



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Norman Moore MLC
Minister for Fisheries
4th Floor London House
216 St George Terrace
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the Western Australia (WA) South Coast Purse Seine Managed Fishery (SCPSMF) and West Coast Purse Seine Managed Fishery (WCPSMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The SCPSMF and WCPSMF were first assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA), formerly the Department of the Environment and Heritage, in November 2005 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). This assessment was based on the submission provided by the Department of Fisheries Western Australian (DFWA) in August 2005. In light of a number of concerns that needed to be addressed to manage environmental risks in both fisheries in the medium to long term, the SCPSMF and WCPSMF were declared approved Wildlife Trade Operations (WTO), under Part 13A of the EPBC Act. This declaration allowed the export of product from the two fisheries for three years.

In October 2008, DFWA submitted the document entitled *Application to the Department of the Environment, Heritage Water and the Arts on the West Coast Purse Seine Managed Fishery and the South Coast Purse Seine Managed Fishery* for assessment under the EPBC Act to allow continued export approval for these fisheries. The submission 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.

I am pleased to advise that assessment of the SCPSMF and WCPSMF is now complete. The new assessment report will be available on the DEWHA website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no material changes to management arrangements since the last assessment and noting the improved management measures for mitigating interactions with protected species in the fisheries, I consider that the existing Part 13 accreditations in relation to protected species provisions under the EPBC Act still apply.

I am satisfied that the operation of the SCPSMF and WCPSMF are consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that they are unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operations relate, or threaten any relevant ecosystem in the short to medium term.

However, there are a number of issues that need to be addressed to contain environmental risks in the longer term. The key challenges for these fisheries will be to: conduct a review of risk levels for target, bycatch and byproduct (including protected species) and impact on the environment; work towards finalising and implementing the proposed new Management Plan for the WCPSMF; implement a catch validation system; develop a monitoring strategy for all target, byproduct and bycatch species and a bycatch strategy for mitigating interactions with protected species and other bycatch. I therefore propose to declare the fisheries as approved WTO's, under Part 13A of the EPBC Act. These declarations would allow the export of product from the fisheries for the next three years. I will make the declarations subject to the conditions at **Attachment A**.

While there are some environmental risks associated with these fisheries, I believe that DFWA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing and increased attention, and I understand that in addition to the conditions to the WTO declarations, they have agreed to a number of recommended actions to be implemented before the next Australian Government review of the fisheries. The recommendations at **Attachment B** have been an important factor in my decision to declare the fisheries as approved WTO's and I look forward to receiving your confirmation that they will be implemented.

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

Yours sincerely

[signed]
Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts

3 February 2009

Conditions on the Wildlife Trade Operation Declaration for the Western Australia (WA) South Coast Purse Seine Managed Fishery (SCPSMF) and West Coast Purse Seine Managed Fishery (WCPSMF)

1. Operation of the WCPSMF and SCPSMF will be carried out in accordance with the management arrangements in force under the *WA Fish Resources Management Act 1994*.
2. The Department of Fisheries Western Australia (DFWA) to advise the Department of Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the SCPSMF and WCPSMF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the South Coast Purse Seine Managed Fishery (SCPSMF) and West Coast Purse Seine Managed Fishery (WCPSMF).

The SCPSMF and WCPSMF are relatively well-managed fisheries with a range of management measures to promote the ecologically sustainable harvesting of species from the fisheries. These measures include limited entry, fishing zones, gear/fishing method restrictions, spatial and seasonal closures, and catch limits for target species.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fisheries and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (3 years).

- 1.** By 30 June 2010, DFWA to identify and review risk levels for target species, byproduct, bycatch (including protected species) and impacts on the marine environment for the SCPSMF and WCPSMF. DFWA to implement appropriate management measures to ensure identified risks are addressed and minimised.
- 2.** At the completion of Recommendation 1, DFWA to review, and where appropriate, update or develop new objectives, performance measures, management responses and information requirements for target species, byproduct, bycatch (including protected species) and the marine environment, for the SCPSMF and WCPSMF.
- 3.** DFWA to monitor the status of the fishery in relation to performance measures and within 3 months of becoming aware of a performance measure not being met, implement an appropriate management response in a transparent manner.
- 4.** DFWA to work towards finalising and implementing the proposed new management plan for the WCPSMF.
- 5.** DFWA to develop and implement a robust system to validate commercial logbook reporting of catch and effort for all target and byproduct species prior to the commencement of the 2009/10 season.
- 6.** By 19 December 2009, DFWA to develop and implement a comprehensive monitoring strategy for all target and byproduct species, which will be triggered by a defined precautionary catch reference point.

7. By 19 December 2009, DFWA to develop, implement and make publicly available for the SCPSMF and WCPSMF a bycatch strategy:

- for mitigating interactions with flesh-footed shearwaters and dolphins; and
- to identify long-term trends in composition and quantity of other bycatch.

This should identify, where appropriate, further research needs, the appropriateness of compulsory mitigation measures, compliance needs, progress reporting on the strategy's implementation and appropriate ongoing review periods.