



The Hon Willem Westra Van Holthe  
Minister for Primary Industry and Fisheries  
GPO Box 3146  
DARWIN NT 0801

Dear Minister

I am writing to you as the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Northern Territory Spanish Mackerel Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In October 2012, the then Northern Territory Department of Resources (now Northern Territory Department of Primary Industry and Fisheries) provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Northern Territory Spanish Mackerel Fishery.

The application has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Northern Territory Department of Primary Industry and Fisheries in response to the recommendations made in the 2008 assessment of the fishery.

I am pleased to advise that the assessment 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/nt/mackerel/index.html>.

The management regime for the Northern Territory Spanish Mackerel Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in 2008. 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 Northern Territory Spanish Mackerel 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.

I consider that the Northern Territory Spanish Mackerel Fishery operates in line with the *Australian Government Guidelines for the Ecologically Sustainable Management of Fisheries* – 2<sup>nd</sup> Edition.

Given the management arrangements and precautionary measures for the fishery including:

- limited entry (16 licences issued in 2010)
- gear restrictions
- catch sharing arrangement with other user groups
- formalised objectives, performance indicators, trigger points and management responses (incorporated into management plan), and
- a recreational personal possession limit of five Spanish mackerel per day,

I have decided to amend the list of exempt native specimens to allow export of product from the Northern Territory Spanish Mackerel Fishery for a period of five years, until 9 February 2018.

To ensure continued good management practices in the Northern Territory Spanish Mackerel Fishery, officers from the Northern Territory Department of Primary Industry and Fisheries and this department have discussed and agreed to six recommendations. These recommendations can be found at **Attachment A**.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that the decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements 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 impact on target species, 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



Nathan Hanna

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

25 January 2013

**Recommendations to the Northern Territory (NT) Department of Primary Industry and Fisheries on the ecologically sustainable management of the Northern Territory Spanish Mackerel Fishery, January 2013**

**Recommendation 1:**

Operation of the Northern Territory Spanish Mackerel Fishery will be carried out in accordance with the management arrangements in force under the Northern Territory *Fisheries Act 1988* and the Northern Territory Fisheries Regulations 1993.

**Recommendation 2:**

The Northern Territory Department of Primary Industry and Fisheries to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the NT Spanish Mackerel Fishery's management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

**Recommendation 3:**

The Northern Territory Department of Primary Industry and Fisheries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

**Recommendation 4:**

By the end of February 2016, the Northern Territory Department of Primary Industry and Fisheries to finalise the current review of management arrangements and implement any changes necessary to ensure continued sustainable management of the fishery.

**Recommendation 5:**

After considering the final report of the 2010 recreational fishing survey and its outcomes, the Northern Territory Department of Primary Industry and Fisheries to incorporate the results into future stock assessments for the fishery and the current review of management arrangements for the fishery.

**Recommendation 6:**

The Northern Territory Department of Primary Industry and Fisheries to continue to undertake regular compliance risk assessments, ensuring the outcomes are considered and appropriate management responses/arrangements are implemented.