



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Paul Caica MP
Minister for Agriculture, Food and Fisheries
GPO Box 668
ADELAIDE SA 5001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the South Australian (SA) Abalone Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the SA Abalone Fishery was completed in June 2004, resulting in the then Delegate of the Minister for the Environment and Heritage declaring the fishery exempt from the export controls of the EPBC Act until 21 June 2009. The Management Plan for the SA Abalone Fishery 2004, and *Scheme of Management (Abalone Fisheries) Regulations 1991* in force under the *Fisheries Act 1982* were also accredited at this time under the relevant protected species provisions of Part 13 of the EPBC Act.

These EPBC Act accreditations were remade in November 2007, following the introduction of new SA fisheries legislation which improved the management of all SA fisheries.

In April 2009, the Department of Primary Industries and Resources South Australia (PIRSA) submitted the document *Ecological Assessment of the South Australian Abalone Fishery* for assessment under the EPBC Act. The submission 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.

I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of Environment, Water, Heritage and the Arts (DEWHA) website at:

<http://www.environment.gov.au/coasts/fisheries/sa/abalone/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens, to include specimens that are or are derived from fish taken in the SA Abalone Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of three years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the management regime in force under the SA Fisheries Management Act 2007 and

continues not to involve the export of specimens listed on the Convention on the International Trade in Endangered Species.

Additionally, as there have been no significant changes to management arrangements since our last assessment of the fishery in 2004 and noting the level of reported interactions with protected species in the fishery remains very low, I consider that the SA Abalone Fishery continues to comply with the protected species provisions of the EPBC Act. For this reason I have decided to reaccredit the fishery's management arrangements under Part 13.

The management arrangements for the SA Abalone Fishery meet the Australian Government's Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. The SA Abalone Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, proposed research and the nature of the fishery allows confidence that the fishery managers will maintain low bycatch levels, minimise interactions with protected species and manage impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that PIRSA is committed to addressing these issues. Officers from our two departments have discussed key areas requiring ongoing attention. I understand they have agreed to a number of recommended actions, focusing on ensuring the continuation of good management practices, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment A** have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

I would also like to reiterate EPBC Act approvals are given to the SA Abalone Fishery's management regime in place at the time of the decision and as such DEWHA must be advised of any management changes to ensure that accreditations remain valid. Therefore, in the lead up to the implementation of the new management plan, a reassessment of the SA Abalone Fishery's new management arrangements will be required to determine whether they continue to ensure the ecologically sustainable management of the fishery.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed as to the progress of the new management plan for the SA Abalone Fishery.

Yours sincerely

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
June 2009

Attachment A

Recommendations to PIRSA on the ecologically sustainable management of the SA Abalone Fishery.

Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the SA Abalone Fishery in June 2012.

1. Operation of the fishery will be carried out in accordance with the management regime for the SA Abalone Fishery in force under the *SA Fisheries Management Act 2007*.
2. PIRSA to inform DEWHA of any intended amendments to the SA Abalone Fishery's management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. PIRSA 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. PIRSA to finalise and implement the new management plan.
5. PIRSA to continue to consult with other fishery agencies on the development and implementation of appropriate biological parameters and reference points for abalone harvesting, and pursue a national process for developing, adopting and reviewing these indicators, and for periodically reviewing stock assessment processes.
6. PIRSA, in conjunction with the finalisation of the new management plan, to continue to implement strategies to:
 - more accurately quantify the extent of recreational, indigenous and illegal catch; and
 - take account of all removals, including for aquaculture broodstock, in the stock assessment process and the determination of the Total Allowable Catch (TAC).
7. PIRSA to continue to work with other jurisdictions to develop and implement effective strategies and response measures to quantify and reduce the extent of illegal take of abalone in SA.