



The Hon Troy Buswell MLA
Minister for Fisheries
13th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Western Australian South Coast Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The WA South Coast Trawl Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in November 2005. As a result of the 2005 assessment, the Delegate of the then Minister for the Environment and Heritage subsequently declared the South Coast Trawl Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of 3 months, until February 2006. This allowed export of product from the fishery during the period of the declaration. In 2006, the approved wildlife trade operation declaration was extended until April 2008 with a condition that a formal interim management plan be implemented for the fishery. Due to low effort levels in the fishery and the non implementation of the interim management plan, the wildlife trade operation declaration lapsed in 2008 with the agreement of the then Western Australian Department of Fisheries.

In February 2013, the Western Australian Department of Fisheries provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking renewed export approval for the WA South Coast Trawl Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Western Australian Department of Fisheries since the 2005 assessment.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/wa/south-coast-trawl/index.html>.

I consider that the management arrangements for the WA South Coast Trawl Fishery meet most of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'. Taking into account:

- a. changes to the fishery's management arrangements from being managed under licence conditions to being managed under an exemption to the Fisheries Notice No. 556 Trawling Prohibition (Whole of State) Notice 1992, which allows a greater ability to prosecute licensees under the *WA Fish Resources Management Act 1994*

- b. the environmental risk assessment for the South Coast Trawl Fishery, which did not identify any issues of high risk to the ecologically sustainable management of the fishery
- c. that ongoing low scallop recruitment issues are being investigated in the Shark Bay Scallop Managed Fishery with the outcomes used to investigate scallop recruitment in the WA South Coast Trawl Fishery, and
- d. a bycatch action plan matrix is in place to identify issues in the fishery and the progress that is being made in addressing them,

I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

Accordingly, I have decided to declare the WA South Coast Trawl Fishery an approved wildlife trade operation until 6 May 2016. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

Officers from the Western Australian Department of Fisheries and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Western Australian Department of Fisheries is committed to addressing these issues and has already taken proactive measures.

The Western Australian Department of Fisheries and the departments' officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The management regime for the WA South Coast Trawl Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in November 2005. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.

I have therefore accredited the management regime for the WA South Coast Trawl Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decisions. To ensure that these decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements 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 decisions. This includes legislated amendments and operational changes that may affect the 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.

Yours sincerely

A handwritten signature in dark ink, consisting of a stylized 'G' followed by a long horizontal line.

Geoff Richardson

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

14 May 2013

Conditions on the approved wildlife trade operation declaration for the Western Australian South Coast Trawl Fishery, May 2013

1. Operation of the Western Australian South Coast Trawl Fishery will be carried out in accordance with the management regime in force under the Western Australian *Fish Resources Management Act 1994*.
2. The WA Department of Fisheries to inform the Department of Sustainability, Environment, Water, Population and Communities of any proposed changes to the WA South Coast Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The WA Department of Fisheries to produce and present reports to the department annually, as per Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.
4. The WA Department of Fisheries to develop appropriate trigger limits and associated management responses for scalefish catch in the fishery.

Recommendations to the Western Australian Department of Fisheries on the ecologically sustainable management of the South Coast Trawl Fishery, May 2013

1. Should effort levels increase significantly above those assessed in the 2005 Ecological Risk Assessment (ERA) for the fishery, the WA Department of Fisheries to complete a review of the ERA to ensure any new risks are identified and appropriate mitigation measures are implemented.
2. WA Department of Fisheries to:
 - a) conduct appropriate ongoing research and/or monitoring to determine whether the actions undertaken in the Bycatch Action Plan Matrix remain sufficient to minimise risk to bycatch species in the fishery
 - b) set appropriate trigger levels to initiate the implementation of a mitigation strategy to lower the impact on protected species if required, and
 - c) initiate a data validation program to ensure protected species interactions are reported correctly.
3. WA Department of Fisheries to:
 - a) continue to investigate the causes contributing to the variability in ongoing low recruitment of scallops, and develop and implement strategies to address these where appropriate, and
 - b) continue the evaluation of alternative fishing gears to reduce bycatch and the retention of unwanted smaller scallops, and encourage uptake of alternative gears where appropriate.

