



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2008/15198

The Hon Gail Gago MLC
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 Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the South Australian (SA) Marine Scalefish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In September 2011, the then Department of Primary Industries and Resources submitted the *Ecological Assessment of the South Australian Marine Scalefish Fishery Reassessment Report – Prepared for the Department of Sustainability, Environment, Water, Population and Communities for the Purposes of Part 13 and 13(A) of the Environment Protection and Biodiversity Conservation Act 1999 – September 2011* for consideration of further export approval for the SA Marine Scalefish Fishery.

The submission has been assessed for the purposes of Parts 13 and 13A of the EPBC Act, taking into account measures that have been developed by the Department of Primary Industries and Regions SA in response to conditions and recommendations made in the previous assessment of the fishery.

I am pleased to advise that assessment of the SA Marine Scalefish Fishery 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/sa/marine-scalefish/index.html>

The management regime for the SA Marine Scalefish Fishery was most recently assessed under Part 13 of the EPBC Act in 2007. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the conservation status of protected species or affect the survival and recovery of listed threatened 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 protected species. Accordingly, it is my view that actions provided for and taken in accordance with the management regime would not be expected to contravene the protected species provisions of the EPBC Act.



INVESTOR IN PEOPLE

GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666

www.environment.gov.au



Although no interactions with Australian sea lions have been reported in this fishery, there is potential for interactions to occur in the large mesh gillnet sector of the fishery. Taking into account the potential for interactions with demersal gillnets and the potential impact of even small numbers of interactions on sub-populations of Australian sea lions, the Department of Primary Industries and Regions SA identified Australian sea lions to be at medium risk from interactions with the fishery.

To ensure the management arrangements continue to require fishers to take all reasonable steps to avoid the killing or injuring of these species, I have accredited the management arrangements under Part 13 of the EPBC Act and specified a condition (**Attachment A**) that the Department of Primary Industries and Regions SA should, in consultation with relevant experts and the Department of Sustainability, Environment, Water, Population and Communities, develop and implement a management strategy to mitigate the risk of fishery interactions with Australian sea lions by 1 August 2013. 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.

I consider that the management arrangements for the SA Marine Scalefish Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. 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, given the management arrangements which include limited entry, regular stock assessments, annual assessments of the fishery against performance measures, seasonal closures, spatial restrictions, gear restrictions and minimum landing size restrictions (for both commercial and recreational sectors) for most target and byproduct species. 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, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the SA Marine Scalefish Fishery an approved wildlife trade operation until 28 January 2015. The declaration will be subject to the conditions at **Attachment A**.

While there are some environmental risks associated with the South Australian Marine Scalefish Fishery, I believe the Department of Primary Industries and Regions SA is committed to addressing these issues and has already taken proactive steps in some areas. Officers from the Department of Primary Industries and Regions SA and the Department of Sustainability, Environment, Water, Population and Communities have agreed to an additional recommendation to be implemented before the next Australian Government assessment of the fishery (**Attachment B**). This recommendation is for the Department of Primary Industries and Regions SA to continue to implement strategies to reduce the risk of overfishing due to activation of latent effort, ensure that catch levels of retained and non-retained species are sustainable and recover overfished stocks to sustainable levels.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Routh', with a long horizontal line extending to the right.

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

30 January 2012

Conditions on the Part 13 accreditation and approved wildlife trade operation declaration for the South Australian Marine Scalefish Fishery.

Part 13 Condition:

The Department of Primary Industries and Regions South Australia, in consultation with relevant experts and the Department of Sustainability, Environment, Water, Population and Communities, to develop and implement a management strategy to mitigate the risk of fishery interactions with Australian sea lions by 1 August 2013.

Part 13A Conditions:

1. Operation of the fishery will be carried out in accordance with the *Management Plan for the Marine Scalefish Fishery 2006*, the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *South Australian Fisheries Management Act 2007*.
2. The Department of Primary Industries and Regions South Australia to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the Marine Scalefish Fishery's legislated management regime and management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Department of Primary Industries and Regions South Australia 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*.

Recommendation to the Department of Primary Industries and Regions on the ecologically sustainable management of the South Australian Marine Scalefish Fishery.

1. The Department of Primary Industries and Regions South Australia to continue to develop and implement strategies to:
 - (a) reduce potential risks posed by activation of latent effort in the fishery;
 - (b) ensure catch levels of retained and non-retained species are sustainable; and
 - (c) recover overfished stocks to sustainable levels.