



## COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, JOANNE NATHAN, Acting Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Western Australian Department of Fisheries 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 management regime in force under *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 License condition 105* (as they relate to the deep sea crab component of the fishery), made under the Western Australian *Fish Resources Management Act 1994*, 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 11 November 2014 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2011).

Dated this 16 day of November 2011

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

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 Department of the Sustainability, Environment, Water, Population and Communities 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 as an approved wildlife trade operation, November 2011**

#### **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*, taken in the Western Australian South Coast Crustacean Fishery:

1. Operation of the fishery will be carried out in accordance with the legislated management regime and management arrangements made under the Western Australian *Fish Resources Management Act 1994*.
2. The Western Australian Department of Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the South Coast Crustacean Fishery's legislated management regime and management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Western Australian Department of Fisheries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.