COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, TONY BURKE, 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 Australian Fisheries Management Authority, a public comment 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, in accordance with the management regime for the fisheries in force under the *Fisheries Management Act 1991* and 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 11 December 2015 and;

    b)   is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 28 day of November 2012

………….……Tony Burke………….…….
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 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery as an approved wildlife trade operation, December 2012

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 Deepwater Trawl Fishery and North West Slope Trawl Fishery:

1. Operation of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery will be carried out in accordance with the management regime, in force under the *Fisheries Management Act 1991* and the Fisheries Management Regulations 1992.

2. The Australian Fisheries Management Authority to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the legislated management regime and management arrangements of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

3. The Australian Fisheries Management Authority 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'.

4. Should fishing effort in waters shallower than 200 metres in the north east portion of the North West Slope Trawl Fishery exceed 2011 levels in a given season, the Australian Fisheries Management Authority to review the ecological risk assessment for this fishery to include analysis of the impact of demersal trawling on bottom habitats in this area of the fishery.