



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

VARIATION TO A DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, hereby vary under paragraph 303FT(7)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the Declaration of an Approved Wildlife Trade Operation dated 9 November 2007, and last amended 18 December 2008 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 Australia South Coast Crustacean Fishery, as defined in the management regime 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 *Western Australian Fish Resources Management Act 1994*:

1. Revoke condition a):
is valid until 9 February 2009.
2. Include a new condition a):
is valid until 30 September 2010.
3. Revoke condition b) and the Schedule (dated December 2008):
Is subject to the conditions applied under section 303FT specified in the Schedule dated July 2008.
4. Include a new condition b) and Schedule (dated February 2009):
Is subject to the conditions applied under section 303FT specified in the Schedule dated December 2008.

Dated this 9 day of February 2009

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

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, Water, Heritage and the Arts 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 Australia South Coast Crustacean Fishery as an approved Wildlife Trade Operation, February 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 Western Australia South Coast Crustacean Fishery (SCCF):

1. Operation of the fishery will be carried out in accordance with the SCCF management regime in force under the Western Australian *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. DFWA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. By September 2010, DFWA to implement new proposed management arrangements in the SCCF that will improve the ecological sustainability of the fishery and seek to address the sustainability issues outlined in “*The South Coast Crustacean Fishery- A Discussion Paper*”.