



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

VARIATION TO DECLARATION OF APPROVED WILDLIFE TRADE OPERATION

I, PIETA-RAE LAUT, Acting Assistant Secretary, Marine Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, hereby vary under subsection 303FT(7b) of the *Environment Protection and Biodiversity Conservation Act 1999*, (the EPBC Act) the Declaration of an Approved Wildlife Trade Operation dated 9 November 2007 for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than 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. Revoke condition a):
Is valid until 16 July 2008.
2. Include a new condition a):
Is valid until 9 February 2009.
3. Revoke condition b) and the Schedule (dated November 2007):
Is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2007).
4. Include a new condition b) and Schedule (dated July 2008):
Is subject to the conditions applied under section 303FT specified in the Schedule dated July 2008.

Dated this 11 day of July 2008

.....Pieta-Rae Laut.....

Delegate of the Minister for the Environment, Heritage and the Arts

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, July 2008

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 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, Western Australia (DFWA) to advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the SCCF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. By November 2008, DFWA to produce and present a report to DEWHA as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. By 31 December 2008, DFWA to finalise management recommendations for improving the ecological sustainability of the SCCF. The management recommendations should continue to 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.
5. By 9 November 2008, DFWA to report on progress in implementing Condition 4 for the SCCF to DEWHA.