



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Chris Natt MLA
Minister for Primary Industry, Fisheries and Mines
GPO BOX 3146
DARWIN NT 0801

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Northern Territory (NT) Spanish Mackerel Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An assessment of the NT Spanish Mackerel Fishery under the EPBC Act was completed in 2003. As a result of that assessment, the then Minister for the Environment and Heritage declared the NT Spanish Mackerel Fishery exempt from the export controls under Part 13A of the EPBC Act and included product from the fishery on the List of Exempt Native Specimens (LENS) until 11 February 2008. He also accredited the *Spanish Mackerel Fishery Management Plan* (1 February 1993) in force under the NT *Fisheries Act 1988* under the relevant protected species provisions of Part 13 of the EPBC Act.

In October 2007, the NT Department of Primary Industry, Fisheries and Mines (DPIFM) submitted the document *Northern Territory Spanish Mackerel Fishery Export Exemption Submission, Re-assessment Report* for consideration of further export approval of product from the fishery. The DPIFM submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DPIFM in response to recommendations made in the initial assessment of the NT Spanish Mackerel Fishery to improve the management of the fishery. I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA) website at: <http://www.environment.gov.au/coasts/fisheries/index.html>

DEWHA considers that the *Spanish Mackerel Fishery Management Plan 2005* is appropriately precautionary and is unlikely to represent a significant impact on protected species given the existing low rate of interaction. In addition, DPIFM has implemented a protected species identification and education program since the last assessment, which will enable them to gather more reliable information on the nature and frequency of protected species interactions. DEWHA therefore believes it appropriate to reaccredit the *Spanish Mackerel Fishery Management Plan 2005* for the fishery under Part 13 of the EPBC Act. The previous Part 13 declaration by the then Minister for the Environment and Heritage on 4 February 2003 to accredit the *Spanish Mackerel Fishery Management Plan* (1 February 1993) will be revoked.

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management arrangements provide the basis for the fishery to

be managed in an ecologically sustainable way. I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the NT Spanish Mackerel Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. The NT Spanish Mackerel Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, and nature of the fishery allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DPIFM is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two Departments have discussed key areas requiring ongoing and increased attention. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the fishery. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, DEWHA needs to be advised of any changes that are made to the management regime 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 amendments that may affect sustainability of the target species or negatively impact on 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

[*signed*]

Andrew McNee
Delegate of the Minister for the Environment, Heritage and the Arts

6 February 2008

Attachment A

Recommendations to DPIFM on the ecologically sustainable management of the NT Spanish Mackerel Fishery

The NT Spanish Mackerel Fishery is a well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include:

- limited entry (19 licences);
- gear restrictions;
- catch sharing arrangement with other user groups (total of 450 tonnes); and
- formalised objectives, performance indicators, trigger points and management responses (incorporated into management plan).

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation, DPIFM should action these recommendations before the next review of the fishery in 2013.

Recommendations

- 1.** Operation of the NT Spanish Mackerel Fishery will be carried out in accordance with the *Spanish Mackerel Fishery Management Plan 2005* in force under the *NT Fisheries Regulations 1993* and the *NT Fisheries Act 1988*.
- 2.** DPIFM to advise DEWHA of any intended change to the NT Spanish Mackerel Fishery management arrangements that could affect the criteria on which EPBC Act decisions are based.
- 3.** DPIFM to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
- 4.** Within two years, DPIFM to review relevant management arrangements and, where appropriate, develop and implement alternative management options to ensure the catch of all sectors of the Spanish Mackerel Fishery remains below the Total Allowable Catch.
- 5.** Within three years, DPIFM to develop and implement harvest rate and/or abundance estimates for Spanish mackerel and review current management arrangements to ensure the ecologically sustainable management of the fishery.
- 6.** Within three months of becoming aware of a triggered reference point for target, byproduct, bycatch or protected species, DPIFM to review and consider appropriate management responses, including a clear timetable for implementation of management action.

7. Within three years, DPIFM to conduct an ecological risk assessment for all sectors of the fishery (including the restricted bait net component and other NT fisheries that harvest Spanish mackerel) to determine the cumulative impact on the Spanish mackerel stock. The assessment should also consider the NT Spanish Mackerel Fishery's impact on byproduct, bycatch, protected species and the ecosystem. DPIFM to implement appropriate measures to ensure that identified risks are minimised.

8. Within three years, DPIFM to develop and implement appropriate management responses for risks ranked as 'moderate' in the NT Spanish Mackerel Compliance Risk Assessment. DPIFM to continue to engage with other State and Commonwealth agencies to minimise the risk posed by illegal fishing and once available, incorporate estimates of the level of take from illegal fishing parties into stock assessments and management arrangements for the fishery.

9. By December 2009, DPIFM to develop and implement an appropriate process to estimate the recreational and Indigenous take of Spanish mackerel from NT waters and, once available, factor these estimates into future stock assessments and management arrangements, to ensure overall catch levels are sustainable.

10. To ensure the sustainability of Spanish mackerel stocks, DPIFM to develop a performance indicator, trigger point(s) and management responses for changes in size composition of the commercial catch of Spanish mackerel. Should the performance indicator be triggered, DPIFM to implement appropriate management actions in a timely manner.

11. In relation to recording interactions with protected species in the fishery DPIFM to continue to ensure:

- (a) fishers are aware of the EPBC Act requirement to report protected species interactions within seven days;
- (b) fishers (including the bait net component) record all interactions with protected species in logbooks, including the status of the species when released; and
- (c) industry has the capacity to make these interaction reports at an appropriate level of accuracy.