



**COMMONWEALTH OF AUSTRALIA**

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, CLAIRE HOWLETT, Acting Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) the application from the Department of Fisheries, Western Australia, public comments on the proposal as required under S303FR, 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 South Coast Crustacean Fishery, as defined in the *Windy Harbour-Augusta Rock Lobster Fishery Management Plan 1987*, the *Esperance Rock Lobster Fishery Management Plan 1987*, the *Fish Resources Management Regulations 1995* (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the *Fish Traps Prohibition Notice 1994* and associated *Fishing Boat Licence condition 105* (as they relate to the deep sea crab component of the fishery), made under the *Fish Resources Management Act 1994*, to be an approved Wildlife Trade Operation, in accordance with S303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 16 July 2008; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 9<sup>th</sup> day of November 2007

[Signed]

Claire Howlett

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Delegate of the Minister for the Environment and Water Resources

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 Environment and Water Resources 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 South Coast Crustacean Fishery (SCCF) 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 Western Australian South Coast Crustacean Fishery, as defined in the *Windy Harbour-Augusta Rock Lobster Fishery Management Plan 1987*, the *Esperance Rock Lobster Fishery Management Plan 1987*, the *Fish Resources Management Regulations 1995* (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the *Fish Traps Prohibition Notice 1994* and associated *Fishing Boat Licence condition 105* (as they relate to the deep sea crab component of the fishery), made under the *Fish Resources Management Act 1994*.

1. Operation of the fishery will be carried out in accordance with the SCCF management regime in force under the *Fish Resources Management Act 1994*.
2. The Department of Fisheries (DoF) to advise the Department of the Environment and Water Resources of any intended change to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. By 30 June 2008, DoF to publicly release a discussion paper on the proposed management arrangements for the SCCF, undertake broad stakeholder consultation on the paper and identify a way forward for improving the ecological sustainability of the fishery. The discussion paper should address, but not be limited to, the following issues:
  - the removal of latent effort and reduction in actual effort;
  - improved data collection on target, byproduct and bycatch species and protected species interactions including the enhancement of compulsory logbooks;
  - consideration of increasing the legal minimum length for southern rock lobster;
  - implementation of restrictions on the number of pots per vessel for targeting deep sea crabs;
  - development of robust fishery specific objectives, performance measures, indicators and a management response framework for significant deviations to performance measures; and
  - development of a research strategy.
4. DoF to report on progress in implementing Condition 3 for the SCCF to the Department of the Environment and Water Resources by 30 May 2008.