of the SESSF by 30 June 2009.