



Australian Government
Department of the Environment

Ref: 2013/09504

The Hon. Troy Buswell MLA
Western Australian Minister for Fisheries
Level 13, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear Minister

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

In July 2013, the Western Australian Department of Fisheries provided an application to the Department of the Environment seeking continued export approval for the Western Australian Pearl Oyster 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 Western Australian Department of 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 the Environment's website at:
<http://www.environment.gov.au/topics/marine/fisheries/wa-pearl>

The management regime for the Western Australian Pearl Oyster Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in October 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 recredited the management regime for the Western Australian Pearl Oyster 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 also consider that the Western Australian Pearl Oyster Fishery operates in line with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.' Given the management arrangements and precautionary measures for the fishery including limited entry, a total allowable catch (TAC) divided into individually transferrable quota units (ITQs), zoning and size restrictions, I have decided to amend the list of exempt native specimens to allow export of product from the Western Australian Pearl Oyster Fishery for a period of five years, until 13 December 2018.

While there are some environmental risks associated with the Western Australian Pearl Oyster Fishery, I believe that the Western Australian Department of Fisheries has in place measures to address these issues. Officers from the Western Australian Department of Fisheries and this department have discussed and agreed to four recommendations focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment 1**.

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 the Environment 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 of the harvest in relation to 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



Paul Murphy

Delegate of the Minister for the Environment

12 December 2013

Recommendations to the Western Australian Department of Fisheries (WA DoF) on the ecologically sustainable management of the Western Australian Pearl Oyster Fishery, December 2013

Recommendations

1. Operation of the Western Australian (WA) Pearl Oyster Fishery will be carried out in accordance with the *WA Pearling Act 1990*, *WA Pearling (General) Regulations 1991* and *Ministerial Policy Guideline No. 17: Pearl Oyster Fishery*.
2. The Western Australia Department of Fisheries (WA DoF) to inform the Department of the Environment of any intended material changes to the WA Pearl Oyster Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. WA DoF to produce and present reports to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition*.
4. As appropriate, WA DoF to implement recommendations from the *Western Australian Pearling Industry, An Independent Review of the Compliance Program*, when transitioning the operation and management of the WA Pearl Oyster Fishery to new state legislation incorporating the *Pearling Act 1990*.

