
NOMINATION OF ECOLOGICAL COMMUNITIES

Sections of the *Fisheries Management Act 1994* (as amended in 2006) relating to threatened species conservation, and additional information required for the nomination of ecological communities.

A: FISHERIES MANAGEMENT ACT 1994

“**Fish**” means any marine, estuarine or freshwater fish or other aquatic animal (including invertebrates) at any stage of their life cycle **except** mammals, birds, reptiles and amphibians.

“**Marine vegetation**” means any species of plant that at any time in its life must inhabit water (other than fresh water).

“**Ecological Community**” means an assemblage of species of fish or marine vegetation (or both) occupying a particular area.

SECTION 220FB Listing of ecological communities

(1) An ecological community is eligible to be listed as a *critically endangered ecological community* if, in the opinion of the Fisheries Scientific Committee, it is facing an extremely high risk of extinction in New South Wales in the immediate future, as determined in accordance with criteria prescribed by the regulations.

(2) An ecological community is eligible to be listed as an *endangered ecological community* if, in the opinion of the Fisheries Scientific Committee:

- (a) it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with criteria prescribed by the regulations, and
- (b) it is not eligible to be listed as a critically endangered ecological community.

(3) An ecological community is eligible to be listed as a *vulnerable ecological community* if, in the opinion of the Fisheries Scientific Committee:

- (a) it is facing a high risk of extinction in New South Wales in the medium-term future, as determined in accordance with criteria prescribed by the regulations, and
- (b) it is not eligible to be listed as an endangered or critically endangered ecological community.

SECTION 220I How nominations are made

(1) Any person may nominate an amendment of Schedule 4, 4A, 5 or 6.

(2) A nomination must be made in writing addressed to the Chairperson of the Fisheries Scientific Committee and must include any information prescribed by the regulations.

(3) The Fisheries Scientific Committee may request a person who makes a nomination to provide additional information about the subject-matter of the nomination within a specified period.

(4) A person must not deliberately and wilfully make a vexatious nomination. Maximum penalty (subsection (4)): 20 penalty units.

(5) The Fisheries Scientific Committee is to give notice of a nomination to the Minister and the NRC within 14 days after the nomination is made.

It is an OFFENCE to make a vexatious nomination.

B: ADDITIONAL INFORMATION

The nomination of a native species for listing in Schedule 4; Part 1 or Part 4, Schedule 4A; Part 1 or Schedule 5 of the *Fisheries Management Act 1994* must include the following information:

- a) detailed reasons why the species is considered to be endangered, critically endangered, vulnerable or presumed extinct, within the meaning of the Act, by the person or persons making the nomination. Any specific threats or threatening processes should be identified;
- b) the best estimation that is available to the person or persons making the nomination of the current distribution of the species and the current population of the species;
- c) in the case of a provisional listing, the reason why the species is eligible to be provisionally listed, within the meaning of the Act, by the person or persons making the nomination;
- d) if the species is not conventionally accepted, a description of the species in a form suitable for publication in conventional scientific literature;
- e) in cases where a threatened taxon is defined as a sub-species or taxon below a sub-species, details should be provided;
- f) in cases of a de-listing, the reasons why the species is no longer considered threatened within the meaning of the Act; and
- g) references to any scientific literature that supports the information provided in the nomination.