



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

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The Hon Norman Moore  
Minister for Fisheries  
4<sup>th</sup> Floor London House  
216 St George Terrace  
PERTH WA 6000

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 Western Australia (WA) Pearl Oyster Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the Pearl Oyster Fishery was completed in 2003, resulting in the then Minister for the Environment and Heritage declaring the Pearl Oyster Fishery exempt from the export controls under Part 13A of the EPBC Act and including product from the fishery on the List of Exempt Native Specimens (LENS) until 22 October 2008.

In July 2008, the Department Fisheries WA (DFWA) submitted an *Application to the Department of the Environment, Water, Heritage and the Arts on the Western Australia Pearl Oyster Fishery* for consideration of further export approval of product from the fishery. The DFWA submission 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 also took account of measures that have been developed by DFWA in response to recommendations made in the initial assessment of the Pearl Oyster 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>.

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management regime provides the basis for the Pearl Oyster 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 Pearl Oyster Fishery excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the *WA Pearling Act 1990* and the *WA Pearling (General) Regulations 1991* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.



The management regime for the Pearl Oyster Fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The Pearl Oyster Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial Pearl Oyster Fishery assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including improved compliance and enforcement, sustainable allocation of TAC's and managing impacts on the wider ecosystem.

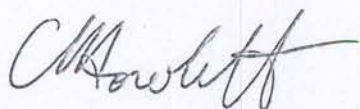
While there are some environmental risks associated with this fishery, I believe that DFWA is committed to addressing these issues and is already taking proactive steps in most areas. Officers from our two Departments have discussed key areas requiring ongoing and increased attention. I understand that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

Given there have been no changes to the management regime for the Pearl Oyster Fishery and there have not been any reported protected species interactions in the fishery, I consider that the existing Part 13 accreditation for this fishery, in relation to protected species provisions under the EPBC Act, still applies.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that the decision remains 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 legislated amendments and operational changes 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



Claire Howlett

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

20 October 2008



## Attachment A

### **Recommendations to the Western Australia Department of Fisheries (DFWA) on the ecologically sustainable management of the Western Australia (WA) Pearl Oyster Fishery**

The Pearl Oyster 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: a Total Allowable Catch (TAC) with Individual Transferable Quotas (ITQ's), limited entry and minimum and maximum size limits.

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, DFWA should action these recommendations before the next review of the fishery in 5 years.

#### **Recommendations**

1. Operation of the Pearl Oyster Fishery to be carried out in accordance with the management regime in force under the *WA Pearling Act 1990* and the *WA Pearling (General) Regulations 1991*.
2. The Department of Fisheries Western Australia (DFWA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.
4. Should fishing commence in Zone 4, DFWA to include Zone 4 in the assessment program for the fishery to ensure a reliable biological assessment of stock status is established, including performance measures, and that fishing is managed in an ecologically sustainable manner.
5. DWFA to consider the recommendations from the *Western Australia Pearling Industry, An Independent Review of the Compliance Programme* and implement those recommendations as appropriate.