



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

Our reference: 2010/13448

Hon Michael O'Brien MP  
Minister for Agriculture, Food and Fisheries  
GPO Box 668  
ADELAIDE SA 5001

Dear Minister,

I am writing to you as Delegate of the Minister for Environment Protection, Heritage and the Arts in relation to the reassessment of the South Australian Scallop and Turbo Fisheries (SASTF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the SASTF was completed in 2007. This resulted in the Delegate of the then Minister for the Environment and Water Resources declaring the fisheries as an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act until 12 September 2010.

In June 2010, Primary Industries and Resources South Australia (PIRSA) submitted the following document to the Department of the Environment, Water, Heritage and the Arts (DEWHA) for assessment, seeking continued export approval for these fisheries:

- *Ecological Assessment of the South Australian Scallop and Turbo Fisheries Reassessment Report.*

The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by PIRSA in response to conditions and recommendations made in the 2007 assessment of the fisheries.

I am pleased to advise that the assessment of the fisheries is now complete. The new assessment report will be available on the DEWHA web site at <http://www.environment.gov.au/coasts/fisheries/sa/scallop-turbo/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. The management arrangements for the SASTF meet most of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

The SASTF are relatively low impact fisheries that are suitably precautionary. The combination of the nature of the fisheries, management arrangements and progress in implementing recommendations from the initial assessment allows confidence that the fishery managers will manage the fishery to minimise bycatch, minimise interactions with protected species and manage impacts on the wider ecosystem.

Therefore, I have decided to amend the List of Exempt Native Specimens (LENS) to include specimens that are, or are derived from, fish or invertebrates taken in the SASTF, excluding specimens listed under Part 13 of the EPBC Act, until 12 September 2014 subject to several conditions at **Attachment A**. Such a listing will serve to exempt the fisheries from the export controls of the EPBC Act, providing the fisheries continue to operate in accordance with the *SA Fisheries Management Act 2007*, *Fisheries Management (General) Regulations 2000* (Scallop Fishery only) and the *Fisheries Management (Miscellaneous) Regulations 2000* and do not harvest or export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with these fisheries, I believe that PIRSA is committed to addressing these issues and has already taken proactive measures. Officers from PIRSA and DEWHA have discussed areas requiring ongoing attention and agreed to recommendations focussed on ensuring the continuation of good management practices.

These recommendations (**Attachment B**) have been an important factor in my decision to exempt the SASTF and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, DEWHA needs to be advised of any intended changes to the management regimes 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.

Yours sincerely



Nigel Routh  
Delegate of the Minister for Environment Protection, Heritage and the Arts

27/8/2010

## **Attachment A**

### **Conditions on the List of Exempt Native Specimens (LENS) Inclusion for the South Australian Scallop and Turbo Fisheries.**

1. Primary Industries and Resources South Australia (PIRSA) to develop and implement a Management Plan or Policy Document outlining:
  - the ongoing management arrangements;
  - management objectives; and
  - trigger reference points, indicators and management responses;for the South Australian Scallop and Turbo Fisheries (SASTF) by 12 September 2013.
2. PIRSA to conduct an ecological risk assessment (ERA) of the impacts of the SASTF and develop and implement mitigation measures to address identified risks as appropriate by 12 June 2013.

## **Attachment B**

### **Recommendations to PIRSA on the ecologically sustainable management of the Scallop and Turbo Fisheries.**

1. Operation of the SASTF will be carried out in accordance with the South Australian (SA) *Fisheries Management Act (2007)*, the *Fisheries Management (General) Regulations 2007*, and (for the scallop fishery only) the *Fisheries Management (Miscellaneous Fisheries) Regulations 2000*.
2. Primary Industries and Resources South Australia (PIRSA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. PIRSA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2<sup>nd</sup> Edition*.
4. PIRSA to develop and implement a system to validate commercial logbook reporting of catch and effort in the SASTF.