



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tony Burke MP
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Commission on the Conservation of Antarctic Marine Living Resources New and Exploratory Fisheries (CCAMLR-NEF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The CCAMLR-NEF was first assessed by the then Department of the Environment and Heritage in November 2005 under Parts 10, 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. The fishery was accredited as an approved Wildlife Trade Operation (WTO) for the purposes of export of product from the fishery for the maximum period of three years until 25 November 2008.

In September 2008, the Australian Fisheries Management Authority (AFMA) submitted the *Annual Status Report-CCAMLR New and Exploratory Fisheries 2008* (the submission) for consideration of further export approval of product from the fishery. The 2008 submission has been assessed for the purposes of Parts 13 and 13A of the EPBC Act. The assessment also took account of measures that have been developed by AFMA in response to recommendations made in the 2005 assessment of the CCAMLR-NEF.

I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA) website through the following address:
<http://www.environment.gov.au/coasts/fisheries/commonwealth/index.html>.

I am satisfied that the operation of the CCAMLR-NEF is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem in the short to medium term.

Given management arrangements and precautionary measures of the fishery including competitive total allowable catches, fishery closures if catch limits for target species are reached, depth restrictions, move-on provisions where bycatch exceeds agreed



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levels, area closures and seasonal restrictions for longline operators, I have decided to declare the CCAMLR-NEF an approved WTO for three years, until 25 November 2011. The WTO declaration will be subject to the conditions at **Attachment A** and is in line with the developmental nature of the fishery and the precautionary management standards set by CCAMLR that call for continued classification of these fisheries as New and Exploratory.


While there are some environmental risks associated with the CCAMLR-NEF, I believe AFMA are committed to addressing these issues and are already taking proactive steps in some areas. Officers from AFMA and DEWHA have discussed key areas requiring ongoing and increased attention and agreed to three additional recommendations focusing on the need to develop and implement appropriate strategies to manage risks identified through the Ecological Risk Assessments of related sub-Antarctic fisheries and to pursue best practice mitigation for interactions with protected species to be implemented before the next Australian Government review of the CCAMLR-NEF. These recommendations can be found at **Attachment B**.

As there have been no material changes to the management arrangements for the fishery since the last assessment and noting the mitigation practices for interactions with protected species already in place in the CCAMLR-NEF, I consider that the existing Part 13 accreditation for this fishery still applies.

I would like to thank you for the cooperation of your officials on this assessment.

I have written to the Hon Tony Rundle, Chairman, AFMA in similar terms.

Yours sincerely



Claire Howlett
Delegate of the Minister for the Environment, Heritage and the Arts

18 November 2008

Attachment A

**Conditions on the Wildlife Trade Operation declaration for the Commission
on the Conservation of Antarctic Marine Living Resources New and
Exploratory Fisheries (CCAMLR-NEF)**

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 CCAMLR-NEF.

1. Operation of the fishery will be carried out in accordance with the *New and Exploratory Fisheries in the CCAMLR Region Statement of Management Arrangements 2005*, in force under the *Commonwealth Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the assessment of the fishery 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 *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations to the Australian Fisheries Management Authority (AFMA)
on the ecologically sustainable management of the Commission on the
Conservation of Antarctic Marine Living Resources New and Exploratory
Fisheries (CCAMLR-NEF)**

The material submitted by AFMA for assessment of the CCAMLR-NEF suggests the fishery generally operates in accordance with the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

DEWHA is satisfied that the harvest of species from the CCAMLR-NEF will not be detrimental to the survival or conservation status of the taxon to which the fishery relates in the short to medium term. Similarly, it is not likely to threaten any relevant ecosystem in the short to medium term. To minimise the risks in the longer term, the following recommendations have been made for the CCAMLR-NEF.

Recommendation 1

By October 2009, AFMA to develop and implement appropriate management responses, to address and mitigate applicable risks and impacts identified in the Ecological Risk Assessment (ERA) conducted for the sub-Antarctic fisheries managed by AFMA. The results of the ERA and effectiveness of management responses in the CCAMLR-NEF to be reviewed at appropriate intervals.

Recommendation 2

AFMA to continue to pursue ongoing research and monitoring for target species, bycatch, (including protected species) and impacts on the ecosystem to continue to improve the ecological sustainable management of the fishery.

Recommendation 3

AFMA to continue to monitor and pursue best practice mitigation of interactions with protected species, and in the event that risk levels or interactions increase, or cumulative effects are detected, AFMA to implement appropriate mitigation measures to address these risks.