



Australian Government
Department of the Environment

Ref: 2013/02232

Ms Alice Fistr
Manager, Fisheries Policy and Management Unit
Department of Primary Industries and Regions South Australia
GPO Box 1625
ADELAIDE SA 5001

Dear ~~Ms Fistr~~ *Alice*

I am writing to you on behalf of the Minister for the Environment in relation to the accreditation of the management arrangements for the South Australian Marine Scalefish Fishery under Part 13 (protected species provisions) and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Thank you for notifying the Department of the Environment of the implementation of the new management plan for the fishery which came into force in October 2013. After reviewing the new management plan, the Department has determined that the new management arrangements improve on the existing management plan and as such a full reassessment of the fishery is not needed at this time. However, I note that the 2012 wildlife trade operation declaration for the fishery, which provides export approval under the EPBC Act, refers to the management plan in force at the time of the last assessment and has therefore been invalid since the new management plan came into effect in October 2013. To address this issue I have made amendments to the list of exempt native specimens under the EPBC Act to enable export of product from the fishery to recommence lawfully from now until 28 January 2015.

For any future changes to management plans in SA fisheries that are assessed under the EPBC Act, I would strongly urge that PIRSA notify the Department prior to the implementation of any changes, to allow the Department sufficient time to assess the new arrangements and update documentation as required. This will mitigate the risk of product from SA fisheries being challenged on the validity of its export approval.

As you are aware, on 30 January 2012, the SA Marine Scalefish Fishery was accredited under Part 13 of the EPBC Act, subject to a condition requiring PIRSA, in consultation with marine mammal experts and the Department, to develop and implement a management strategy to protect Australian sea lions by 1 August 2013. In July 2013, you sought an extension to the timeframe for this condition to be completed, due to delays in developing the strategy. The condition was subsequently varied, extending the timeframe to 1 February 2014.

In January 2014, you advised that although the strategy had been developed, it was unlikely the strategy would be implemented by 1 February 2014. As a consequence, you requested an extension to the Part 13 condition timeframe to allow additional time to conduct consultation with industry and implement the management strategy. I have considered your request, as well as the progress to date made by PIRSA in meeting the condition, and understand it is expected that the management strategy will be implemented in the next five months.

On this basis I have therefore agreed to vary the condition to which the current accreditation of the management arrangements for the fishery is subject. The new Part 13 accreditation (**Attachment A**) requires PIRSA to develop and implement a management strategy to protect Australian sea lions by 30 June 2014.

Please note that EPBC Act decisions relate to the management arrangements in force at the time of the decision. To ensure that decisions remain valid, it is important that conditions to which accreditation of the management arrangements for the fishery under the EPBC Act is subject are implemented. In addition, the Department needs to be advised of any intended changes to the management regime that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based. This includes both legislated amendments and operational changes.

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

24 February 2014

Condition on the Part 13 accreditation for the SA Marine Scalefish Fishery – February 2014

1. The Department of Primary Industries and Regions South Australia, in consultation with relevant experts and the Department of the Environment, to develop and implement a management strategy to mitigate the risk of fishery interactions with Australian sea lions by 30 June 2014.