



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

VARIATION TO A 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, hereby vary under paragraph 303FT(7)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the Declaration of an Approved Wildlife Trade Operation dated 16 November 2007 and varied on 18 December 2008 and 17 March 2009 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 Coral Sea Fishery, as defined in the management regime in force under *Fisheries Management Act 1991* and *Fisheries Management Regulation 1992*:

1. Revoke condition a):
is valid until 19 June 2009.
2. Include a new condition a):
is valid until 19 September 2009.
3. Revoke condition b) and the Schedule (dated December 2008):
Is subject to the conditions applied under section 303FT specified in the Schedule dated December 2008.
4. Include a new condition b) and Schedule (dated June 2009):
Is subject to the conditions applied under section 303FT specified in the Schedule dated June 2009.

Dated this 16 day of June 2009

[Signed]

..... 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 the 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 Coral Sea Fishery (CSF) as an approved Wildlife Trade Operation, June 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 *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the CSF.

1. Operation of the CSF will be carried out in accordance with the management regime in force under the *Fisheries Management Act 1991* and *Fisheries Management Regulations 1992*.
2. The Australian Fisheries Management Authority (AFMA) will inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the assessment of the CSF against the criteria on which EPBC Act decisions are based.
3. AFMA to produce and present reports to DEWHA annually as per Appendix B to the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.
4. AFMA to develop and finalise the Harvest Strategy for the CSF by 31 July 2008.
5. AFMA to:
 - a) complete a risk assessment for the CSF focusing on chondrichthyan species and species protected under the EPBC Act; and
 - b) progress a risk assessment for target, byproduct and bycatch species caught in the CSF, using the expertise and knowledge gained through completing the chondrichthyan and protected species risk assessment described in part a) of this condition to determine an appropriate methodology.