



Australian Government

Department of the Environment, Water, Heritage and the Arts

Our reference: 2009/17863

The Hon Norman Moore MLC
Minister for Mines and Petroleum, Fisheries and Electoral Affairs
4th Floor, London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister,

I am writing to you as Delegate of the Minister for Environment Protection, Heritage and the Arts in relation to the reassessment of the Western Australian Minor Prawn Trawl (WAMPT) Fisheries, including the Kimberley Prawn Managed Fishery (KPF), Broome Prawn Managed Fishery (BPF), Onslow Prawn Managed Fishery (OPF) and Nickol Bay Prawn Managed Fishery (NBPF), under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Initial assessments of the WAMPT fisheries were completed in 2004. This resulted in the Delegate of the then Minister for the Environment and Heritage declaring each fishery exempt from the export controls under Part 13A of the EPBC Act and including product from the fisheries in the List of Exempt Native Specimens (LENS). The BPF was included in the LENS until 13 August 2009, the KPF was included until 30 November 2009 and the OPF and NBPF were included until 18 November 2009. In 2009 it was agreed that all four fisheries would be assessed together and all were included in the LENS until 20 August 2010 to allow this to happen.

In October 2009, the Department of Fisheries Western Australia (DFWA) submitted the following document to the Department of the Environment, Water, Heritage and the Arts (DEWHA) for assessment, seeking continued exemption for these fisheries:

- *Application to the Department of the Environment, Water, Heritage and the Arts on the Broome Prawn Managed Fishery, Kimberley Prawn Managed Fishery, Onslow and Nickol Bay Prawn Managed Fishery against the Guidelines for the Ecologically Sustainable Management of Fisheries*

The 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 2004 assessments of the fisheries.



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I am pleased to advise that the assessment of the fisheries is now complete. The new assessment report will be available on the DEWHA web site at <http://www.environment.gov.au/coasts/fisheries/wa/broome-prawn/index.html>

The management regimes for the WAMPT fisheries were first accredited under the EPBC Act in 2004. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regimes will adversely affect the conservation status of protected species or affect the survival and recovery of listed threatened species.

I also consider that under the current management arrangements operators are required to take all reasonable steps to avoid the killing or injuring of protected species.

Accordingly, it is my view that actions provided for and taken in accordance with the management regimes would not be expected to contravene the protected species provisions of the EPBC Act. I have therefore recredited the management arrangements under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management arrangements are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. The management arrangements for the WAMPT fisheries meet the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

The WAMPT fisheries are relatively low impact fisheries that are suitably precautionary. The combination of management arrangements, the nature of the fisheries and progress in implementing recommendations from the initial assessment allows confidence that the fishery managers will manage the fishery to minimise bycatch, minimise interactions with protected species and manage impacts on the wider ecosystem.

Therefore, I have decided to amend the LENS to include specimens that are, or are derived from, fish or invertebrates taken in the WAMPT fisheries, excluding specimens listed under Part 13 of the EPBC Act, until 20 August 2015. Such a listing will serve to exempt the fisheries from the export controls of the EPBC Act, providing the fisheries continue to operate in accordance with the *WA Fish Resources Management Act 1994* and the *Fish Resources Management Regulations 1995* and do not harvest or export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with these fisheries, I believe that DFWA is committed to addressing these issues and has already taken proactive measures. Officers from DFWA and DEWHA have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices.

These recommendations (**Attachment A**) have been an important factor in my decision to continue to exempt the WAMPT fisheries and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, DEWHA needs to be advised of any intended changes to the management regimes 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 sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

Yours sincerely

[signed]

Nigel Routh
Delegate of the Minister for Environment Protection, Heritage and the Arts

12 August 2010

Recommendations to DFWA on the ecologically sustainable management of the Minor Prawn Trawl Fisheries.

The Western Australian Minor Prawn Trawl (WAMPT) fisheries are well managed with a range of management measures to promote the ecologically sustainable harvesting of species from the fisheries. These measures include: limited entry, area closures, size managed fishing grounds, compulsory bycatch reduction devices and gear and vessel limitations.

The following ongoing 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.

1. Operation of the Kimberley Prawn Managed Fishery (KPF) will be carried out in accordance with the *Kimberley Prawn Limited Entry Fishery Notice 1993*. Operation of the Broome Prawn Managed Fishery (BPF) will be carried out in accordance with the *Broome Prawn Managed Fishery Management Plan 1999*. Operation of the Nickol Bay Prawn Managed Fishery (NBPF) will be carried out in accordance with the *Nickol Bay Prawn Limited Entry Fishery Notice 1991*. Operation of the Onslow Prawn Managed Fishery (OPF) will be carried out in accordance with the *Onslow Prawn Limited Entry Fishery Notice 1991*. All in force under the *West Australian Fish Resources Management Act 1994* and *Fish Resources Management Regulations 1995*.
2. DFWA to inform the DEWHA of any intended amendments to the WA Minor Prawn Trawl Managed Fisheries management arrangements that may affect the assessment of the fisheries against the criteria on which 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 - 2nd Edition*
4. Within 3 years DFWA to complete and implement a Bycatch Action Plan (BAP) for all the Minor Prawn Trawl Fisheries. This should include:
 - a) a program to sample bycatch and record the range of bycatch diversity and bycatch quantities taken in each of the minor trawl fisheries over a five year period; and
 - b) identification of bycatch management best practice with the objective of moving each of the minor trawl fisheries to bycatch best practice within 5 years.
5. DFWA to include in the next 5 year review of the ecological risk assessments (November 2013) for each of the minor prawn trawl fisheries a comprehensive review of:
 - risk levels for target species,
 - risk levels for byproduct and bycatch (including protected species); and
 - impacts on the environment of the 4 minor prawn trawl fisheries combined.

DFWA to provide the results of this review to DEWHA.