



Australian Government

Department of the Environment and Water Resources

Senator the Hon Eric Abetz
Minister for Fisheries, Forestry and Conservation
Parliament House
CANBERRA ACT 2600

Dear Minister Abetz

I am writing to you as Delegate of the Minister for the Environment and Water Resources in relation to the assessment of the Heard Island and McDonald Islands (HIMI) Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An assessment of the HIMI Fishery under the EPBC Act was completed in 2002. As a result of that assessment, on 14 May 2002, the former Minister for the then Environment Australia, the Hon David Kemp MP, accredited the HIMI Fishery under Parts 10, 13 and 13A of the EPBC Act and declared the HIMI Fishery exempt from the export provisions of the EPBC Act for a period of five years.

In March 2007 the Australian Fisheries Management Authority (AFMA) submitted the *Annual Status Report – Heard Island and McDonald Islands Fishery, March 2007* (the AFMA 2007 submission) for consideration of further export approval of product from the HIMI Fishery.

The AFMA 2007 submission, AFMA annual reports and the *Heard Island and McDonald Island Fishery Management Plan 2002* (the HIMI Management Plan), have been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by AFMA in response to recommendations made in the initial assessment of the HIMI Fishery.

I am pleased to advise that assessment of the HIMI Fishery is now complete. The assessment report will be available on the Department of the Environment and Water Resources' (DEW's) website at:

<http://www.environment.gov.au/coasts/fisheries/commonwealth/heard-mcdonald/index.html>

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management arrangements provide the basis for the

HIMI Fishery to be managed in an ecologically sustainable way. I therefore, propose to amend the LENS, to include product from the HIMI Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the HIMI Fishery from the export controls of the EPBC Act, providing the HIMI Fishery continues not to involve the export of specimens listed under the Convention on the International Trade in Endangered Species.

The management arrangements for the HIMI Fishery meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries*. The HIMI Fishery is a low impact fishery that is managed in a comprehensive, adaptable, precautionary and ecologically based regime. The combination of management arrangements, data gathering and research provides confidence in the HIMI Fishery's ability to maintain low bycatch levels and minimise interactions with protected species and the ecosystem.

DEW has some concerns regarding the increase in interactions with protected species since the last assessment. However, with the precautionary bycatch management arrangements, the implementation of a new recommendation to investigate the need for the use of additional measures to mitigate against interactions with protected species, as well as further discussions between DEW, AFMA and the HIMI trawl operator to develop further measures to reduce bycatch of migratory seabirds, DEW considers that the operation of the HIMI Fishery is not likely to adversely affect the survival or recovery in nature of any listed migratory species

Officers from AFMA and DEW have discussed key areas requiring ongoing and increased attention. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the HIMI Fishery. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the HIMI Fishery.

I have written to the Hon Tony Rundle in similar terms.

Yours sincerely

Andrew McNee
Delegate of the Minister for the Environment and Water Resources

May 2007

**Recommendations to the Australian Fisheries Management Authority (AFMA)
on the ecologically sustainable management of the harvest of product from the
Heard Island and McDonald Islands (HIMI) Fishery**

Recommendations

1. AFMA to advise DEW of any material change to the HIMI management arrangements that could affect the criteria on which Environment Protection and Biodiversity Conservation Act 1999 decisions are based, within three months of that change being made.
2. Reports to be produced and presented to DEW annually, and to include:
 - i. Information sufficient to allow assessment of the progress of AFMA in implementing the recommendations made in the Assessment of the HIMI Fishery, 2007; and
 - ii. A description of the fishery management arrangements in place, recent catch data for all sectors of the fishery, status of target stock, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and research and monitoring outcomes.

Information should only be provided on those aspects which are relevant to the fishery and that articulate 'changes' since the last annual report.

3. AFMA, in conjunction with other relevant agencies, continues investigating the extent to which the HIMI Fishery and neighbouring Island groups including Iles Kerguelen, share a single, or straddling, Patagonian toothfish stock. In the event that a shared, or straddling, stock is confirmed, AFMA and AAD should ensure that the HIMI Fishery stock assessment of the species will take into account removals from neighbouring areas with which the HIMI stock is shared.
4. AFMA to continue to monitor seal interactions. AFMA to review existing mitigation measures and to investigate the need for the use of additional measures to mitigate against interactions with protected species, particularly seals.