



The Hon Gary John Higgins MLA
Minister for Primary Industry and Fisheries
GPO Box 3146
Darwin NT 0801

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment and Energy in relation to ongoing environmental approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for three Northern Territory (NT) commercial fisheries.

In October 2014, the then Australian Government Minister for the Environment, the Hon Greg Hunt MP, wrote to the then NT Government Minister for Primary Industry and Fisheries, the Hon Willem Westra Van Holthe MLA, to seek his views on a reform proposal to extend the maximum timeframe for EPBC Act approvals from five years to ten years for commercial fisheries assessed as posing low environmental risk. These approvals are based on assessments of the fisheries' impacts on marine species protected under Part 13 of the EPBC Act, as well as evaluating fisheries for the purpose of export approval under Part 13A.

Minister Westra Van Holthe responded in favour of this proposal in November 2014, consistent with the majority view of all parties consulted. The then Minister for the Environment subsequently agreed to proceed with the proposal and I am pleased to advise that the NT is now able to benefit from the extended environmental approval timeframes. Officers from the Department of the Environment and Energy, the NT Department of Primary Industry and Fisheries (DPIF) have worked collaboratively over the last several months and determined that three NT fisheries continue to meet all relevant EPBC Act requirements. I am therefore extending the export approval for these fisheries until August 2026.

The three fisheries managed by the NT DPIF that I am extending export approval for are the:

1. Mud Crab Fishery
2. Spanish Mackerel Fishery
3. Trepang Fishery.

These extensions have 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 assessments took into account all of the management arrangements implemented by the NT DPIF in these fisheries.

The management regimes for the Mud Crab and Spanish Mackerel fisheries are currently accredited under Part 13 of the EPBC Act, for interactions with protected species.

I am satisfied that it remains unlikely that fishing operations conducted in accordance with these management regimes will adversely affect the conservation status of protected species or 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 regimes, 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 agreed to continue the accreditation of the management regimes for these two fisheries under Part 13 of the EPBC Act. Ongoing 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 consider that all three fisheries operate in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. Given the management arrangements and precautionary measures in place in each fishery, I have decided to amend the list of exempt native specimens to allow export of product from each fishery until 21 August 2026.

It is important that reports be produced and presented to the Department of the Environment and Energy annually in order for the performance of these fisheries to be monitored and assessed throughout the life of the approval. Export approval is therefore contingent on the requirement for the Northern Territory DPIF to produce and present a report on each of the fisheries it has management responsibility for to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

I would like to thank you for the constructive way in which your officials have approached this reform process and these assessments.

Yours sincerely



Nathan Hanna

Delegate of the Minister for the Environment and Energy

16 August 2016