



Australian Government

Department of the Environment, Water, Heritage and the Arts

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

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts 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 Abalone Fishery was first assessed by the Department of the Environment, Water, Heritage and the Arts (DEWHA, formerly the Department of the Environment and Heritage) in November 2005 under Part 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the NSW Department of Primary Industries (DPI). In light of a number of concerns that needed to be addressed to manage environmental risks in the short-medium term, the Abalone was declared an approved short term Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery until 28 November 2006. The Delegate also accredited the Abalone Fishery management regime under Part 13 of the EPBC Act in relation to protected species interactions.

In November 2006, the Delegate decided to extend the WTO for the Abalone Fishery out to the full three year period. This decision was based on the progress NSW DPI had made on the conditions of the short term WTO.

In September 2008, NSW DPI submitted the report, '*Submission to the Department of the Environment, Water, Heritage and the Arts on behalf of the NSW Fishing Industry Seeking Export Approval for the NSW Abalone Fishery*', for assessment under the EPBC Act to allow continued export approval for this fishery. 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 new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no significant changes to the management arrangements for the Abalone Fishery the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

In considering the current management arrangements, I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it 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 over the next two years.

Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term, particularly regarding the need to review management objectives, target reference points, performance indicators and triggers to ensure they are appropriately precautionary. Hence, I propose to declare the Abalone Fishery an approved short term WTO under Part 13A of the EPBC Act, subject to the four conditions at **Attachment A**. This declaration would allow the export of product from the Abalone Fishery until 1 November 2010.

While there are some environmental risks associated with this fishery, I consider that NSW DPI is committed to addressing these issues and is already taking proactive steps in most areas. Officers from DEWHA and NSW DPI have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, NSW DPI has agreed to a number of recommended actions, focusing on addressing key issues for the Abalone Fishery, to be implemented before the next assessment of the fishery under the EPBC Act. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

Yours sincerely

[signed]

Claire Howlett

Delegate of the Minister for the Environment, Heritage and the Arts

25 November 2008

Conditions on the Wildlife Trade Operation Declaration for the New South Wales Abalone Fishery

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the New South Wales (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 inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended material amendments to the Abalone Fishery management arrangements that could affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. NSW DPI 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. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to review management objectives, performance indicators and trigger points to ensure they are appropriately precautionary and effective.

Recommendations to the New South Wales (NSW) Department of Primary Industries (DPI) on the ecologically sustainable management of the NSW Abalone Fishery

The Abalone Fishery is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: an abalone stock rebuilding strategy through the formation of a Special Abalone Recovery Group, a Total Allowable Catch (TAC) set at the beginning of each season, minimum size limits and limited entry.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the Abalone Fishery and minimise environmental risks in the short to medium term. Unless a specific time frame is provided in the recommendation, NSW DPI should action these recommendations before the next review of the Abalone Fishery in 2010.

1. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to continue the implementation of strategies for the rebuilding of abalone stocks across the fishery, including consideration of recommendations made by the independent TAC Committee.
2. NSW DPI to continue to develop and implement a new catch information management system for the major NSW commercial fisheries (including the Abalone Fishery) to improve reporting and data analysis.
3. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to continue to progressively implement a program of finer scale management measures, including:
 - catch targets and/or limits at subregional levels;
 - appropriate size limits; and
 - formalise a framework for the closure and re-opening of areas of the fishery.
4. NSW DPI to continue to develop and implement measures to improve estimates of illegal, recreational and Indigenous catches for incorporation into abalone stock assessments.
5. NSW DPI in conjunction with Abalone Fishery stakeholders, to implement priority research needs, and continue to collaborate, where appropriate, with other jurisdictions to actively pursue consistent and/or complementary research and management arrangements for target species.
6. NSW DPI, in cooperation with other jurisdictions, to continue to develop more effective strategies and specific measures to quantify and address the extent of illegal take of abalone in NSW.