



Australian Government
Department of the Environment

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 the Environment in relation to the reassessment of the Northern Territory Aquarium Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In April 2014, the Northern Territory Department of Primary Industry and Fisheries provided an application to the Department of the Environment seeking continued export approval for the Northern Territory Aquarium 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 Northern Territory Department of Primary Industry and Fisheries in response to the conditions and recommendations made in the 2012 assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. Subject to consultation with the Northern Territory Department of Primary Industry and Fisheries, the new assessment report will be available on the Department of the Environment's website at:
<http://www.environment.gov.au/marine/fisheries/nt-aquarium>.

The assessment considered the possible impacts on species harvested in the Northern Territory Aquarium Fishery, including those which are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to imports and exports of CITES listed species as appropriate.

I am advised by the CITES Scientific Authority of Australia that, based on available information, it is possible to make non-detriment findings for CITES listed species in the fishery when harvest remains within specified limits. Upon completion of the environmental risk assessment planned by the Northern Territory Department of Primary Industry and Fisheries, these precautionary harvest levels may be revised by the CITES Scientific Authority of Australia as appropriate.

Taking into account the current management arrangements in place in the fishery, 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, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the Northern Territory Aquarium Fishery an approved wildlife trade operation until 9 December 2016. The declaration will be subject to the conditions at **Attachment A**. These conditions have been agreed with officers from the Northern Territory Department of Primary Industry and Fisheries and address the key aspects of the management of the fishery requiring ongoing attention. Please note that these conditions are binding under section 303FT(9) of the EPBC Act, such that the Minister for the Environment must revoke a wildlife trade operation declaration if a condition is contravened.

The management regime for the Northern Territory Aquarium Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in December 2012. I am satisfied that it is unlikely that fishing operations conducted in accordance with the current management regime 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 management regime, 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 accredited the management regime for the Northern Territory Aquarium Fishery under Part 13 of the EPBC Act, subject to the condition at **Attachment B**. Accreditation will ensure that individual fishers operating in accordance with the management plan are not required to seek permits if they are at risk of killing or injuring protected species in Commonwealth waters.

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

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

29 May 2014

**Conditions on the approved wildlife trade operation declaration for the
Northern Territory Aquarium Fishery - May 2014**

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 (DPIF) to inform the Department of the Environment of any intended material changes to the Northern Territory Aquarium Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Northern Territory DPIF to produce and present reports to the Department of the Environment annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.
4. The Northern Territory DPIF to:
 - a) work to ensure that the harvest of CITES listed species is limited according to current non-detriment findings for each species or species group,
 - b) immediately inform the Department of any breaches in harvest limits and prohibit further harvest of affected species if required, and
 - c) consult with the Department prior to a change to the management arrangements for a CITES or EPBC Act listed species being implemented.
5. The Northern Territory DPIF to:
 - a) commence an Environmental Risk Assessment (ERA) process in 2014/15. Any recommendations resulting from the ERA to be addressed in the subsequent fishing season.
 - b) consider further research on CITES species in the context of the outcomes of the ERA, including on species' distribution and abundance in areas of high fishing effort.
6. The Northern Territory DPIF to:
 - a) review current data collection methods and implement measures to ensure the accuracy and timeliness of data collection and validation, and
 - b) investigate and implement appropriate compliance measures to ensure the accuracy of logbook data.

**Condition on the accreditation of the management regime for the
Northern Territory Aquarium Fishery under Part 13 (protected species) of the
*Environment Protection and Biodiversity Conservation Act 1999***

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 Conservation Act 1999* taken, killed or injured in Commonwealth waters as a result of fishing.

Recommendations to the Northern Territory Department of Primary Industry and Fisheries on the ecologically sustainable management of the Northern Territory Aquarium Fishery - May 2014

1. The Northern Territory DPIF to investigate the introduction of electronic logbooks in the Northern Territory Aquarium Fishery, along with vessel monitoring systems.
2. The Northern Territory DPIF to investigate and implement measures to improve species level identification for CITES listed species.
3. The Northern Territory DPIF to consider developing and implementing a harvest strategy for the Northern Territory Aquarium Fishery.