



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

Ref: 000801647

Senator the Hon Anne Ruston  
Assistant Minister for Agriculture and Water Resources  
PO Box 6100  
Senate  
Parliament House  
CANBERRA ACT 2600

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the reassessment of the Commonwealth Small Pelagic Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In July 2015, the Australian Fisheries Management Authority (AFMA) provided an application to the Department of the Environment seeking continued export approval for the Small Pelagic Fishery. The application has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment took into account measures that have been developed by AFMA since the last assessment of the fishery 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/marine/fisheries/commonwealth/small-pelagic>

Taking into account the management arrangements for the fishery, I am satisfied that its operation 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 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 Small Pelagic Fishery an approved wildlife trade operation until 26 October 2018, subject to the conditions at **Attachment 1**. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the Department's website.

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

The management regime for the Small Pelagic Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in April 2015. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or 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 Small Pelagic Fishery under Part 13 of the EPBC Act, subject to the conditions at **Attachment 3**. 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 listed species in Commonwealth waters.

I have written to the Hon Norman Moore, Chairman of the AFMA Commission, in similar terms.

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

29 October 2015

**Conditions on the approved wildlife trade operation declaration**

1. Operation of the Small Pelagic Fishery will be carried out in accordance with the management regime under the Commonwealth *Fisheries Management Act 1991* and the Fisheries Management Regulations 1992.
2. The Australian Fisheries Management Authority to inform the Department of the Environment of any intended material changes to the Small Pelagic Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Australian Fisheries Management Authority to produce and present reports to the Department of the Environment annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendation to the Australian Fisheries Management Authority on the  
ecologically sustainable management of the Commonwealth Small Pelagic Fishery,  
October 2015**

1. The Australian Fisheries Management Authority to consider adopting developmental fishery approaches to data collection for western stocks, including information about their stock status and productivity, to better inform the total allowable catch setting process.

**Conditions on the Part 13 accreditation for the Commonwealth Small Pelagic Fishery,  
October 2015**

**Condition A**

Prior to fishing, mid-water trawl vessels must have in place effective mitigation approaches and devices to minimise interactions with dolphins, seals and seabirds.

**Condition B**

That at least one observer be deployed on each new mid-water trawl vessel for the first 10 fishing trips, with additional observer coverage or other monitoring implemented as appropriate, following scientific assessment of the Small Pelagic Fishery.

