

**COMMONWEALTH OF AUSTRALIA**

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

###### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – NEW SOUTH WALES OCEAN TRAWL FISHERY, SEPTEMBER 2024

###### I, BELINDA JAGO, Branch Head, Ocean and Wildlife Branch, as Delegate of the Minister for the Environment and Water, 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 and Regional Development, 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)
* Fisheries Management (General) Regulation 2019 (NSW)
* Fisheries Management (Supporting Plan) Regulation 2006 (NSW)
* Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006 (NSW),

but not including:

1. specimens that belong to taxa listed under section 209 of the EPBC Act (Australia’s List of Migratory Species), or
2. specimens that belong to taxa listed under section 248 of the EPBC Act (Australia’s List of Marine Species), or
3. specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
4. specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List), except for Common blacktip shark (*Carcharhinus limbatus)*, Australian blacktip shark (*C. tilstoni),*Bignose Shark (*C. altimus),*Copper Shark (*C. brachyurus*), Spinner shark (*C. brevipinna),*Bull shark (*C.* *leucas*), Dusky shark (*C. obscurus*), Sandbar shark (*C. plumbeus*), Sliteye Shark (*Loxodon macrorhinus),*Sicklefin lemon shark/Sharptooth lemon shark (*Negaprion acutidens*), Blue shark (*Prionace glauca),*Whitespotted guitarfish/bottlenose wedgefish (*Rhynchobatus australieae),*Shark ray (*Rhina ancylostoma),*and Smooth hammerhead (*Sphyrna zygaena*)

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 30 September 2027, and
2. is subject to the conditions applied under section 303FT specified in Schedule 1.

# Dated this 30th day of September 2024

SIGNED

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Delegate of the Minister for the Environment and Water

Notes:

1. 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 reasons may be made in writing to the Department of Climate Change, Energy, the Environment and Water 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, Department of Climate Change, Energy, the Environment and Water, Email: sustainablefisheries@dcceew.gov.au.
2. Australia’s obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are met through Part 13A of the EPBC Act. Specimens of species listed in Appendix II of Australia’s CITES list under section 303CA of the EPBC Act may only be exported, under a CITES export permit issued under the EPBC Act, if Australia’s CITES Scientific Authority has issued a non-detriment finding for that species. Further information, including a list of species for which non detriment findings have been issued and the fisheries from which they may be sourced, is available from https://www.dcceew.gov.au/environment/wildlife-trade/cites.

**Schedule 1**

**Declaration of the harvest operations of the New South Wales Ocean Trawl Fishery as an approved wildlife trade operation, September 2024**

**Condition 1**

The operation of the New South Wales Ocean Trawl Fishery must be carried out in accordance with the *Fisheries Management Act 1994* (NSW)*;* Fisheries Management (General) Regulation 2019 (NSW); Fisheries Management (Supporting Plan) Regulation 2006 (NSW); and the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006(NSW).

**Condition 2**

The New South Wales Department of Primary Industries and Regional Development must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to New South Wales Ocean Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

**Condition 3**

The New South Wales Department of Primary Industries and Regional Development must inform the Department of Climate Change, Energy, the Environment and Water of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

**Condition 4**

The New South Wales Department of Primary Industries and Regional Development must produce and present annual reports on the New South Wales Ocean Trawl Fishery to the Department of Climate Change, Energy, the Environment and Water by September each year, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

For species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora there is additional information that must be included in the annual reports. These additional requirements are as follows:

1. species specific data on each Convention on International Trade in Endangered Species of Wild Fauna and Flora listed species retained in the fishery in the preceding 12 months.
2. species specific data on each Convention on International Trade in Endangered Species of Wild Fauna and Flora listed species caught and discarded in the fishery in the preceding 12 months. This data may be collected via scientific observer surveys, cameras or other means and include information on the post release survival of any discarded catch (where available).

**Condition 5**

By 30 June 2027, the New South Wales Department of Primary Industries and Regional Development must publish for public comment a draft harvest strategy for silver trevally stocks (either on a single species basis, or as part of a broader multi-species/multi-sector harvest strategy).

**Condition 6**

By 1 December 2025, the New South Wales Department of Primary Industries and Regional Development must develop and publish a formal rebuilding strategy for grey morwong stocks.

The rebuilding strategy must clearly set out the actions the New South Wales Department of Primary Industries and Regional Development will undertake to rebuild grey morwong stocks above a prescribed limit reference point and, in the longer term, return stocks to a prescribed target reference point. It must also include timeframes for rebuilding the stock above the limit reference point and returning to a prescribed target reference point; supporting monitoring and data collection arrangements, and relevant performance measures.

Progress on the rebuilding strategy must be reported to the DCCEEW as part of annual reporting requirements in condition 4.

**Condition 7**

The New South Wales Department of Primary Industries and Regional Development must:

1. by 28 February 2025, develop and implement independent monitoring and data validation that is representative of the New South Wales Ocean Trawl Fishery. The information collected must be sufficient to reliably demonstrate the accuracy of endangered, threatened and protected species interaction data collected via logbooks. This may involve the use of electronic monitoring, independent onboard observers, or other means
2. by 28 February 2026, report outcomes of Condition 7a to the Department of Climate Change, Energy, the Environment and Water, which includes a summary of the level of coverage across the fishery, protected species interactions and validation of logbooks with independent data. In addition, provide an independent monitoring and data validation plan for 2026-2027 for endorsement by the Department of Climate Change, Energy, the Environment and Water. The endorsed plan will specify the independent monitoring and data validation effort required to deliver a second year of information against the objectives of this condition.
3. by 28 February 2027, develop and implement an expanded independent monitoring program framework that is representative of the New South Wales Ocean Trawl Fishery and will capture information on catch composition (including bycatch and discards) and validate the accuracy of reported catch. This expanded program must be representative of the fishery and sufficient to reliably demonstrate the accuracy of reported annual catch, discards, effort and protected species interaction data collected via logbooks.

**Condition 8**

By 30 June 2027 the New South Wales Department of Primary Industries and Regional Development must, complete and publish an updated Ecological Risk Assessment for all sectors of the New South Wales Ocean Trawl Fishery. This should assess the impacts of the fishery against five major ecological components – key commercial and secondary commercial species; byproduct and bycatch species; protected species; habitats; and (ecological) communities.

**Condition 9**

By 30 April 2027, the New South Wales Department of Primary Industries and Regional Development must ensure Vessel Monitoring Systems are installed and operational on all vessels fishing in the New South Wales Ocean Trawl Fishery.