



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our Reference: 2010/20986

The Hon Norman Moore MP
Minister for Mines and Petroleum; Fisheries; Electoral Affairs
4th Floor, London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the assessment of the Western Australian (WA) Developmental Octopus Fishery and the octopus sector of the Cockburn Sound (Line and Pot) Managed Fishery (collectively known as the WA Octopus Fisheries) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In November 2010, the WA Department of Fisheries provided a submission to the department for assessment, seeking export approval for the WA Octopus Fisheries.

The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. I am pleased to advise that the assessment of the WA Octopus fisheries is now complete. The assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' web site at <http://www.environment.gov.au/coasts/fisheries/qld/eco-trawl/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 WA Octopus fisheries to be managed in an ecologically sustainable way. The management arrangements for the WA Octopus Fisheries meet the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

The WA Octopus Fisheries are relatively low impact fisheries and are both managed in a suitably precautionary manner. The management arrangements for these fisheries include effort limitations, gear requirements and compulsory logbook reporting. Both fisheries are also small in scale and use a relatively benign method of harvest. These attributes allow confidence that the fisheries will be managed to minimise bycatch, minimise interactions with protected species and manage impacts on the wider ecosystem.



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Therefore, I have decided to amend the List of Exempt Native Specimens to include specimens that are, or are derived from, fish or invertebrates taken in the WA Octopus Fisheries, excluding specimens listed under Part 13 of the EPBC Act, until 16 March 2016. Such a listing will serve to exempt the fisheries from the export controls of the EPBC Act, providing the fisheries continue to operate in accordance with the *WA Fish Resources Management Act 1994* and the *Fish Resources Management Regulations 1995* and do not harvest or export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with these fisheries, I believe that the Department of Fisheries WA is committed to addressing these issues and has already taken proactive measures. Officers from this department and the Department of Fisheries WA have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices (**Attachment A**).

These recommendations have been an important factor in my decision to exempt the WA Octopus Fisheries and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the department needs to be advised of any intended changes to the management regimes 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 decision. 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.

Yours sincerely



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

23 March 2011

Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the Developmental Octopus Fishery and octopus sector of the Cockburn Sound (Line and Pot) Managed Fishery

1.
 - a) Operation of the octopus sector of the Western Australian (WA) Cockburn Sound (Line and Pot) Managed Fishery will be carried out in accordance with the *Cockburn Sound (Line and Pot) Limited Entry Fishery Notice 1995* in force under the *Western Australian Fish Resources Management Act 1994* and *Fish Resources Management Regulations 1995*.
 - b) Operation of the WA Developmental Octopus Fishery will be carried out in accordance with the *Fish Resources Management Act 1994* and *Fish Resources Management Regulations 1995*.
2. The Department of Fisheries WA, to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the fisheries legislated management plan and/or 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 Department of Fisheries WA 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. In consideration of the results of the Fisheries Research and Development Corporation research project, "*Innovative development of the Octopus tetricus fishery in Western Australian*" the Department of Fisheries WA to develop reference points and performance measures for catch and/or effort for the Developmental Octopus Fishery and the Cockburn Sound (Line and Pot) Managed Fishery octopus sector.
5. The Department of Fisheries WA to:
 - a) develop an effective method for limiting effort in the Cockburn Sound (Line and Pot) Managed Fishery; and
 - b) ensure that effort in the WA Octopus Fisheries does not lead to localised depletions of octopus stocks.

6. The Department of Fisheries WA to:
 - a) complete an ecological risk assessment of octopus trigger traps before implementing any potential increase in the number of trigger traps allowed in the Developmental Octopus Fishery;
 - b) continue to review the ecological risk assessment for shelter pots on a regular basis; and
 - c) develop and implement management measures to mitigate risks identified as moderate or higher.
7. The Department of Fisheries WA to continue to:
 - a) ensure that participants adopt appropriate measures to mitigate interactions with protected species, including whales and turtles; and
 - b) monitor the level of interactions with all protected species in the fisheries.