



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

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The Hon Kon Vatskalis MLA  
Minister for Primary Industry, Fisheries and Resources  
GPO Box 3146  
DARWIN NT 0801

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 Northern Territory (NT) Demersal Fishery (DF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the NTDF was completed in 2004, resulting in the then Minister for the Environment and Heritage declaring the NTDF exempt from the export controls under Part 13A of the EPBC Act until 31 May 2009. He also accredited the management regime in force under the NT *Fisheries Act 1988* and the NT *Fisheries Regulations 1993* under the relevant protected species provisions of Part 13 of the EPBC Act.

In February 2009, the NT Department of Regional Development, Primary Industry, Fisheries and Resources (DRDPIFR) submitted the *Northern Territory Demersal Fishery Export Exemption Submission - Re-assessment Report February 2009* for consideration of further export approval of product from the NTDF. The DRDPIFR submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DRDPIFR in response to recommendations made in the initial assessment of the NTDF to improve the management of the fishery.

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 at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the management arrangements provide the basis for the NTDF to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens (LENS), to include specimens that are, or are derived from, fish or invertebrates taken in the NTDF, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the management regime in force under the NT *Fisheries Act 1988* and the NT *Fisheries Regulations 1993* and continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

I am satisfied that the operation of the fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. Additionally, I am satisfied that under the management plan operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and the level of interaction under current fishing operations is low. As such I have approved a new Part 13 accreditation.

The management arrangements for the NTDF meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The NTDF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial NTDF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DRDPFR is committed to addressing these issues. Officers from our two Departments have discussed key areas requiring ongoing and increased attention. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the NTDF. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the NTDF and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, DEWHA needs to be advised of any intended changes to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes legislated amendments and operational changes that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem. I would like to thank you for the constructive way in which your officials have approached this assessment.

As this is a joint authority fishery, I have copied this letter to Mr Roland Pittar, General Manager Domestic Fisheries and Aquaculture, Department of Agriculture, Fisheries and Forestry for his information.

Yours sincerely

[Signed]

Nigel Routh

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

26 May 2009

## Attachment A

### **Recommendations to the Northern Territory (NT) Department of Regional Development, Primary Industry, Fisheries and Resources (DRDPIFR) on the ecologically sustainable management of the NT Demersal Fishery (DF).**

The NTDF is a well managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: trigger reference points, limited entry, catch and area restriction and gear limitation.

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 term. Unless a specific time frame is provided in the recommendation, DRDPIFR should action these recommendations before the next review of the fishery in 2014.

**Recommendation 1:** Operation of the fishery will be carried out in accordance with the management regime in force under the NT *Fisheries Act 1988* and the NT *Fisheries Regulations 1993*.

**Recommendation 2:** DRDPIFR to inform DEWHA of any intended amendments to the management arrangements that may affect the assessment of the NTDF against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

**Recommendation 3:** DRDPIFR to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2<sup>nd</sup> Edition*.

**Recommendation 4:** DRDPIFR to:

- a. review and update stock assessments for goldband snapper, saddletail snapper, red emperor and red snapper by 31 May 2013; and
- b. review trigger reference points for target and key byproduct species, ensuring catch from other sectors is included.

**Recommendation 5:** DRDPIFR to continue to cooperate with other relevant jurisdictions to pursue complementary management and research of target, byproduct and bycatch species, which may be affected by cross-jurisdictional issues.

**Recommendation 6:** DRDPIFR to implement an observer program adequate to monitor bycatch and interactions with protected species in the NTDF.

**Recommendation 7:** DRDPIFR to progress projects identified as medium and high priorities in the *Northern Territory Strategic Plan - Fisheries research and development update for 2007-2011*.