



**The Hon Greg Hunt MP**

**Minister for the Environment**

PDR: MS14-000667

The Hon Katrina Hodgkinson MP  
Minister for Primary Industries  
Level 30  
Governor Macquarie Tower  
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SYDNEY NSW 2000

- 6 MAY 2014

Dear Minister

*Katrina*

I am writing to you in relation to the reassessment of the New South Wales Ocean Trap and Line Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In August 2013, the New South Wales Department of Primary Industries provided an application to the Department of the Environment seeking continued export approval for the Ocean Trap and Line Fishery. The application has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the New South Wales Department of Primary Industries in response to the conditions and recommendations made in the 2010 assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:  
[www.environment.gov.au/topics/marine/fisheries/nsw/ocean-trap](http://www.environment.gov.au/topics/marine/fisheries/nsw/ocean-trap).

The management regime for the Ocean Trap and Line Fishery was most recently accredited under Part 13 of the EPBC Act for interactions with protected species in December 2010. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or 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, other than species listed as conservation dependent.

I have therefore accredited the management regime for the Ocean Trap and Line 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 EPBC Act protected species in Commonwealth waters. The accreditation will be subject to a condition requiring ongoing implementation and evaluation of measures to protect the critically endangered eastern population of the grey nurse shark (**Attachment 1**).

Taking into account the management arrangements in place in the fishery, I am satisfied that the operation of the Ocean Trap and Line Fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act. I am also satisfied that the operation of the fishery over the period of the declaration as an approved wildlife trade operation 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.

Accordingly, I have decided to declare the Ocean Trap and Line Fishery an approved wildlife trade operation until 10 November 2016. The declaration will be subject to the conditions at **Attachment 2** which are specified in the instrument of declaration.

Officers from the New South Wales Department of Primary Industries and the Department of the Environment have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the New South Wales Department of Primary Industries is committed to addressing these issues and has already taken proactive measures. The New South Wales Department of Primary Industries has agreed to additional recommendations (**Attachment 3**) to be implemented before the next Australian Government assessment of the fishery.

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

Yours sincerely



Greg Hunt

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**Condition on the accreditation of the management regime for the New South Wales Ocean Trap and Line Fishery under Section 208A (Part 13) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**

**May 2014**

Relating to the accreditation of the management regime for the New South Wales Ocean Trap and Line Fishery, in force under the New South Wales *Fisheries Management Act 1994*, Fisheries Management (General) Regulation 2002, Fisheries Management (Supporting Plan) Regulation 2006 and the Fisheries Management (Ocean Trap and Line Share Management) Regulation 2006, under section 208A of the EPBC Act for the purposes of Division 1 (Listed threatened species) of Part 13 of the EPBC Act.

Accreditation under section 208A means 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, in Commonwealth waters, species listed under Division 1 (Listed threatened species) of Part 13 of the EPBC Act.

**A. The New South Wales Department of Primary Industries to:**

- a) continue measures to protect grey nurse sharks;
- b) continue to monitor and review the adequacy of mitigation measures and implement actions, if appropriate, designed to mitigate the impact of fishing on grey nurse sharks; and
- c) pending the development of a reporting Memorandum of Understanding between the New South Wales Department of Primary Industries and the Department of the Environment, provide quarterly reports to the Department on interactions with grey nurse sharks recorded in logbooks. The reports will include the nature of any interactions, the location and gear method.

**Conditions on the approved wildlife trade operation declaration for the  
New South Wales Ocean Trap and Line Fishery—May 2014**

**ADDITIONAL PROVISIONS (section 303FT)**

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) (other than species listed in the conservation dependent category), taken in the New South Wales Ocean Trap and Line Fishery:

**Condition 1:** Operation of the Ocean Trap and Line Fishery will be carried out in accordance with the management arrangements in force under the New South Wales *Fisheries Management Act 1994*.

**Condition 2:** The New South Wales Department of Primary Industries to advise the Department of the Environment of any proposed substantive changes to the Ocean Trap and Line Fishery 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.

**Condition 3:** The New South Wales Department of Primary Industries to produce and present reports to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

**Condition 4:** For each year in which shark fishing permits are issued, the New South Wales Department of Primary Industries to:

- a) implement an annual total allowable catch of no greater than 110 t for 'Schedule 1' shark species, unless otherwise agreed in advance with the Department of the Environment
- b) continue to implement a scientifically robust observer program for the shark fishing permit component of the Ocean Trap and Line Fishery, and
- c) review the effectiveness of management arrangements for shark fishing in the Ocean Trap and Line Fishery, taking into account information collected in the scientific observer program and daily logbooks and any new biological data. The findings of each review must be provided to the Department of the Environment.

**Condition 5:** The New South Wales Department of Primary Industries to:

- a) continue measures to protect grey nurse sharks
- b) continue to monitor and review the adequacy of mitigation measures and implement actions, if appropriate, designed to mitigate the impact of fishing on grey nurse sharks, and
- c) pending the development of a reporting Memorandum of Understanding between the New South Wales Department of Primary Industries and the Department of the Environment, provide quarterly reports to the Department on interactions with grey nurse sharks recorded in logbooks. The reports will include the nature of any interactions, the location and gear method.

**Recommendations to the New South Wales Department of Primary Industries on the ecologically sustainable management of the Ocean Trap and Line Fishery—May 2014**

**Recommendation 1:** Taking into account all available research results, prior to issuing any new shark fishing permits for the Ocean Trap and Line Fishery and as part of developing long term management arrangements for the fishery, the New South Wales Department of Primary Industries to investigate the suitability of maximum size limits or other management measures for whaler sharks (*Carcharhinus spp.*) to reduce the likelihood of capture of reproductively mature adults and pregnant females.

**Recommendation 2:** As part of developing long term management arrangements for shark species, the New South Wales Department of Primary Industries to:

- a) determine the impact of commercial fishing on target and incidentally caught shark species in the Ocean Trap and Line Fishery, through:
  - i. accurately identifying the species impacted, through catch reporting and/or targeted research programs
  - ii. continuing to work with other relevant jurisdictions to develop a stock assessment model for whaler sharks (*Carcharhinus spp.*) taken in the fishery, and
  - iii. developing, documenting and implementing management measures, if necessary, to mitigate impacts on shark species of conservation concern identified through research, the scientific observer program referred to in Condition 4 b) and other reviews such as protected species listing processes.
- b) continue co-operation with relevant jurisdictions to pursue increased knowledge and complementary management across fisheries and across jurisdictions of shark species identified through a).

**Recommendation 3:** The New South Wales Department of Primary Industries to:

- a) ensure that management measures are in place that are consistent with the listing advice or the objectives of the rebuilding strategies for species listed as conservation dependent under the Environment Protection and Biodiversity Conservation Act 1999, and
- b) continue to evaluate and report to the Department of the Environment on the effectiveness of management measures to support the rebuilding strategies for conservation dependent listed species, as part of the annual reporting referred to in **Condition 3.**

**Recommendation 4:** The New South Wales Department of Primary Industries to ensure that fishing effort in each sector of the Ocean Trap and Line Fishery is constrained to ecologically sustainable levels.



**Condition 6:** Taking into consideration the Australian Government *Listing Advice for Centrophorus harrissoni (Harrisson's dogfish)* and *Listing Advice for Centrophorus zeehaani (southern dogfish)* and any recommendations made by the Threatened Species Scientific Committee, the New South Wales Department of Primary Industries, in consultation with the Australian Fisheries Management Authority, to:

- a) maintain long-term management measures that are clearly directed towards stopping the decline and supporting the recovery of Harrisson's dogfish and southern dogfish, and
- b) continue, in consultation with relevant experts, to monitor and review the adequacy of management measures designed to stop the decline and support the recovery of Harrisson's dogfish and southern dogfish.

**Condition 7:** The New South Wales Department of Primary Industries, to continue to develop and implement recovery programs for species taken in the Ocean Trap and Line Fishery classified as recruitment overfished, overfished and, where appropriate, growth overfished.