



## Australian Government

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

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Hon Michael O'Brien MP  
Minister for Agriculture, Food and Fisheries  
GPO Box 668  
ADELAIDE SA 5001

Dear Minister

I am writing to you as Delegate of the Minister for Environment Protection, Heritage and the Arts in relation to the re-assessment of the South Australian Specimen Shell Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the Specimen Shell Fishery was completed in November 2004, resulting in the then Delegate of the Minister for the Environment and Heritage declaring the fishery exempt from export controls under Part 13A of the EPBC Act until 15 November 2009. The fishery was granted a further short term exemption to 20 May 2010.

In March 2010, the Department of Primary Industries and Resources, South Australia (PIRSA) provided a submission for assessment under the EPBC Act, seeking continued export approval for this fishery. The submission has been assessed for the purpose of the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise that the 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/sa/specimen-shell/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. The management arrangements for the Specimen Shell Fishery meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

The Specimen Shell Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, and the nature of the fishery allows confidence that the fishery managers will manage the fishery to maintain low bycatch levels, minimise interactions with protected species and manage impacts on the wider ecosystem.

I therefore propose to amend the List of Exempt Native Specimens, to include specimens that are derived from fish taken in the South Australian Specimen Shell Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the SA *Fisheries Management (Miscellaneous Fishery) Regulations 2000* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007*, as the Regulations and Act apply to the Specimen Shell Fishery, and continues not to involve the harvest and export of specimens listed on the Convention on the International Trade in Endangered Species.

While there are some environmental risks associated with this fishery, I believe that PIRSA is committed to addressing these issues. The recommendations at **Attachment A** have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

I would also like to reiterate that EPBC Act approvals are given to the Specimen Shell Fishery's management regime in place at the time of the decision and as such DEWHA must be advised of any management changes, to ensure that accreditations remain valid. I ask that you ensure PIRSA officers are aware of this requirement and keep DEWHA appropriately informed.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely



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

24 May 2010

**Recommendations to PIRSA on the ecologically sustainable management of the South Australian Specimen Shell Fishery.**

Unless a specific time frame is provided in the recommendation, each recommendation must be addressed before the next assessment of the Specimen Shell Fishery (SSF) in May 2015.

**Recommendation 1:**

Operation of the fishery will be carried out in accordance with the management arrangements for the SSF, as defined in the *Fisheries Management Miscellaneous Fishery) Regulations 2000* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007*.

**Recommendation 2:**

The Department of Primary Industries and Resources, South Australia (PIRSA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the SSF management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

**Recommendation 3:**

PIRSA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

