



**Australian Government**  
**Department of the Environment**

Ref: 14/001849

The Hon Katrina Hodgkinson MP  
Minister for Primary Industries  
Level 30  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the reassessment of the New South Wales Ocean Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Ocean Trawl Fishery was most recently assessed under the wildlife trade provisions of Part 13A of the EPBC Act in February 2009. As a result of the 2009 assessment, the Delegate of the then Minister for the Environment, Heritage and the Arts declared the Ocean Trawl Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years, until 28 February 2012. This allowed export of product from the fishery to continue during the period of the declaration.

In December 2011, the New South Wales Department of Primary Industries provided an application to the then Department of the Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Ocean Trawl 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 New South Wales Department of Primary Industries in response to the conditions and recommendations made in the 2009 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 the Environment's website at:  
<http://www.environment.gov.au/coasts/fisheries/nsw/ocean-trawl/index.html>.

I consider that the management arrangements for the Ocean Trawl Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*. Taking into account the management arrangements currently in place, which include limited entry, vessel and gear restrictions including requiring use of appropriate bycatch reduction devices, time and area closures, and daily catch limits or trip limits or minimum size limits for some 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, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the Ocean Trawl Fishery an approved wildlife trade operation until 23 June 2017. 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.

Officers from the New South Wales Department of Primary Industries and the Department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the New South Wales Department of Primary Industries is committed to addressing these issues and has already taken proactive measures. The New South Wales Department of Primary Industries and the Department's officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The management regime for the Ocean Trawl Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in February 2010. I am satisfied that it remains unlikely that fishing operations conducted in accordance with the management regime will adversely 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 Ocean Trawl Fishery under Part 13 of the EPBC Act. 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 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

A handwritten signature in black ink, appearing to read 'Joanne Beath', with a large, stylized flourish at the end.

Joanne Beath

Delegate of the Minister for the Environment

20 June 2014



**Conditions on the approved wildlife trade operation declaration for the  
New South Wales Ocean Trawl Fishery June 2014**

1. Operation of the New South Wales Ocean Trawl Fishery will be carried out in accordance with the management arrangements in force under the New South Wales *Fisheries Management Act 1994*.
2. The New South Wales Department of Primary Industries to advise the Department of the Environment of any proposed substantive changes to the New South Wales Ocean Trawl Fishery management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The New South Wales Department of Primary Industries to produce and present reports to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. Taking into consideration the Australian Government *Listing Advice for Centrophorus harrissoni* (Harrisson's dogfish) and *Listing Advice for Centrophorus zeehaani* (southern dogfish) and any recommendations made by the Threatened Species Scientific Committee, the New South Wales Department of Primary Industries, in consultation with the Australian Fisheries Management Authority, to:
  - a. maintain long-term management measures that are clearly directed towards stopping the decline and supporting the recovery of Harrisson's dogfish and southern dogfish, and
  - b. continue, in consultation with relevant experts, to monitor and review the adequacy of management measures designed to stop the decline and support the recovery of Harrisson's dogfish and southern dogfish.
5. The New South Wales Department of Primary Industries to continue to improve understanding of the stock status of primary and key secondary species which have been identified as at high risk in ecological risk assessment processes.
6. The New South Wales Department of Primary Industries to continue to develop and implement recovery programs for species taken in the Ocean Trawl Fishery classified as recruitment overfished, overfished, and where appropriate, growth overfished.

**Recommendations to the New South Wales Department of Primary Industries on the  
ecologically sustainable management of the New South Wales Ocean Trawl Fishery  
June 2014**

1. The New South Wales Department of Primary Industries to:
  - a. ensure that management measures are in place that are consistent with the listing advice or the objectives of the rebuilding strategies for species listed as conservation dependent under the *Environment Protection and Biodiversity Conservation Act 1999*, and
  - b. continue to evaluate and report to the Department of the Environment on the effectiveness of management measures to support the rebuilding strategies for conservation dependent listed species, as part of the annual reporting referred to in **Condition 3**.
2. As part of developing long term management arrangements for shark species, the New South Wales Department of Primary Industries to:
  - a) determine the impact of commercial fishing on target and incidentally caught shark species in the Ocean Trawl Fishery, through:
    - i) accurately identifying the species impacted through catch reporting and/or targeted research programs
    - ii) developing, documenting and implementing management measures, if necessary, to mitigate impacts on shark species of conservation concern identified through research, scientific observer programs and other reviews such as protected species listing processes
  - b) continue co-operation with relevant jurisdictions to pursue increased knowledge across fisheries and across jurisdictions of shark species identified through a).
3. The New South Wales Department of Primary Industries to:
  - a. as part of the scientific observer program, collect updated data on bycatch and discard quantity and composition in the fishery, including for discarded juveniles of commercial species, and interactions with protected species
  - b. continue to work collaboratively with industry and other stakeholders to improve the effectiveness of bycatch reduction strategies in all sectors of the Ocean Trawl Fishery.
4. The New South Wales Department of Primary Industries to ensure that effort in each sector of the Ocean Trawl Fishery is constrained to ecologically sustainable levels.