



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Department of Fisheries Western Australia (DFWA), 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 Pilbara Fish Trawl Fishery, as defined in the management regime for the fishery, made under the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997* 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 1 June 2010 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated September 2009).

Dated this 30th day of September 2009

.....Nigel Routh.....
Delegate of the Minister for the Environment, Heritage and the Arts

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 Environment, Water, Heritage and the Arts 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 Pilbara Fish Trawl Fishery as an approved Wildlife Trade Operation, September 2009

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 EPBC Act, taken in the Pilbara Fish Trawl Interim Managed Fishery.

1. Operation of the fishery will be carried out in accordance with the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997* made under the Western Australian *Fish Resources Management Act 1994*.
2. DFWA to advise DEWHA of any intended material change to the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) legislated management regime and management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA, in consultation with DEWHA, to finalise long-term arrangements to minimise the PFTIMF's interactions with protected species, particularly with Dolphins and Marine Turtles. Specifically, DFWA will:
 - (a) Finalise, with view to implementation, improved mitigation measures (both national and international);
 - (b) Finalise and implement where appropriate, effective mitigation and other management measures, including, but not limited to, improved design bycatch reduction grids (eg; top opening hatch, as supported in the research report evidence);
 - (c) Implement and standardise across the fishery, further improved mitigation and/or management measures endorsed as effective and appropriate by the Dolphin Reference Group; and
 - (d) Finalise decisions in regard to implementation of the electronic monitoring system (EMS).
5. Finalise the Bycatch Action Plan for PFTIMF, in order to satisfactorily meet the requirements of the EPBC Act.
6. While no Memorandum of Understanding for the Reporting of Fisheries Interactions with Protected Species is in place between DFWA and DEWHA:
 - (a) fishers to continue to notify DFWA of any dolphin or marine turtle interactions;
 - (b) fishers to continue to record all interactions with protected species in skippers' logbooks;

- (c) DFWA to continue to provide a summary of all protected species interactions reported in the PFTIMF to DEWHA, on a quarterly basis;
- (d) DFWA to continue to ensure that industry has the capacity to make protected species interactions reports at an appropriate level of accuracy;
- (e) DFWA to confirm and commit to future observer coverage; and
- (f) DFWA to investigate further, setting an appropriate limit on Dolphin catch, making it specific to vessels concerned.

7. DFWA to:

- (a) implement any ensuing changes to the management arrangements from the stock assessments, prior to by 1 June 2010;
- (b) continue to carry out further analysis on Rankin Cod and obtain suitable reconciliation of catch rates and harvest levels; and
- (c) continue to provide age-structured model stock assessments for Goldband Snapper and Bluespot Emperor as the results become available.

Attachment B

Recommendations to the Department of Fisheries, Western Australia on the ecologically sustainable management of the Pilbara Fish Trawl Interim Managed Fishery.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (by 1 June 2010).

Recommendations

1. DFWA finalise the review of risk levels of the target species, byproduct, bycatch (including protected species) and impacts on the environment for the PFTIMF. Where appropriate, DFWA will update or develop relevant objectives, performance measures, indicators, acceptable catch ranges, management responses and data requirements.
2. DEWHA expects DFWA to continue monitoring to ensure that no elasmobranchs (including sharks, rays, skates) are retained by this fishery.
3. DFWA to:
 - a) continue monitoring risk levels and recording protected species interactions;
 - b) actively pursue opportunities to develop a monitoring program to identify long-term trends in bycatch composition and abundance; and
 - c) finalise a commitment to future observer coverage and long term monitoring programme for the fishery.
4. DFWA to continue to report and justify, in its annual *State of the Fisheries Report*, the management response and/or resulting management actions for performance measures that have been breached in the PFTIMF.
5. DFWA to continue to ensure, where appropriate that any relevant indigenous, conservation and recreational interests in the fishery are considered through consultative mechanisms, in particular, the full review of the Interim Management Plan.