



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Joe Helper MP
Minister for Agriculture
Level 22, 1 Spring St
Melbourne, VIC 3000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the Victorian Scallop Fishery (VSF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The VSF was first assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (formerly the Department of the Environment and Heritage) in February 2006 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 Victorian 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 VSF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years.

In October 2008, DPI submitted the *Scallop Fishery Status Report 2008* for assessment under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of 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 Department of the Environment, Water, Heritage and the Arts website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

In considering the current management regime, 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 three 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 develop and implement an appropriately precautionary harvest strategy,

and the need to identify ongoing research and monitoring priorities. Hence, I propose to declare the VSF an approved WTO under Part 13A of the EPBC Act, subject to the three conditions at **Attachment A**. This declaration would allow the export of product from the VSF until 30 January 2012.

While there are some environmental risks associated with this fishery, I consider that DPI is committed to addressing these issues and is already taking proactive steps in most areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, I understand that they have agreed to a number of recommended actions, focusing on addressing key issues for the VSF, to be implemented before the next Australian Government assessment of the fishery. 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]

Nigel Routh

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

28 January 2009

**Conditions on the Wildlife Trade Operation Declaration for the
Victorian Scallop Fishery**

1. Operation of the fishery will be carried out in accordance with the Victorian Scallop Fishery (VSF) management arrangements made under the Victorian *Fisheries Act 1995* and *Fisheries Regulations 1998*.
2. Department of Primary Industries (DPI) will advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the fishery's management arrangements that could affect the assessment against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. 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* (the Guidelines).

Recommendations to DPI on the ecologically sustainable management of the VSF

The VSF 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: minimum legal size limit, precautionary setting of the total allowable catch, closing fishing areas where juvenile beds of scallops are detected and monitoring compliance through a vessel monitoring system

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the VSF and minimise environmental risks in the short to medium term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the VSF in January 2012.

1. Prior to the commencement of the 2010 fishing season, DPI to finalise and implement an appropriately precautionary harvest strategy for scallops.
2. DPI to continue to work with relevant jurisdictions to actively pursue consistent and/or complementary management arrangements for the commercial scallop stock off southeast Australia.
3. Prior to the commencement of the 2010 fishing season, DPI to develop and implement fishery specific objectives linked to performance indicators and performance measures for target, byproduct, and impacts on the ecosystem.
4. DPI to monitor the status of the fishery in relation to performance measures and within 3 months of becoming aware of a performance measure not being met, DPI to implement an appropriate management response
5. DPI to identify ongoing research and monitoring priorities for target, byproduct and bycatch species in the VSF.