



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our Reference: 2011/13098

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 Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the New South Wales (NSW) Estuary Prawn Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Estuary Prawn Trawl Fishery was most recently assessed under the wildlife trade provisions of Part 13A of the EPBC Act in November 2008. As a result of the 2008 assessment, the Delegate of the then Minister for the Environment, Heritage and the Arts declared the Estuary Prawn Trawl Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years, until 30 November 2011, thereby allowing export of product from the fishery.

In September 2011, the NSW Department of Primary Industries provided a submission to the Department of the Sustainability, Environment, Water, Population and Communities for assessment, seeking continued export approval for this fishery.

The submission has 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 the NSW Department of Primary Industries in response to the conditions and recommendations made in the 2008 assessment of the fishery.

I am pleased to advise that the assessment of the fishery 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/nsw/prawntrawl/index.html>.

I consider that the management arrangements for the NSW Estuary Prawn Trawl Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Given the management arrangements currently in place, which include limited entry, vessel and gear restrictions, seasonal and area closures, species-specific minimum size limits and recreational bag limits, 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.



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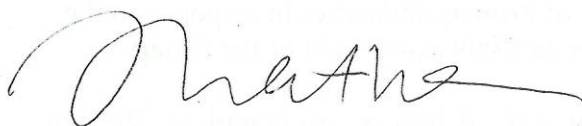
Accordingly, I have decided to declare the NSW Estuary Prawn Trawl Fishery an approved wildlife trade operation until 27 November 2014. The declaration will be subject to the conditions at **Attachment A**.

Officers from the NSW Department of Primary Industries and the Department of Sustainability, Environment, Water, Population and Communities have discussed those areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the NSW Department of Primary Industries is committed to addressing these issues and has already taken proactive measures. The NSW Department of Primary Industries and the department's officers have agreed to additional recommendations (**Attachment B**) to be implemented before the next Australian Government assessment of the fishery. The recommendations focus on the improved understanding and ongoing monitoring and management of bycatch in the fishery.

Please note that my decision under the EPBC Act relates to the management arrangements for the Estuary Prawn Trawl Fishery in force at the time of the decision. To ensure that the decision remains valid, the department 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



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

21 November 2011

Attachment A

Conditions on the approved wildlife trade operation declaration for the New South Wales Estuary Prawn Trawl Fishery

1. Operation of the New South Wales Estuary Prawn Trawl Fishery will be carried out in accordance with the New South Wales *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006* in force under the New South Wales *Fisheries Management Act 1994*.
2. The New South Wales Department of Primary Industries to inform the Department of Sustainability, Environment, Water, Population and Communities of any proposed substantive changes to the New South Wales Estuary Prawn Trawl Fishery management arrangements that may affect 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 Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the New South Wales Department of Primary Industries on the ecologically sustainable management of the New South Wales Estuary Prawn Trawl Fishery.

1. As part of the cross-fishery scientific observer program, the New South Wales Department of Primary Industries to:
 - i. develop and implement appropriate data collection and reporting for bycatch quantity and composition in the Estuary Prawn Trawl Fishery.
2. Taking into account the results from the scientific observer program for the Estuary Prawn Trawl Fishery, the New South Wales Department of Primary Industries to:
 - i. ensure that the performance indicators and trigger points related to minimising bycatch, contained in the *Fishery Management Strategy for the Estuary Prawn Trawl Fishery*, are reviewed as appropriate to ensure that they remain relevant; and
 - ii. continue to implement appropriate management measures, as indicated by ongoing monitoring and review, to ensure sustainability of bycatch species.

