



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) Abalone Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The NSW Abalone 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 NSW Abalone Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of two years, until 1 November 2010, thereby allowing export of product from the fishery.

In September 2010, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I agreed to a short term inclusion of product derived from the NSW Abalone Fishery in the list of exempt native specimens under Part 13A of the EPBC Act until 30 June 2011.

In April 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.

In June 2011, as departmental delegate I agreed to a further short term inclusion of product derived from the fishery in the list of exempt native specimens, until 12 August 2011, to allow export from the NSW Abalone Fishery to continue while the reassessment under the EPBC Act was completed.

The submission received from the NSW Department of Primary Industries 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. 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/abalone/index.html>.



I consider that the management arrangements for the NSW Abalone Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*. Given the management arrangements currently in place, which include limited entry, area closures, gear restrictions, annually set total allowable commercial catch limits and minimum size 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.

Accordingly, I have decided to declare the NSW Abalone Fishery an approved wildlife trade operation until 8 August 2014. The declaration will be subject to the conditions at **Attachment A**.

The management regime for the NSW Abalone 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 current management regime for the fishery will adversely 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 NSW Abalone Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management arrangements are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that my decisions under the EPBC Act relate to the management arrangements for the NSW Abalone Fishery in force at the time of the decision. To ensure that the decisions remain 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



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

10 August 2011

**Conditions on the approved wildlife trade operation declaration for the  
New South Wales Abalone Fishery**

1. Operation of the New South Wales Abalone Fishery will be carried out in accordance with the *Fisheries Management (Abalone Share Management Plan) Regulation 2000* 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 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 - 2<sup>nd</sup> Edition*.
4. The New South Wales Department of Primary Industries, in consultation with stakeholders, to review the management objectives, performance indicators and trigger points set out in the *Fisheries Management (Abalone Share Management Plan) Regulation 2000* and implement any amendments as appropriate to ensure they are appropriately precautionary and effective.

