Australian Government
Department of the Environment

Ref: 2011/06985

Senator the Hon Richard Colbeck
Parliamentary Secretary for Agriculture
Parliament House
Canberra ACT 2600

Dear Parliamentary Secretary

I am writing to you as the Delegate of the Minister for the Environment in relation to the assessment of the Torres Strait Bêche-de-mer Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In April 2014, the Australian Fisheries Management Authority (AFMA), on behalf of the Torres Strait Protected Zone Joint Authority (PZJA), provided an application to the Department of the Environment, seeking continued export approval for the Torres Strait Bêche-de-mer 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 PZJA and AFMA in response to the conditions and recommendations made in the previous export assessment of the fishery under the EPBC Act.

I am pleased to advise that the assessment of the fishery is now complete. The new assessment report will be available on the Department of the Environment's website at: http://www.environment.gov.au/topics/marine/fisheries/commonwealth/torres-strait-beche-de-mer.

The management regime for the Torres Strait Bêche-de-mer Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in June 2011. I am satisfied that it remains unlikely that fishing operations conducted in accordance with the current management policy for the fishery will adversely affect the conservation status of listed marine species, listed migratory species or cetaceans, or adversely affect the survival or recovery in nature of listed threatened species. I also consider that under the policy, operators are required to take all reasonable steps to avoid the killing or injuring of species protected under Part 13 of the EPBC Act.

I have therefore re-accredited the policy for the Torres Strait Bêche-de-mer Fishery, in force under the *Torres Strait Fisheries Act 1984*, under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the policy are not required to seek permits if they are at risk of killing or injuring protected species in Commonwealth waters.

I consider that the management arrangements for the Torres Strait Bêche-de-mer Fishery meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.* Given the management arrangements for the fishery and the lack of bycatch and byproduct due to the hand collection methods used, 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.

I am also satisfied that the operation of the fishery 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 next three years. Accordingly, I have decided to declare the operation of the Torres Strait Bêche-de-mer Fishery an approved wildlife trade operation until 15 June 2017. The declaration will be subject to the conditions at **Attachment 1** which are specified in the instrument of declaration.

Officers from AFMA and the Department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with the Torres Strait Bêche-de-mer Fishery, I believe the PZJA and AFMA are committed to addressing these issues and have already taken proactive steps in some areas. Officers from AFMA and the Department have agreed to four additional recommendations (**Attachment 2**), focusing on ensuring the long term sustainability of sea cucumber species in the fishery.

I would like to thank you for the constructive way in which your officials have approached this assessment. I have written to Dr James Findlay, AFMA Chief Executive Officer, in similar terms.

Yours sincerely

Joanne Beath
Delegate of the Minister for the Environment
18 June 2014

Attachment 1

Conditions on the approved wildlife trade operation declaration for the Torres Strait Bêche-de-mer Fishery – June 2014

1. Operation of the Torres Strait Bêche-de-mer Fishery will be carried out in accordance with the management regime for the fishery made under the *Torres Strait Fisheries Act 1984* and the Torres Strait Fisheries Regulations 1985.

2. The Protected Zone Joint Authority to inform the Department of the Environment of any intended amendments to the Torres Strait Bêche-de-mer 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.

3. The Protected Zone Joint Authority to produce and present reports for the Torres Strait Bêche-de-mer Fishery to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.*

Recommendations for the ecologically sustainable management of the Torres Strait Bêche-de-mer Fishery– June 2014

1. The Protected Zone Joint Authority to continue to develop and implement:

   a. strategies to improve estimates of commercial (community) harvest from the Torres Strait Bêche-de-mer Fishery

   b. appropriate strategies to obtain improved estimates of all removals from sea cucumber stocks.

2. The Protected Zone Joint Authority to continue to work towards species based harvest strategies for sea cucumbers in the Torres Strait Bêche-de-mer Fishery. The harvest strategies should take account of:

   - species specific biology and ecology, where relevant
   - the uncertainty associated with estimates of total removals of each species
   - the differing levels of fishing capacity between Traditional and non-Traditional fishers
   - Traditional Inhabitant community knowledge relevant to the management of sea cucumbers (including community based harvest strategies developed for Erub and Warraber communities).

3. The Protected Zone Joint Authority to continue to identify and pursue opportunities for research relevant to species harvested in the Torres Strait Bêche-de-mer Fishery.

4. The Protected Zone Joint Authority and the Australian Fisheries Management Authority to continue and encourage further co-operation with other relevant jurisdictions to pursue increased knowledge and complementary management of sea cucumber resources across fisheries and across jurisdictions.