



The Hon Bryan Green MP
Minister for Primary Industries and Water
Parliament House
HOBART TAS 7000

Dear Minister

I am writing to you as the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the inclusion of native oysters, taken in accordance with the *Tasmanian Fisheries (Shellfish) Rules 2007*, in the list of exempt native specimens under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In February 2012, the Tasmanian Department of Primary Industries, Parks, Water and Environment provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for native oysters.

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 Tasmanian Department of Primary Industries, Parks, Water and Environment in response to recommendations made in the 2007 export assessment under the EPBC Act.

I am pleased to advise that assessment 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/tas/oyster/index.html>.

I consider that the Tasmanian harvest of native oysters operates in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. Given the management arrangements currently in place, including limited entry, area restrictions, gear restrictions, commercial catch limits based on stock surveys and regular review against reference points for native oysters, I have decided to amend the list of exempt native specimens to allow ongoing export of native oysters, taken in accordance with the *Tasmanian Fisheries (Shellfish) Rules 2007*, for a period of five years, until 5 May 2017.

While there are some environmental risks associated with the harvest of native oysters, I believe that the Tasmanian Department of Primary Industries, Parks, Water and Environment has in place measures to address these issues. Officers from the Tasmanian Department of Primary Industries, Parks, Water and Environment and the department have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment A**.

Please note that my decision under the EPBC Act relates to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the Department of Sustainability, Environment, Water, Population and Communities 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 impact of the harvest in relation to target species, 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



Nathan Hanna

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

27 April 2012

Recommendations to the Tasmanian Department of Primary Industries, Parks, Water and Environment on the ecologically sustainable management of the harvest of native oysters from the Tasmanian Shellfish Fishery, April 2012.

1. The harvest of native oysters from the Tasmanian Shellfish Fishery will be carried out in accordance with the *Tasmanian Fisheries (Shellfish) Rules 2007* in force under the *Tasmanian Living Marine Resources Management Act 1995*.
2. The Tasmanian Department of Primary Industries, Parks, Water and Environment to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the assessment of the harvest of native oysters against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Tasmanian Department of Primary Industries, Parks, Water and Environment to produce and present reports to the department annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.
4. The Tasmanian Department of Primary Industries, Parks, Water and Environment to:
 - monitor the status of native oysters in relation to reference points and report the results in the annual status reports provided to the Department of Sustainability, Environment, Water, Population and Communities
 - ensure that the management responses, should reference points be triggered, have clear timeframes for implementation, and
 - review research needs and priorities for sustainable management of the harvest of native oysters.

