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The Hon Tony Burke MP

Minister for Sustainability, Environment, Water, Population and Communities

B12/1928

The Hon Michael Egan FAICD
Chairman
Australian Fisheries Management Authority Commission
PO Box 7051
CANBERRA BC ACT 2610

28 NOV 2012

Dear Mr Egan

I am writing to you in relation to the reassessment of the Commonwealth North West Slope Trawl Fishery and the Commonwealth Western Deepwater Trawl Fishery, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery were most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in 2007. Since then, the fisheries have had continued export approval.

In February 2012, the Australian Fisheries Management Authority provided an application to the Department of Sustainability, Environment, Water, Population and Communities (the department) seeking continued export approval for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery. The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Australian Fisheries Management Authority in response to the conditions and recommendations made in previous export assessments under the EPBC Act.

I am pleased to advise that the assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery is now complete. The new assessment report will be available on the departments website at:

<http://www.environment.gov.au/coasts/fisheries/commonwealth/western-trawl/index.html>.

I consider that the management arrangements for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. Taking into account:

- the revised *Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011*
- the management measures currently in place for the fisheries including; limited entry and restrictions on gear and species that may be harvested
- 'move on' provisions for interactions with vulnerable marine ecosystems (North West Slope Trawl Fishery), and
- the incorporation of performance indicators and management responses for high risk species identified in the ecological risk assessment process,

I am satisfied that the operation of the fisheries remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

Accordingly, I have decided to declare the operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery an approved wildlife trade operation until 11 December 2015. The declaration will be subject to the conditions at **Attachment A**.

Officers from the Australian Fisheries Management Authority and the department have discussed key areas requiring ongoing attention and have agreed to additional recommendations (**Attachment B**) to be implemented before the next Australian Government assessment of the fisheries under the EPBC Act. While there are some environmental risks associated with these fisheries, I believe that the Australian Fisheries Management Authority is committed to addressing these issues and has already taken proactive measures.

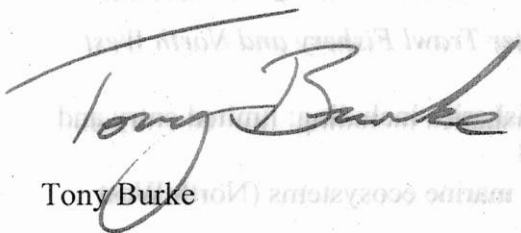
The management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in September 2005. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, or 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 accredited the current management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl 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 in force at the time of the assessment decision. To ensure that these 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. I have written to Senator the Hon Joe Ludwig, Minister for Agriculture, Fisheries and Forestry, in similar terms.

Yours sincerely



Tony Burke

Conditions on the approved wildlife trade operation declaration for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, December 2012

1. Operation of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery will be carried out in accordance with the management regime, in force under the *Fisheries Management Act 1991* and the Fisheries Management Regulations 1992.
2. The Australian Fisheries Management Authority to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the legislated management regime and management arrangements of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Australian Fisheries Management Authority to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.
4. Should fishing effort in waters shallower than 200 metres in the north east portion of the North West Slope Trawl Fishery exceed 2011 levels in a given season, the Australian Fisheries Management Authority to review the ecological risk assessment for this fishery to include analysis of the impact of demersal trawling on bottom habitats in this area of the fishery.

Conditions on the approved wildlife trade operation for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, December 2012

1. Operation of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery will be carried out in accordance with the management regime in force under the Fisheries Management Act 1991 and the Fisheries Management Regulations 1992.
2. The Australian Fisheries Management Authority to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the legislated management regime and management arrangements of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery that could affect the criteria on which Environment Protection and Biodiversity Conservation Act 1999 decisions are based.
3. The Australian Fisheries Management Authority to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.
4. Should fishing effort in waters shallower than 200 metres in the north-east portion of the North West Slope Trawl Fishery exceed 2011 levels in a given season, the Australian Fisheries Management Authority to review the ecological risk assessment for this fishery to include analysis of the impact of commercial trawling on bottom habitats in this area of the fishery.

Recommendations to the Australian Fisheries Management Authority on the ecologically sustainable management of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, December 2012

1. The Australian Fisheries Management Authority to continue to validate catch and effort information collected with independent observer data for target, byproduct and protected species when undertaking the annual review against the 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011'.
2. The Australian Fisheries Management Authority to continue to work with other jurisdictions to actively pursue consistent and/or complementary research and management arrangements to account for stocks harvested in overlapping or adjacent jurisdictions to the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.

Recommendations to the Australian Fisheries Management Authority on the ecological sustainability management of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery December 2012

The Australian Fisheries Management Authority is continuing to evaluate catch and effort information collected with independent observer data for latest, previous and projected species which are subject to the annual review against the latest strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011.

2. The Australian Fisheries Management Authority is continuing to work with other jurisdictions to actively pursue consistent and/or complementary research and management arrangements to account for stocks harvested in overlapping or adjacent jurisdictions to the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.