

Mr Tony Rundle
Chairman
Australian Fisheries Management Authority
Box 7051
CANBERRA BUSINESS CENTRE ACT 2610

Dear Mr Rundle

I am writing to you as the Delegate of the Minister for the Environment and Heritage about the assessment of the Bass Strait Central Zone Scallop Fishery (BSCZSF) scientific surveys.

As you are aware, the BSCZSF was operating under a Wildlife Trade Operation (WTO) declaration until it expired on 21 April 2006. As a result of correspondence with Dr Nick Rayns, it was agreed that reassessment of the fishery should not be progressed at this time given the Ministerial Direction which will result in the total allowable catch for the BSCZSF being set at zero for a minimum of three years from January 2006. This will effectively result in no expected commercial catch from the fishery for at least that period of time.

In June 2006, I received a letter from the Australian Fisheries Management Authority (AFMA) seeking export approval for scallops retained during scientific surveys that AFMA plans to conduct to monitor the recovery of the fishery and to provide information for future management. AFMA considers that export approval for product taken during these surveys will offset the cost for operators voluntarily participating in the surveys. AFMA also submitted a report, *Bass Strait Central Zone Scallop Fishery – Briefing for Export Approval for Scallops Taken During Scientific Surveys*, outlining the status of the fishery, the purpose of the scientific surveys, how the surveys will be conducted, how catch of scallops will be controlled and other information that AFMA considered to be relevant. The report has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I am satisfied that it is unlikely that fishing operations conducted in accordance with the conditions of the scientific permits granted under section 33 of the *Fisheries Management Act 1991* will adversely affect the conservation status of protected species, or affect the survival and recovery of threatened species. I am satisfied that the management arrangements for BSCZSF scientific surveys meet the requirements of Part 13 of the EPBC Act, that all reasonable steps are taken to ensure that protected species are not injured or killed, and that the level of interactions with such species in the fishery is not likely to adversely affect the conservation status of protected species or the survival and recovery of listed threatened species. I propose to accredit the management regime accordingly. Accreditation will ensure that individual fishers operating in accordance with the scientific permit conditions are not required to seek permits in relation to interactions with protected species.

I am also satisfied that, for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the Management regime provides for the BSCZSF scientific surveys to be managed in an ecologically sustainable way. Hence I propose to declare the operation of the BSCZSF scientific surveys a WTO for a period of three years. Please note that the declaration is subject to the conditions set out in **Attachment A** and that if any condition is not met, the Minister is compelled to revoke the WTO declaration.

I have also decided to include product from the BSCZSF scientific surveys WTO on the List of Exempt Native Specimens so that exporters will not require EPBC Act export permits. The scientific surveys would continue to operate as a WTO for the 3 year period of the declaration and all WTO conditions would continue to apply.

I would like to thank you for the constructive way in which your officials have approached this unique assessment and look forward to your formal endorsement of the conditions attached to the WTO. I have attached for your information a copy of my advice to Senator the Hon Eric Abetz (**Attachment B**).

Yours sincerely

[signed]

Andrew McNee
Delegate of the Minister for the Environment and Heritage
17 November 2006

Conditions on the Wildlife Trade Operation Declaration for the Bass Strait Central Zone Scallop Fishery (BSCZSF) Scientific Surveys

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the BSCZSF scientific surveys.

1. Operation of the surveys will be carried out consistent with the management regime in force under scientific permits granted under section 33 of the Commonwealth *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to advise the Department of the Environment and Heritage (DEH) of any material change to the BSCZSF scientific surveys that could negatively affect the assessment of the surveys against the criteria of the EPBC Act.
3. AFMA to provide annual reports to DEH on the following:
 - information sufficient to allow assessment of the compliance of operators participating in the BSCZSF scientific surveys with the management arrangements outlined in AFMA's *Bass Strait Central Zone Scallop Fishery – Briefing for Export Approval for Scallops Taken During Scientific Surveys*;
 - a description of the BSCZSF scientific surveys including:
 - i. catch and effort information; and
 - ii. outcomes from the BSCZSF scientific surveys relating to the status of the scallop stock.
4. The annual research allowance of scallops for the BSCZSF scientific surveys to be set at a sustainable level in accordance with the AFMA Research Catch and Effort Allowance Policy.