



Australian Government

Department of the Environment and Water Resources

The Hon Ian Macdonald MLC
Minister for Primary Industries
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment and Water Resources regarding the Wildlife Trade Operation (WTO) declaration for the New South Wales (NSW) Abalone Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 27 November 2006 a condition was placed on the NSW Abalone Fishery WTO declaration which required a recovery strategy for abalone stocks across the fishery to be developed and implemented by the end of November 2007. As you would be aware the Minister for the Environment and Water Resources must revoke a declaration if he is satisfied that a condition of a WTO has been contravened.

On 23 October 2007 the NSW Department of Primary Industries (DPI) provided a report to the Department of Environment of Water Resources reporting on the progress in implementing the conditions and recommendations for the NSW Abalone Fishery WTO declaration. I am encouraged by the progress made in relation to Condition 5 for the development and implementation of an agreed recovery strategy for abalone stocks across the fishery. In particular the formation of the Special Abalone Recovery Group which has been tasked to provide recommendations to you on key issues for the NSW Abalone Fishery including specifying priority measures to rebuild and maintain the sustainability of the abalone fishery.

I have been advised by NSW DPI that the Special Abalone Recovery Group has made significant progress to date and that a final report to you is expected in late 2007 with specific measures to promote the rebuilding of stocks to be finalised around March/April 2008 and implemented in by the start of the July 2008 season. As such I have decided to vary Condition 5 of the WTO for a recovery strategy to be developed and implemented by 28 July 2008 and for NSW DPI to report to the Department of the Environment and Water Resources on progress including recommendations made by the Special Abalone Recovery Group by 31 March 2008. The new schedule to the WTO declaration for the Abalone Fishery is at **Attachment A**.



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This variation is an acknowledgement of the progress made to date and the expectation that the specific strategies identified by the Special Abalone Recovery Group will be finalised and implemented at the start of the July fishing season. I consider that through the formation of the Special Abalone Recovery Group and associated processes, NSW DPI is committed to enhancing the management of the fishery in an ecologically sustainable way.

I note that the final approval of the Abalone Fishery Management Strategy in April 2007 satisfied condition 4 of the existing WTO declaration and provides for a comprehensive framework for the ongoing management of the NSW Abalone Fishery.

Additionally, the Total Allowable Catch Committee Report and Determination for 2007/08 for the Abalone Fishery suggests there are signs that the decline in catch per unit effort is halting. However the Committee report indicates that there is still uncertainty about the outlook for the fishery which supports the need for further measures to ensure the long term ecological sustainability of the fishery. As such the development and implementation of the recovery strategy remains a priority and I look forward to receiving an update on the NSW Abalone Fishery in March next year.

Yours sincerely

[Signed]

Claire Howlett
Delegate of the Minister for the Environment and Water Resources
19 November 2007

SCHEDULE
November 2007

**Declaration of the Harvest Operations of the New South Wales (NSW) Abalone
Fishery as an approved Wildlife Trade Operation**

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the NSW Abalone Fishery.

1. Operation of the fishery will be carried out in accordance with the NSW Abalone Share Management Plan 2000 in force under the NSW *Fisheries Management Act 1994*.
2. NSW Department of Primary Industries (DPI) to advise the Department of the Environment and Water Resources of any material change to the Abalone Fishery management arrangements that could negatively affect the assessment of the fishery against the *Environment Protection and Biodiversity Conservation Act 1999* criteria, within three months of that change being made.
3. A report to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
 - a) information sufficient to allow assessment of the progress of NSW DPI, in conjunction with industry and other stakeholders, in implementing the conditions and recommendations made; and
 - b) the status of the Abalone Fishery performance indicators compared to the trigger points.
4. The Fishery Management Strategy for the NSW Abalone Fishery to be finalised and approved by the end of April 2007.
5. NSW DPI, in conjunction with NSW Abalone Fishery stakeholders, to:
 - (a) develop and implement by 28 July 2008 an agreed recovery strategy for abalone stocks across the fishery that defines the following:
 - precautionary recovery targets and associated timeframes;
 - specific measures to promote the rebuilding of stocks to target levels; and
 - stock and catch monitoring and compliance measures required to evaluate and enforce the recovery of depleted stocks.
 - (b) report to the Department of the Environment and Water Resources by 31 March 2008 on progress in the development of the recovery strategy including recommendations made by the Special Abalone Recovery Group.