

COMMONWEALTH OF AUSTRALIA

##### **Environment Protection and Biodiversity Conservation Act 1999**

###### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – NEW SOUTH WALES OCEAN TRAWL FISHERY, JUNE 2018

I, PAUL MURPHY, Assistant Secretary, Wildlife Trade and Biosecurity Branch, as Delegate of the Minister for the Environment and Energy, have considered in accordance with section 303FN of the *Environment Protection and* *Biodiversity Conservation Act 1999* (EPBC Act) the application from the New South Wales Department of Primary Industries public comments 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, taken in the New South Wales Ocean Trawl Fishery as defined in the management regime in force under the *Fisheries Management Act 1994* (NSW), the Fisheries Management (Supporting Plan) Regulation 2006 (NSW), the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006 (NSW)*,* and the Fisheries Management (General) Regulation 2010 (NSW), but not including:

* specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
* specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES list)

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:

1. is valid until 2 July 2021 and;
2. is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 29th day of June 2018



Delegate of the Minister for the Environment and Energy

A person whose interests are affected by this declaration may, within 28 days, make an application in writing to the Department of the Environment and Energy for the reasons for the decision.

An application for independent review of the decision (under section 303GJ (1) of the *Environment Protection and Biodiversity Conservation Act 1999*) may be made to the Administrative Appeals Tribunal (AAT), on payment of the relevant fee by the applicant, either within 28 days of receipt of the reasons for the decision, or within 28 days of this declaration if reasons for the decision are not sought. Applications should be made to the Deputy Registrar, AAT in your Capital City. Please visit the AAT’s website at <http://www.aat.gov.au/> for further information.

You may make an application under the *Freedom of Information Act 1982* (Cth) to access documents relevant to this decision. For further information, please visit <http://www.environment.gov.au/foi/index.html>.

Further enquiries should be directed to the Director, Wildlife Trade Assessments Section, Department of the Environment and Energy, Telephone: (02) 6274 1917 Email: sustainablefisheries@environment.gov.au.

# SCHEDULE

Declaration of the Harvest Operations of the New South Wales Ocean Trawl Fishery as an approved wildlife trade operation, June 2018

**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 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the New South Wales Ocean Trawl Fishery:

1. Operation of the NSW Ocean Trawl Fishery will be carried out in accordance with the management regime in force under the *Fisheries Management Act 1994* (NSW).
2. NSW Department of Primary Industries to inform the Department of the Environment and Energy of any intended material changes to the NSW Ocean Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. NSW Department of Primary Industries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. NSW DPI to continue to develop and implement recovery programs for species taken in the NSW Ocean Trawl Fishery classified as recruitment overfished, overfished, and where appropriate, growth overfished.