



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, PETER GARRETT 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, 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 and Eastern Scalefish and Shark Fishery, as defined in the management regime for the fishery, made under Fisheries Management Act 1991 and the Fisheries Management Regulations 1992 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 July 2012 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated February 2010).

Dated this

16th

day of

February

2010

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Minister for the Environment, Heritage and the Arts

SCHEDULE

Declaration of the Harvest Operations of the Southern and Eastern Scalefish and Shark Fishery as an approved Wildlife Trade Operation, April 2009**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 and Eastern Scalefish and Shark Fishery:

Condition 1

Operation of the fishery will be carried out in accordance with the management arrangements for the Southern and Eastern Scalefish and Shark Fishery (SESSF) in force under the *Fisheries Management Act 1991*.

Condition 2

AFMA will inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the SESSF management arrangements that may affect the assessment of the fishery against the criteria on which the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) decisions are based.

Condition 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*, that include a report of progress in completing the work plans contained within the SESSF Bycatch and Discard Workplans

Condition 4

AFMA to provide final copies of the Ecological Risk Assessment (ERA) and Ecological Risk Management (ERM) reports for all SESSF sectors by 1 December 2010.

Condition 5

AFMA to:

- a. by 1 November 2010, outline a new workplan to reduce bycatch and discards in the Great Australia Bight Trawl sector of the SESSF;
 - b. provide the results of the formal two-year review of the Great Australia Bight Trawl Fishery Bycatch and Discard Workplan to DEWHA by 1 March 2011;
 - c. by 1 July 2011, outline new workplans to reduce bycatch and discards in the Shark Gillnet, Commonwealth Trawl Sector (formerly South East Trawl), and Automatic Longline sectors of the SESSF; and
- provide the results of the formal two-year review of the Shark Gillnet, Commonwealth Trawl Sector (formerly South East Trawl), and Automatic Longline Bycatch and Discard Workplans to DEWHA by 1 November 2011

Condition 6

In accord with the precautionary principle, as outlined in section 391(2) of the *Environment Protection and Biodiversity Conservation Act 1999*,:

- a) AFMA to continue to implement interim management measures, which will include voluntary fishery closures, increased observer coverage in areas adjacent to Australian Sea Lion colonies and other actions, designed to mitigate the impact of fishing activity on Australian Sea Lions;
- b) by 30 June 2010, taking into account current information and in consultation with marine mammal experts, AFMA to implement long-term management measures, including formal fisheries closures and other actions, that will lead to a significant reduction of the impact of fishing activity on Australian Sea Lions. These measures will be clearly directed towards enabling recovery of the species, including all sub-populations; and
- c) AFMA, in consultation with marine mammal experts, will continue to monitor and review the adequacy of management measures towards the objective of avoiding mortality of, or injuries to, Australian Sea Lions so as to enable the recovery of Australian Sea Lion populations, including all sub-populations.

Condition 7

AFMA to:

- a) evaluate the effectiveness of strategies used to mitigate against seabird interactions in the SESSF, using evidence-based criteria to measure performance. The outcome of this evaluation is to be included as part of the annual reporting to DEWHA prescribed in Condition 3; and
- b) develop and implement appropriate management responses to address the outcomes of each evaluation within 10 months of issues having been identified as part of the annual reporting to DEWHA prescribed in Condition 3.

Condition 8

By 1 July 2010, AFMA to:

- a) ensure statistically robust levels of ongoing observer effort (or other reliable method) to validate the nature and level of interactions with, and to facilitate a quantification of the effects of fishing on: species that are identified as high risk through ecological risk assessment processes, species listed under the *Environment Protection and Biodiversity Conservation Act 1999* and any other species identified by DEWHA to be of concern; ensuring that scientific observer coverage is representative of each sector of the SESSF, by vessel-types, areas and months;
- b) report on the level of scientific observer coverage by gear-specific effort as part of the annual reporting to DEWHA prescribed in Condition 3, and make this observer coverage level publicly available; and
- c) annually compare observer reports with logbook records for species listed under the *Environment Protection and Biodiversity Conservation Act 1999* and put measures in place to address any inconsistencies.

Condition 9

Taking into consideration any recommendations made by the Threatened Species Scientific Committee or listings decisions made by the Minister for the Environment, Heritage and the Arts under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999*:

- a) by 30 June 2010, AFMA to implement interim management measures, which may include and are not limited to, more precautionary catch limits, fisheries closures, monitoring of improved handling practices, training of AFMA observers and SESSF fishers, improved observer coverage, constraining the expansion of fishing effort and other actions, designed to mitigate the impact of fishing activity on Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog;
- b) by 17 December 2010, taking into account current information and in consultation with relevant experts, AFMA to implement long-term management measures, including fisheries closures and other actions, that will lead to a significant reduction of the impact of fishing activity on Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog. These measures will be clearly directed towards stopping the decline of, and supporting the recovery of each species; and
- c) AFMA, in consultation with relevant experts, will continue to monitor and review the adequacy of management measures towards the objective of stopping the decline of, and supporting the recovery of Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog.