



The Hon Willem Rudolf Westra van Holthe MLA
Minister for Primary Industry and Fisheries
GPO Box 3146
DARWIN NT 0801

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Northern Territory Aquarium Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Northern Territory Aquarium Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in June 2011. As a result of the 2011 assessment the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities subsequently declared the Northern Territory Aquarium Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of 18 months, until 30 November 2012. This allowed export of product from the fishery to continue during the period of the declaration.

In September 2012, the Northern Territory Department of Primary Industry and Fisheries provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Northern Territory Aquarium Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Northern Territory Department of Primary Industry and Fisheries in response to the conditions and recommendations made in the 2011 export 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 Sustainability, Environment, Water, Population and Communities' website at:

<http://www.environment.gov.au/coasts/fisheries/nt/aquarium/index.html>.

I consider that the management arrangements for the Northern Territory Aquarium Fishery meet most of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'. Taking into account:

- the management arrangements currently in place in the fishery, which include limited entry, gear restrictions, area closures, logbook reporting and management objectives, performance indicators, performance measures and trigger points for target species
- the 'Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Northern Territory Aquarium Fishery - December 2012' made by the Australian Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Scientific Authority for Marine Species, and

- the 'Non-Detriment Finding for the Export of Fluted Giant Clams Harvested from the Northern Territory Aquarium Fishery – December 2012' made by the Australian CITES Scientific Authority for Marine Species,

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 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, including any CITES listed taxon, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the Northern Territory Aquarium Fishery an approved wildlife trade operation until 30 May 2014. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

The assessment considered the possible impacts on species harvested in the Northern Territory Aquarium Fishery that are listed in the Appendices to CITES. As a party to CITES, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Specimens of species listed in Appendix II or Appendix III of CITES may be exported commercially under a CITES export permit, if sourced from an approved wildlife trade operation and a non-detriment finding has been made by the exporting country's CITES Scientific Authority. Inclusion of CITES specimens in the list of exempt native specimens is not possible due to international obligations to monitor trade. Under the EPBC Act, individual exporters are required to apply for CITES export permits and export of CITES specimens may only occur where a permit has been issued by Australia's CITES Management Authority (Department of Sustainability, Environment, Water, Population and Communities).

Officers from the Northern Territory Department of Primary Industry and Fisheries and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Northern Territory Department of Primary Industry and Fisheries is committed to addressing these issues.

The Northern Territory Department of Primary Industry and Fisheries and the department's officers have agreed to a recommendation (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The management regime for the Northern Territory Aquarium Fishery was most recently accredited under Part 13 of the EPBC Act in June 2011, for interactions with protected species, specifying a condition requiring the then Northern Territory Department of Resources to ensure that species listed under Part 13 of the EPBC Act are not taken, killed or injured in a Commonwealth area.

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.

I have therefore reaccredited the management regime for the Northern Territory Aquarium Fishery under Part 13 of the EPBC Act. This accreditation will be subject to a condition applied under section 303AA of the EPBC Act (**Attachment 3**), that EPBC Act listed species will not be taken, killed or injured in Commonwealth waters as a result of fishing. 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 listed species in Commonwealth waters.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the decisions. To ensure that these decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements 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.

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

Yours sincerely



Geoff Richardson

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

12 December 2012

**Conditions on the approved wildlife trade operation declaration for the
Northern Territory Aquarium Fishery – December 2012**

1. Operation of the fishery will be carried out in accordance with the management regime under the Northern Territory *Fisheries Act 1988* and the Northern Territory Fisheries Regulations 1993.
2. The Northern Territory Department of Primary Industry and Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the Northern Territory Aquarium Fishery's management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Northern Territory Department of Primary Industry and Fisheries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.
4. The Northern Territory Department of Primary Industry and Fisheries to consult with the Australian CITES Scientific Authority for Marine Species prior to a change to the management arrangements for a CITES or *Environment Protection and Biodiversity Conservation Act 1999* listed species being implemented.
5. By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries to implement a trigger reference point of 200 for giant fluted clams (*Tridacna squamosa*).
6. By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries to have implemented individual species specific trigger reference points for coral species of concern and live rock (listed in Tables 1 and 2 of the December 2012 Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Northern Territory Aquarium Fishery):
 - a) to limit their harvest to the previous two and a half-year average (that is, 2010 to May 2012), and
 - b) should harvest increase or decrease by 30% from the previous three-year average.

To allow accurate application of trigger reference points, coral pieces of greater than 500g should be weighed individually.

7. By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries, in consultation with the Australian CITES Scientific Authority for Marine Species, to have implemented a precautionary, species-specific (or genus specific where identification is not possible to species-level) trigger reference point not exceeding 40 kg per year for all other coral species harvested within the fishery that have not been identified as being of potential concern (that is, those species not listed in Table 1 or Table 2 of the December 2012 Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Northern Territory Aquarium Fishery).
8. By 1 March 2013, the Northern Territory Department of Primary Industry and Fisheries to develop management responses for all trigger reference points which stipulate that harvest will cease until there is information/evidence illustrating that ongoing harvest would not be detrimental to the taxon, and, this information/evidence should be provided to the Australian CITES Scientific Authority for Marine Species before harvest may resume.

**Recommendation to the Northern Territory Department of Resources on the
ecologically sustainable management of the Northern Territory Aquarium Fishery –
December 2012**

1. For species of concern and live rock (listed in Tables 1 and 2 of the December 2012 Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Northern Territory Aquarium Fishery), should 70% of trigger reference point a) identified in Condition 6 come from any one of the three bioregions, areas of highly concentrated harvest within that bioregion should be a priority for abundance surveying for that species.

**Condition on the accreditation of the Northern Territory Aquarium Fishery under
Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* –
December 2012**

1. Persons fishing in accordance with the management regime for the Northern Territory Aquarium Fishery (being the Aquarium Fishing /Display Fishery as defined in the Northern Territory Fisheries Regulations) in force under the Northern Territory *Fisheries Act 1988* do not retain any species listed under Part 13 of the *Environment Protection and Biodiversity Act 1999* taken, killed or injured in Commonwealth waters as a result of fishing.