



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

Our Reference: 2010/20985

The Hon Norman Moore MLC  
Minister for Mines and Petroleum, Fisheries and Electoral Affairs  
4th Floor, London House  
216 St Georges Terrace  
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In October 2010, the Department of Fisheries Western Australia provided a submission to the Department of Sustainability, Environment, Water, Population and Communities seeking further export approval for the Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery.

The submission has now 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. The assessment also took account of measures that have been developed by the Department of Fisheries Western Australia in response to recommendations made in the 2005 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/wa/cocos-aquarium/index.html>.

The Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery was first accredited under Part 13 of the EPBC Act in November 2005. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the Western Australian *Fish Resources Management Act 1994* and the Western Australian *Fish Resources Management Regulations 1995* will adversely affect the conservation status of protected species or affect the survival and recovery of listed threatened species. I also consider that under the management regime, operators are required to take all reasonable steps to avoid the killing or injuring of protected species.

I have therefore recredited the management regime for the Western Australian Cocos (Keeling) Islands Marine Aquarium Fish 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 listed species in Commonwealth waters.

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery to be managed in an ecologically sustainable way. I consider that the management arrangements for the fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

The Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery is a low impact fishery that is managed in a suitably precautionary manner. The combination of management arrangements, including limited entry, gear restrictions and fine scale reporting also provides confidence that the fishery will continue to be managed to minimise interactions with protected species and manage impacts on the wider ecosystem in an acceptable manner.

Therefore, I have decided to amend the list of exempt native specimens to include specimens that are, or are derived from, fish or invertebrates taken in the Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery, excluding specimens listed under Part 13 of the EPBC Act, until 15 September 2016. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues to operate in accordance with the Western Australian *Fish Resources Management Act 1994* and the Western Australian *Fish Resources Management Regulations 1995* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with this fishery, I believe that the Department of Fisheries Western Australia is committed to addressing these issues and has already taken proactive measures. Officers from the Department of Fisheries Western Australia and the Department of Sustainability, Environment, Water, Population and Communities have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices. These recommendations are at **Attachment A**. I look forward to receiving your confirmation that these recommendations will be implemented.

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management regime 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



Nigel Routh

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

8 September 2011

**Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the Western Australian Cocos (Keeling) Islands Marine Aquarium Fish Fishery.**

1. Operation of the Cocos (Keeling) Marine Aquarium Fish Fishery will be carried out in accordance with the Western Australian *Fish Resources Management Act 1994* and the Western Australian *Fish Resources Management Regulations 1995*.
2. The Department of Fisheries Western Australia to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Department of Fisheries Western Australia to produce and present reports to the department annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.
4. The Department of Fisheries Western Australia to include catch data in a confidential attachment to the annual report.
5. By September 2012, Department of Fisheries Western Australia to develop and implement a program for the Cocos (Keeling) Islands Marine Aquarium Fish Fishery to validate catch data and better monitor compliance with the management regime.