



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

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The Hon Norman Moore  
Minister for Fisheries  
PERTH WA 6000

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 Western Australian (WA) Mackerel Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the WA Mackerel Fishery was completed in November 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 17 November 2009. The *Mackerel Fishery (Interim) Managed Fishery Management Plan 2004* was also accredited at this time under the relevant protected species provisions of Part 13 of the EPBC Act.

In September 2009, the Department of Fisheries Western Australia (DFWA) submitted their submission 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/wa/mackerel/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 WA Mackerel 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 fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the *Mackerel Fishery (Interim) Managed Fishery Management Plan 2004*, made under the *Western Australian Fish Resources Management Act 1994* 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 WA Mackerel 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 WA Mackerel Fishery meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. The WA Mackerel Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, proposed strategies 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 DFWA 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 that EPBC Act approvals are given to the WA Mackerel 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.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed.

Yours sincerely

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



## Attachment A

### **Recommendations to DFWA on the ecologically sustainable management of the WA Mackerel Fishery.**

Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the WA Mackerel Fishery in November 2014.

1. Operation of the fishery will be carried out in accordance with the management arrangements for the Mackerel Fishery in force under the *WA Fish Resources Management Act 1994*.
2. The Department of Fisheries Western Australia (DFWA) to inform the DEWHA of any intended amendments to the Mackerel Fishery's management arrangements that may affect the assessment of the fishery against the criteria on which the Environment Protection and Biodiversity Conservation Act 1999 Act (EPBC Act) decisions are based.
3. DFWA 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. DFWA to formally incorporate performance measures, responses and information requirements from the ESD report into the management regime and decision making process.
5. In developing policy guidelines for the operational context of the Mackerel Fishery, DFWA to include specific objectives to minimise interactions with protected/listed species and to minimise impacts on the marine environment.
6. DFWA to conduct a comprehensive review of risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment for the Mackerel Fishery, including considerations of the impact of current data validation mechanisms. DFWA to continue monitoring byproduct catch trends, and investigate recording bycatch on logbooks by 30 June 2011, to ensure identified risks are addressed and minimised.
7. DFWA to seek to develop and implement, by December 2012, a stock assessment in the form of an assessment of fishing mortality to ensure the ongoing sustainability of Spanish Mackerel stocks.
8. DFWA to develop and implement a program, through the proposed recreational boat fishing licence framework, to regularly quantify recreational catch, including release rate estimates, of mackerel species to ensure management controls adequately account for this component of the fishery.
9. DFWA to ensure, where appropriate, that any relevant charter boat, conservation and recreational interests in the fishery are considered through consultative mechanisms.