



## COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, GEOFF RICHARDSON, Assistant Secretary, Marine Biodiversity and Biosecurity Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, having satisfied myself on the matters set out in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), declare the operation that is specified in column 1 of Table 1, to be an approved wildlife trade operation under subsection 303FN (2) of the EPBC Act, but only to the extent the operation relates to the class of specimens specified in column 2 of Table 1.

**Table 1**

Operation	Class of Specimens
Northern Territory Aquarium Fishery (being the Aquarium Fishing/Display Fishery as defined in the Northern Territory Fisheries Regulations in force under the Northern Territory <i>Fisheries Act 1988</i> ).	Specimens that are, or are derived from, fish or invertebrates, other than: a) specimens that belong to species listed under Part 13 of the EPBC Act, and b) specimens that belong to taxa listed under section 303CA of the EPBC Act (Part 13A), except for specimens that belong to taxa listed in Schedule 1.

Unless amended or revoked, this declaration:

- a) is valid until 30 May 2014 and;
- b) is subject to the conditions applied under section 303FT specified in Schedule 2.

Dated this 12th day of December 2012

.....Geoff Richardson.....

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 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 1

<u>Coral</u>	<i>Acropora lovelli</i>	<i>Dendrophyllia arbuscula</i>	<i>Fungia patelliformis</i>
<i>Acanthastrea bowerbanki</i>	<i>Acropora lutkeni</i>	<i>Duncanopsammia axifuga</i>	<i>Fungia paumotensis</i>
<i>Acanthastrea echinata</i>	<i>Acropora microclados</i>	<i>Echinophyllia aspera</i>	<i>Fungia repanda</i>
<i>Acanthastrea hemprichii</i>	<i>Acropora microphthalma</i>	<i>Echinophyllia orpheensis</i>	<i>Fungia scruposa</i>
<i>Acanthastrea hillae</i>	<i>Acropora millepora</i>	<i>Euphyllia ancora</i>	<i>Fungia scutaria</i>
<i>Acanthastrea lordhowensis</i>	<i>Acropora monticulosa</i>	<i>Euphyllia cristata</i>	<i>Fungia sinensis</i>
<i>Acropora abrotanoides</i>	<i>Acropora nana</i>	<i>Euphyllia divisa</i>	<i>Fungia tenuis</i>
<i>Acropora aculeus</i>	<i>Acropora nasuta</i>	<i>Euphyllia glabrescens</i>	<i>Galaxea astreata</i>
<i>Acropora acuminata</i>	<i>Acropora nobilis</i>	<i>Euphyllia paraancora</i>	<i>Galaxea fascicularis</i>
<i>Acropora anthocercis</i>	<i>Acropora palifera</i>	<i>Favia favius</i>	<i>Goniastrea aspera</i>
<i>Acropora aspera</i>	<i>Acropora palmerae</i>	<i>Favia helianthoides</i>	<i>Goniastrea australensis</i>
<i>Acropora austera</i>	<i>Acropora papillare</i>	<i>Favia laxa</i>	<i>Goniastrea edwardsi</i>
<i>Acropora brueggemanni</i>	<i>Acropora polystoma</i>	<i>Favia lizardensis</i>	<i>Goniastrea favulus</i>
<i>Acropora bushyensis</i>	<i>Acropora pulchra</i>	<i>Favia maritima</i>	<i>Goniastrea palauensis</i>
<i>Acropora cardenae</i>	<i>Acropora robusta</i>	<i>Favia matthaii</i>	<i>Goniastrea pectinata</i>
<i>Acropora cerealis</i>	<i>Acropora russelli</i>	<i>Favia maxima</i>	<i>Goniastrea retiformis</i>
<i>Acropora clathrata</i>	<i>Acropora samoensis</i>	<i>Favia pallida</i>	<i>Goniopora columna</i>
<i>Acropora cytherea</i>	<i>Acropora sarmentosa</i>	<i>Favia rotumana</i>	<i>Goniopora djiboutiensis</i>
<i>Acropora danai</i>	<i>Acropora selago</i>	<i>Favia rotundata</i>	<i>Goniopora eclipsensis</i>
<i>Acropora dendrum</i>	<i>Acropora solitaryensis</i>	<i>Favia speciosa</i>	<i>Goniopora lobata</i>
<i>Acropora digitifera</i>	<i>Acropora spicifera</i>	<i>Favia stelligera</i>	<i>Goniopora minor</i>
<i>Acropora divaricata</i>	<i>Acropora stoddarti</i>	<i>Favia truncatus</i>	<i>Goniopora norfolkensis</i>
<i>Acropora donei</i>	<i>Acropora subglabra</i>	<i>Favia veroni</i>	<i>Goniopora pandoraensis</i>
<i>Acropora echinata</i>	<i>Acropora subulata</i>	<i>Favites abdita</i>	<i>Goniopora pendulus</i>
<i>Acropora elseyi</i>	<i>Acropora tenuis</i>	<i>Favites chinensis</i>	<i>Goniopora somaliensis</i>
<i>Acropora exquisita</i>	<i>Acropora tortuosa</i>	<i>Favites complanata</i>	<i>Goniopora stokesi</i>
<i>Acropora florida</i>	<i>Acropora turaki</i>	<i>Favites flexuosa</i>	<i>Goniopora stutchburyi</i>
<i>Acropora formosa</i>	<i>Acropora valenciennesi</i>	<i>Favites halicora</i>	<i>Goniopora tenuidens</i>
<i>Acropora gemmifera</i>	<i>Acropora valida</i>	<i>Favites paraflexuosa</i>	<i>Heliofungia actiniformis</i>
<i>Acropora glauca</i>	<i>Acropora vauhani</i>	<i>Favites pentagona</i>	<i>Herpolitha limax</i>
<i>Acropora grandis</i>	<i>Acropora verweyi</i>	<i>Favites russelli</i>	<i>Hydnophora exesa</i>
<i>Acropora granulosa</i>	<i>Acropora willisae</i>	<i>Fungia concinna</i>	<i>Hydnophora microconos</i>
<i>Acropora horrida</i>	<i>Acropora yongei</i>	<i>Fungia costulata</i>	<i>Hydnophora pilosa</i>
<i>Acropora humilis</i>	<i>Australomussa rowleyensis</i>	<i>Fungia cyclolites</i>	<i>Hydnophora rigida</i>
<i>Acropora hyacinthus</i>	<i>Balanophyllia cornu</i>	<i>Fungia distorta</i>	<i>Leptastrea purpurea</i>
<i>Acropora Indiana</i>	<i>Balanophyllia generatrix</i>	<i>Fungia fragilis</i>	<i>Leptastrea transversa</i>
<i>Acropora intermedia</i>	<i>Cynarina lacrymalis</i>	<i>Fungia fungites</i>	<i>Leptoria phrygia</i>
<i>Acropora latistella</i>	<i>Cyphastrea chalcidicum</i>	<i>Fungia granulosa</i>	<i>Lithophyllon undulatum</i>
<i>Acropora listeri</i>	<i>Cyphastrea microphthalma</i>	<i>Fungia horrida</i>	<i>Lobophyllia corymbosa</i>
<i>Acropora loisetteae</i>	<i>Cyphastrea seralia</i>	<i>Fungia klunzingeri</i>	<i>Lobophyllia diminuta</i>

<i>Acropora longicyathus</i>	<i>Montipora monasteriata</i>	<i>Pocillopora meandrina</i>	<i>Turbinaria frondens</i>
<i>Lobophyllia hatai</i>	<i>Montipora nodosa</i>	<i>Pocillopora verrucosa</i>	<i>Turbinaria mesenterina</i>
<i>Lobophyllia hemprichii</i>	<i>Montipora peltiformis</i>	<i>Pocillopora woodjonesi</i>	<i>Turbinaria patula</i>
<i>Lobophyllia pachysepta</i>	<i>Montipora spongodes</i>	<i>Podabacia crustacea</i>	<i>Turbinaria peltata</i>
<i>Lobophyllia robusta</i>	<i>Montipora spumosa</i>	<i>Polyphyllia talpina</i>	<i>Turbinaria radicalis</i>
<i>Micromussa diminuta</i>	<i>Montipora stellata</i>	<i>Porites annae</i>	<i>Turbinaria reniformis</i>
<i>Montastrea curta</i>	<i>Montipora tuberculosa</i>	<i>Porites aranetai</i>	<i>Turbinaria stellulata</i>
<i>Montastrea magnistellata</i>	<i>Montipora turgescens</i>	<i>Porites australiensis</i>	Live Rock
<i>Montastrea valenciennesi</i>	<i>Montipora turtlensis</i>	<i>Porites cylindrica</i>	<u>Clams</u>
<i>Montipora aequituberculata</i>	<i>Montipora undata</i>	<i>Porites evermanni</i>	<i>Tridacna squamosa</i>
<i>Montipora angulata</i>	<i>Montipora venosa</i>	<i>Porites heronensis</i>	
<i>Montipora australiensis</i>	<i>Montipora verrucosa</i>	<i>Porites lichen</i>	
<i>Montipora calcarea</i>	<i>Moseleya latistellata</i>	<i>Porites lobata</i>	
<i>Montipora caliculata</i>	<i>Mycedium elephantotus</i>	<i>Porites lutea</i>	
<i>Montipora capricornis</i>	<i>Oxypora lacera</i>	<i>Porites murrayensis</i>	
<i>Montipora crassituberculata</i>	<i>Pectinia lactuca</i>	<i>Porites nigrescens</i>	
<i>Montipora danae</i>	<i>Pectinia paeonia</i>	<i>Porites rus</i>	
<i>Montipora digitata</i>	<i>Pectinia teres</i>	<i>Porites solida</i>	
<i>Montipora efflorescens</i>	<i>Physogyra lichtensteini</i>	<i>Porites stephensoni</i>	
<i>Montipora floweri</i>	<i>Platygyra daedalea</i>	<i>Porites vauhani</i>	
<i>Montipora foliosa</i>	<i>Platygyra lamellina</i>	<i>Stylophora pistillata</i>	
<i>Montipora foveolata</i>	<i>Platygyra pini</i>	<i>Symphyllia agaricia</i>	
<i>Montipora grisea</i>	<i>Platygyra ryukyuensis</i>	<i>Symphyllia radians</i>	
<i>Montipora hispida</i>	<i>Platygyra sinensis</i>	<i>Symphyllia recta</i>	
<i>Montipora hoffmeisteri</i>	<i>Platygyra verweyi</i>	<i>Symphyllia valenciennesii</i>	
<i>Montipora incrassata</i>	<i>Plerogyra sinuosa</i>	<i>Trachyphyllia geoffroyi</i>	
<i>Montipora informis</i>	<i>Plesiastrea versipora</i>	<i>Tubipora musica</i>	
<i>Montipora millepora</i>	<i>Pocillopora damicornis</i>	<i>Turbinaria bifrons</i>	
<i>Montipora mollis</i>	<i>Pocillopora eydouxi</i>	<i>Turbinaria conspicua</i>	

## SCHEDULE 2

### **Declaration of the Harvest Operations of the Northern Territory Aquarium 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 Northern Territory Aquarium Fishery:

**Condition 1:** Operation of the fishery will be carried out in accordance with the management regime under the Northern Territory *Fisheries Act 1988* and the Northern Territory Fisheries Regulations 1993.

**Condition 2:** The Northern Territory Department of Primary Industry and Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the Northern Territory Aquarium Fishery's management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

**Condition 3:** The Northern Territory Department of Primary Industry and 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'.

**Condition 4:** The Northern Territory Department of Primary Industry and Fisheries to consult with the Australian CITES<sup>1</sup> Scientific Authority for Marine Species prior to a change to the management arrangements for a CITES or *Environment Protection and Biodiversity Conservation Act 1999* listed species being implemented.

**Condition 5:** By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries to implement a trigger reference point of 200 for giant fluted clams (*Tridacna squamosa*).

**Condition 6:** By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries to have implemented individual species specific trigger reference points for coral species of concern and live rock (listed in Tables 1 and 2 of the December 2012 Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Northern Territory Aquarium Fishery):

- a) to limit their harvest to the previous two and a half-year average (that is, 2010 to May 2012), and
- b) should harvest increase or decrease by 30% from the previous three-year average.

To allow accurate application of trigger reference points, coral pieces of greater than 500g should be weighed individually.

**Condition 7:** By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries, in consultation with the Australian CITES Scientific Authority for Marine Species, to have implemented a precautionary, species-specific (or genus - specific where identification is not possible to species-level) trigger reference point not exceeding 40 kg per year for all other coral species harvested within the fishery that have not been identified as being of potential concern (that is, those species not listed in Table 1 or Table 2 of the December 2012 Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Northern Territory Aquarium Fishery).

**Condition 8:** By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries to develop management responses for all trigger reference points which stipulate that harvest will cease until there is information/evidence illustrating that ongoing harvest would not be detrimental to the taxon, and, this information/evidence should be provided to the Australian CITES Scientific Authority for Marine Species before harvest may resume.

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<sup>1</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora