



## Australian Government

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

The Hon Chris Natt MLA  
Minister for Primary Industry, Fisheries and Mines  
GPO BOX 3146  
DARWIN NT 0801

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Northern Territory (NT) Aquarium Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An assessment of the NT Aquarium Fishery under the EPBC Act was completed in 2005. In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the Delegate of the then Minister for the Environment and Heritage declared the NT Aquarium Fishery an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years. Accreditation of the fishery under the relevant protected species provisions of Part 13 of the EPBC Act was not granted at this time as the fishery was in a developmental stage and the Delegate was not satisfied that the management arrangements for the fishery required that all reasonable steps were taken to ensure that protected species were not injured or killed as a result of fishing.

In March 2008, the NT Department of Primary Industry, Fisheries and Mines (DPIFM) submitted the document *Northern Territory Aquarium Fishery Export Exemption Submission, Re-assessment Report* for consideration of further export approval of product from the fishery. The DPIFM submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DPIFM in response to recommendations made in the initial assessment of the NT Aquarium Fishery to improve the management of the fishery.

I am pleased to advise that 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/index.html>

DPIFM has made substantial progress in improving management arrangements since the previous assessment in 2005, including developing a management objective to ensure the continued protection of species listed under Part 13 of the EPBC Act. We consider that the management regime for the fishery in force under the NT *Fisheries Act 1988* and the NT *Fisheries Regulations 1993* is appropriately precautionary and is unlikely to represent a significant impact on protected species noting management arrangements in place and the existing low rate of interaction. DEWHA therefore believes it appropriate to accredit the management regime for the NT Aquarium Fishery in force under the NT *Fisheries Regulations 1993* and the NT *Fisheries Act 1988* under Part 13 of the EPBC Act. This Part 13 accreditation will be subject to a condition applied under section 303AA of the EPBC Act (**Attachment A**).



I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it 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. The fishery is relatively well-managed and continues to meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition*, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the fishery an approved WTO under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years and allow exporters to seek Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) export permits to export CITES species. I will make the declaration subject to the conditions at Attachment A.

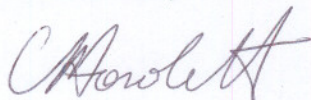
While there are some environmental risks associated with this fishery, I believe that DPIFM is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, I understand that they have agreed to a number of recommended actions, focusing on addressing key issues outstanding from the last assessment to be implemented before the next Australian Government review of the fishery. The recommendations at Attachment B have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

Syngnathids (seahorses, sea dragons, pipefish) which can be harvested in the fishery are listed marine species under Part 13 of the EPBC Act. DEWHA considers that the managed harvest of these species from NT waters in the NT Aquarium Fishery is not inconsistent with Part 13 accreditation and export should be allowed to continue. However, as species listed under Part 13 of the EPBC Act cannot be included on the List of Exempt Native Specimens (LENS), exporters will be required to apply to DEWHA for an export permit to export Syngnathid species.

The assessment also considered the possible impacts on hard corals, seahorses (*Hippocampus* species) and giant fluted clams (*Tridacna squamosa*) harvested in the NT Aquarium Fishery which are listed under CITES. As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Therefore listing CITES specimens under the LENS is not possible due to international obligations to monitor trade. Exporters will therefore be required to apply to DEWHA for CITES export permits to export CITES species.

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

Yours sincerely



Claire Howlett

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

24 June 2008



## **Attachment A**

### **Condition on the Accreditation of the Management Regime for the NT Aquarium Fishery for the Purposes of Part 13**

1. Persons fishing in accordance with the management regime for the Northern Territory Aquarium Fishery in force under the Northern Territory *Fisheries Act 1988* and the Northern Territory *Fisheries Regulations 1993* do not retain any species listed under Part 13 of the EPBC Act taken, killed or injured in Commonwealth waters as a result of fishing.

### **Part 13A Conditions on the Wildlife Trade Operation Declaration for the Northern Territory (NT) Aquarium Fishery**

1. Operation of the NT Aquarium Fishery will be carried out in accordance with the management regime in force under the NT *Fisheries Regulations 1993* and the NT *Fisheries Act 1988*.
2. The NT Department of Primary Industry, Fisheries and Mines (DPIFM) to advise DEWHA of any intended change to the NT Aquarium Fishery management arrangements that could affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. DPIFM to produce and present reports to DEWHA annually as per Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.
4. DPIFM to consult with DEWHA prior to a change to the management arrangements for a CITES species being implemented.



## **Attachment B**

### **Recommendations to the Northern Territory (NT) Department of Primary Industry, Fisheries and Mines (DPIFM) on the ecologically sustainable management of the NT Aquarium Fishery**

The NT Aquarium Fishery is a relatively well-managed fishery with a range of management measures to promote the ecological sustainability of the fishery. These measures include: limited entry, catch and gear restrictions and area closures.

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

#### **Recommendations**

1. Within two years, DPIFM to improve identification and reporting of all species of sawfish inhabiting NT waters.
2. Within 12 months, DPIFM to implement recording of catch to a species level for coral and associated benthic species in commercial logbooks.
3. DPIFM to investigate splitting the coral and associated benthic species and associated objectives, performance measures and trigger points into separate groups, as appropriate to ensure sustainable species harvest.
4. DPIFM to continue to actively monitor catch and effort data in the fishery implement appropriate management measures to mitigate any risks identified, particularly in regard to localised and serial depletion.
5. DPIFM to continue to take account of and actively pursue, where appropriate:
  - priority research; and
  - measures to validate logbook data.