



Australian Government

Department of the Environment and Energy

Ref: 001420008

The Hon Norman Moore
Chairman
Australian Fisheries Management Authority Commission
PO BOX 7051
CANBERRA BC ACT 2610

Dear Mr Moore

I am writing to you as the Delegate of the Minister for the Environment and Energy in relation to ongoing environmental approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for five Commonwealth commercial fisheries.

In October 2014, the then Australian Government Minister for the Environment, the Hon Greg Hunt MP, wrote to the then Parliamentary Secretary to the Minister for Agriculture Hon Richard Colbeck seeking his views on a proposal to extend the maximum timeframe for EPBC Act approvals from five years to ten years for commercial fisheries assessed as posing low environmental risk. These approvals are based on assessments of the fisheries' impacts on marine species protected under Part 13 of the EPBC Act, as well as evaluating fisheries for the purpose of export approval under Part 13A.

The Parliamentary Secretary responded in favour of this proposal in November 2014, consistent with the majority view of all parties consulted. The then Minister for the Environment subsequently agreed to proceed with the proposal and I am pleased to advise that the Commonwealth is now able to benefit from the extended environmental approval timeframes. Officers from the Department of the Environment and Energy and the Australian Fisheries Management Authority (AFMA) have worked collaboratively over the last several months and determined that five Commonwealth fisheries continue to meet all relevant EPBC Act requirements. I am therefore extending the export approval for these fisheries until 9 October 2026.

The five fisheries managed by AFMA that I am extending export approval for are the:

1. Bass Strait Central Zone Scallop Fishery
2. Heard Island & McDonald Islands Fishery
3. Macquarie Island Toothfish Fishery
4. Skipjack Tuna Fishery
5. Southern Squid Jig Fishery

These extensions have 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 assessments took into account all of the management arrangements implemented by AFMA in these fisheries.

The management regimes for these fisheries are currently accredited under Part 13 of the EPBC Act, for interactions with protected species. I am satisfied that it remains unlikely that fishing operations conducted in accordance with these management regimes 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 regimes, 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 agreed to continue the accreditation of the management regimes for these five fisheries under Part 13 of the EPBC Act. Ongoing 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 all five fisheries operate in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Given the management arrangements and precautionary measures in place in each fishery, I have decided to amend the list of exempt native specimens to allow export of product from each fishery until 9 October 2026.

It is important that reports be produced and presented to the Department of the Environment and Energy annually in order for the performance of these fisheries to be monitored and assessed throughout the life of the approval. Export approval is therefore contingent on AFMA producing and presenting a report on each of the fisheries it has management responsibility for to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Approval for the Skipjack Tuna Fishery is also subject to the following condition:

AFMA to review its management regime within 12 months of a Level 2a trigger, as defined in the Skipjack Tuna Fishery Harvest Strategy, being reached. This review should include ecological risk assessment and risk management, harvest strategy and bycatch arrangements. Reassessment of the fishery under these new arrangements and the provisions of the EPBC Act will be considered at this time.

These triggers are provided at **Attachment 1** for your information.

I would like to thank you for the constructive way in which your officials have approached this reform process and these assessments.

Yours sincerely



Nathan Hanna
Delegate of the Minister for the Environment and Energy
1 October 2016

Attachment 1. Description of Level 2a triggers from AFMA's *Skipjack Tuna Harvest Strategy*.

1. If the latest regional stock assessment, undertaken within last three years, indicates that the stock is underexploited, the trigger value is twice the historical high catch.
2. If there has been no regional stock assessment undertaken within the last three years, OR if the regional stock assessment outcomes are uncertain, the trigger value is 1.5 times the historical high catch.
3. If the regional stock assessment indicates that the stock is fully or over exploited, this trigger is automatically reached irrespective of the current catch level.
4. If 75 percent of Australia's skipjack tuna allocation from relevant Regional Fisheries Management Organisations, or Australia's whole of government position on Australia's skipjack tuna allocation is caught, whichever is smaller.