



The Hon Leon Bignell MP
SA Minister for Agriculture, Food and Fisheries
GPO Box 1671,
ADELAIDE SA 5001,

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Energy in relation to the reassessment of the South Australian Marine Scalefish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In January 2016, the Department of Primary Industries and Regions South Australia provided an application to the then, Department of the Environment, seeking continued export approval for the South Australian Marine Scalefish 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 Department of Primary Industries and Regions South Australia in response to the conditions and recommendations made in the 2012 export assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment and Energy's website at:
<http://www.environment.gov.au/marine/fisheries/sa/marine-scalefish>.

I consider that the management arrangements for the South Australian Marine Scalefish Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Taking into account:

- the management arrangements currently in place in the fishery, which include gear restrictions and area and seasonal closures
- the *Non-Detriment Finding for the export of CITES-listed shark species harvested from Australian waters: Sphyrna lewini (scalloped hammerhead shark), Sphyrna mokarran (great hammerhead shark), Sphyrna zygaena (smooth hammerhead shark), Lamna nasus (porbeagle shark), Carcharhinus longimanus (oceanic whitetip shark),*

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

I am also satisfied that the operation of the fishery over the period of the declaration as an approved wildlife trade operation is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, including any CITES listed taxon, or threaten any relevant ecosystem.



Accordingly, I have decided to declare the South Australian Marine Scalefish Fishery an approved wildlife trade operation until 15 March 2019. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the Department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

The assessment considered the possible impacts on smooth hammerhead sharks which are harvested in the South Australian Marine Scalefish Fishery and which are listed in the Appendices to CITES. As a party to CITES, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Specimens of species listed in Appendix II or Appendix III of CITES may be exported commercially under a CITES export permit, if sourced from an approved wildlife trade operation and a non-detriment finding has been made by the exporting country's CITES Scientific Authority. Inclusion of CITES specimens in the list of exempt native specimens is not possible due to international obligations to monitor trade. Under the EPBC Act, individual exporters are required to apply for CITES export permits and export of CITES specimens may only occur where a permit has been issued by Australia's CITES Management Authority (Department of the Environment and Energy).

Officers from the Department of Primary Industries and Regions South Australia and the Department have discussed key areas requiring ongoing attention, including the need for ongoing mitigation measures for the protection of Australian sea lions.

While there are some environmental risks associated with this fishery, I believe that the Department of Primary Industries and Regions South Australia is committed to addressing these issues and has already taken proactive measures. The Department of Primary Industries and Regions South Australia and officers from the Department have agreed to five conditions and two recommendations (**Attachments 1 and 2**).

The management plan for the South Australian Marine Scalefish Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in January 2015. Subject to a condition requiring the ongoing protection of Australian sea lions (**Attachment 3**), I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime 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 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 reaccredited the management regime for the South Australian Marine Scalefish Fishery under Part 13 of the EPBC Act. 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.



Australian Government

Department of the Environment and Energy

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Murphy'.

Paul Murphy

Delegate of the Minister for the Environment and Energy

25 July 2016



**Conditions on the approved wildlife trade operation declaration for the
South Australian Marine Scalefish Fishery – July 2016**

1. Operation of the fishery will be carried out in accordance with the management regime under the *SA Fisheries Management Act 2007*, the Fisheries Management (Marine Scalefish Fisheries) Regulations 2006 and the Fisheries Management (General) Regulations 2007.
2. PIRSA to inform the Department of the Environment and Energy of any intended material changes to the SA Marine Scalefish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. PIRSA to produce and present reports 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* (the Guidelines).
4. Following the updated scientific assessments of stock levels for snapper, King George whiting and garfish (expected in 2016, 2017 and 2018 respectively) and in response to findings in those assessments, PIRSA to:
 - a) ensure findings of the updated scientific assessments are publicly available, and include an evaluation of the success of changes to management arrangements implemented since the last fishery assessments
 - b) finalise, publicly release and implement recovery strategies to rebuild primary species stocks to ecologically viable levels, within a specific time period, appropriate to the biology of the stocks
 - c) continue to ensure that stock levels of these species are well understood.



**Recommendations to the Department of Primary Industries and Regions
South Australia on the ecologically sustainable management of the South Australian
Marine Scalefish Fishery – July 2016**

1. PIRSA to advise the Department of the Environment and Energy of:
 - a) any proposed changes to management arrangements for smooth hammerhead sharks (*S.zygaena*)
 - b) any changes to harvest levels of *S.zygaena*, particularly following the NDF review in 2017
 - c) any additional CITES or EPBC Act listed species being, likely to be, or able to be, harvested in the fishery

The Department is to be advised prior to such changes being implemented.

2. PIRSA to continue to work with industry to develop and implement a statistically robust monitoring and reporting regime for the fishery that will collect sufficient data to allow evaluation of the effectiveness of the fishery's management measures.



Part 13 Condition – Australian sea lions:

PIRSA to:

- a) maintain management measures directed toward reducing and managing the impact of fishing activity on Australian sea lions
- b) continue to monitor and review the adequacy of its Australian sea lion interaction mitigation management measures, in consultation with relevant stakeholders
- c) include an effort report within the annual reports, outlining effort using large mesh nets, particularly in 'high risk blocks' of the fishery.