



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tony Burke MP  
Minister for Agriculture, Fisheries and Forestry  
Parliament House  
CANBERRA ACT 2600

Dear Mr Burke

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Eastern Tuna and Billfish Fishery (ETBF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An assessment of the ETBF under the EPBC Act was first completed in 2005. As a result of that assessment, the then Minister for the Environment and Heritage, declared the ETBF an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery until 20 July 2008. The Delegate of the then Minister for the Environment and Heritage also accredited the *Eastern Tuna and Billfish Fishery Management Plan 2005* in force under the *Fisheries Management Act 1991* under Section 33 and the relevant protected species provisions of Part 13 of the EPBC Act.

In April 2008, the Australian Fisheries Management Authority (AFMA) submitted the *Eastern Tuna and Billfish Fishery Annual Status Report April 2008* for consideration of further export approval of product from the ETBF. AFMA's recent submission has been assessed under 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 AFMA and actions progressed by the Department of Agriculture, Fisheries and Forestry (DAFF) in response to conditions and recommendations made in the initial assessment.

I am pleased to advise that assessment of the ETBF is now complete. The assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA's) website at:

<http://www.environment.gov.au/coasts/fisheries/commonwealth/eastern-tuna-billfish/index.html>

I note that in December 2006 AFMA advised DEWHA of proposed amendments to the Management Plan to address some technical errors that had been identified. DEWHA reviewed the proposed amendments to the Management Plan and considered that they would not materially alter previous decisions made under Section 33 and Part 13 of the EPBC Act. I therefore consider that the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

I am satisfied that the operation of the ETBF is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem in the short term.

Given the need to take action to address the more prominent risks in the ETBF including implementing the management plan in full by setting Total Allowable Effort, finalising the ecological risk assessment (ERA) and implementing management strategies to mitigate impacts identified through the ERA process, I have decided to make this WTO declaration valid until 20 January 2011, to ensure AFMA gives priority to the completion of this work. The WTO will therefore be subject to the conditions at **Attachment A**.

I recognise that as a member of the Western and Central Pacific Fisheries Commission (WCPFC), Australia is required to manage the ETBF in a manner consistent with the principles adopted in this forum. However, in the absence of agreement on catch levels at the WCPFC, DAFF will develop a whole of government position on Australia's national catch allocation, which will be underpinned by domestic legislative obligations and guided by the ETBF Harvest Strategy. I am pleased to note that in the absence of catch levels being set in either of these fora, AFMA has agreed to implement an appropriate harvest strategy designed to achieve ecological sustainability for each primary species by January 2010.

In future negotiations at the WCPFC I encourage DAFF to ensure that conservation and management measures put in place reflect a precautionary or ecosystems based approach to management, particularly given concerns about overfishing of bigeye tuna and yellowfin tuna in the region. I consider that full engagement by Australia in the WCPFC provides the best chance of ensuring it functions effectively and sustainably manages and conserves primary, secondary and bycatch species.

While there are some environmental risks associated with the ETBF, I believe that AFMA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from AFMA, DAFF and DEWHA have discussed key areas requiring ongoing and increased attention and I trust this constructive dialogue will continue. I understand that they also agreed to four additional recommended actions, focusing on engagement in WCPFC, improving the accuracy of logbook reporting, mitigating risks and impacts on secondary species and on the implementation of management measures for bycatch and discarded species which are to be implemented before the next Australian Government review of the ETBF. These recommendations can be found at **Attachment B**.

Given that the implementation of a quota management system is currently under consideration in the longer term and is likely to trigger the development of a new management plan, I would like AFMA to note that under provisions in the EPBC Act, any new management plan that is brought into force for a Commonwealth-managed fishery must be strategically assessed under Part 10 of the EPBC Act prior to the fishery exporting under that management plan.

I would like to thank you for the cooperation of your officials on this assessment and look forward to receiving your formal endorsement of the recommendations.

I have written to the Hon Tony Rundle, Chairman, Australian Fisheries Management Authority in similar terms.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Donna Petrachenko'.

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

8 July 2008

## Attachment A

### Conditions on the Wildlife Trade Operation declaration for the Eastern Tuna and Billfish Fishery (ETBF)

1. Operation of the fishery will be carried out in accordance with the *Eastern Tuna and Billfish Fishery Management Plan 2005* made under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. AFMA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. In the absence of catch levels for primary species being agreed to at the WCPFC or a whole of government position developed on Australia's national allocation AFMA will, by 31 January 2010, implement an appropriate harvest strategy designed to achieve ecological sustainability for each primary species including:
  - a) target and limit reference points; and
  - b) clear decision rules to respond to the triggering of performance criteria and localised depletions.
5. By 31 January 2009, AFMA to finalise the Ecological Risk Assessment (ERA) for the ETBF.
6. By 31 July 2009, AFMA to implement appropriate management responses to address and mitigate risks and impacts identified in the ERA and review the effectiveness of management responses at appropriate intervals.

## Attachment B

### **Recommendations to the Department of Agriculture, Fisheries and Forestry (DAFF) and the Australian Fisheries Management Authority (AFMA) on the ecologically sustainable management of the harvest of product from the Eastern Tuna and Billfish Fishery (ETBF)**

The ETBF is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainability of the fishery.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the longer term. Unless a specific time frame is provided in the recommendation, each recommendation must be addressed within the life of the declaration of the WTO (by 20 January 2011).

#### Recommendation to DAFF:

##### Recommendation 1: DAFF:

- a) in consultation with AFMA, DEWHA and other relevant government agencies, to continue to take a proactive role in the WCPFC to improve the effectiveness of the organisation in managing and conserving target, byproduct and bycatch species of the ETBF; and
- b) to consider the results of the ETBF HS in developing the whole of government position for the WCPFC and to advocate the *Commonwealth Fisheries Harvest Strategy Policy* as an example of best practice in setting sustainable catch levels.

#### Recommendations to AFMA:

Recommendation 2: AFMA to continue to investigate and identify actions to improve the accuracy of logbook data with regard to reporting bycatch and protected species interactions.

Recommendation 3: AFMA to monitor the take of secondary species and develop and implement appropriate management responses to minimise identified risks and impacts.

##### Recommendation 4:

- a) By 30 June 2009, AFMA to provide the results of the annual review of the Bycatch and Discarding Workplan to DEWHA.
- b) By 31 July 2010 AFMA to provide the results of the formal two-year review of the Bycatch and Discarding Workplan to DEWHA and outline the long term strategic approach to reduce bycatch and discards.