



The Hon Joel Fitzgibbon MP  
Minister for Agriculture, Fisheries and Forestry  
Parliament House  
Canberra ACT 2600

Dear Minister

I am writing to you as the Delegate of the Minister for Environment, Heritage and Water in relation to the assessment of the Torres Strait Finfish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In May 2013, I agreed to include from the Torres Strait Finfish Fishery in the List of Exempt Native Specimens under the EPBC Act from 22 May 2013 until 31 October 2013. This decision allowed export from the fishery to continue while the proposed Torres Strait Finfish Fishery Management Plan was determined and brought into force.

In June 2013, the former Minister for Agriculture, Fisheries and Forestry, Senator the Hon Joe Ludwig, as the minister responsible for the *Torres Strait Fisheries Act 1984*, wrote to the Hon Tony Burke MP, former Minister for Sustainability, Environment, Water, Population and Communities, advising that he had determined the Torres Strait Finfish Fishery Management Plan 2013 under section 15A of the *Torres Strait Fisheries Act 1984*. As decisions under the EPBC Act relate to the management arrangements in force at the time the decisions were made, new instruments under the EPBC Act are now required for the Torres Strait Finfish Fishery.

The management arrangements for the Torres Strait Finfish Fishery were previously assessed under the protected species provisions of Part 13 and the export provisions of Part 13A of the EPBC Act in November 2008. The delegate of the then Minister for the Environment, Heritage and the Arts subsequently declared the Torres Strait Finfish Fishery an approved wildlife trade operation for three years, until 25 November 2011. The delegate also accredited the policy under the *Torres Strait Fisheries Act 1984* for managing the Torres Strait Finfish Fishery under Part 13 of the EPBC Act, for interactions with protected species. Since November 2011, export approval has been extended on four separate occasions, to allow the proposed management plan for the fishery to be finalised and implemented.

Section 148(2) of the EPBC Act requires that before the minister responsible for the *Torres Strait Fisheries Act 1984* determines a plan of management for a fishery under that Act, the responsible minister must make an agreement under section 146 of the EPBC Act to assess the impacts of actions under the proposed plan on the environment (a strategic assessment). Accordingly, in November 2011 the former Minister for Agriculture, Fisheries and Forestry entered into a section 146 agreement with the former Minister for Sustainability, Environment, Water, Population and Communities, to assess the impacts of actions under the proposed Torres Strait Finfish Fishery Management Plan. In February 2012, the Australian Fisheries Management Authority, on behalf of the Torres Strait Protected Zone Joint Authority, provided to the the Department of Sustainability, Environment, Water, Population and Communities a draft strategic assessment report, which included an application seeking continued export approval for the fishery. In July 2012, following completion of the strategic assessment, Minister Burke agreed to endorse the Torres Strait Finfish Fishery Management Plan.

The operation of the fishery under the Torres Strait Finfish Fishery Management Plan 2013 has now 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. This assessment took into account measures that have been developed by Torres Strait Protected Zone Joint Authority in response to the conditions and recommendations made in the 2009 assessment of the fishery under the EPBC Act and the outcomes of the 2012 strategic assessment.

I am pleased to advise that the assessment of the fishery is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at:

<http://www.environment.gov.au/coasts/fisheries/commonwealth/torres-strait-finfish/index.html>

I consider that the management arrangements for the Torres Strait Finfish Fishery meet most of the requirements of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition'. Given the management arrangements for the fishery including individual quota and limited entry, area closures, size limits and gear restrictions, I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

I am also satisfied that the operation of the fishery 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 next three years. Accordingly, I have decided to declare the Torres Strait Finfish Fishery an approved wildlife trade operation until 26 May 2016. The declaration will be subject to the conditions at **Attachment A**.

Officers from the Australian Fisheries Management Authority and the department have discussed key areas requiring ongoing attention. To ensure that these issues are addressed, officers from the Australian Fisheries Management Authority and the department have agreed to additional recommendations (**Attachment B**) to be implemented before the next Australian Government assessment of the fishery.

The previous management regime for the Torres Strait Finfish Fishery was accredited under Part 13 of the EPBC Act, for interactions with protected species, in November 2008. As the Torres Strait Finfish Fishery Management Plan 2013 formalises management arrangements for the fishery, I am satisfied that it is unlikely that fishing operations conducted in accordance with the plan will adversely affect the conservation status of listed marine species, listed migratory species or cetaceans, or adversely affect the survival or recovery in nature of listed threatened species. I also note that under section 5.7 of the management plan, 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 accredited the Torres Strait Finfish Fishery Management Plan 2013 in force under the *Torres Strait Fisheries Act 1984* under Part 13 of the EPBC Act. 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.

Please note that my decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decisions remain valid, the department needs to be advised of any intended changes to the management arrangements 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 decisions. This includes legislative amendments and operational changes that may affect the impact of the fishery in relation to target species, 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. I have written to Dr James Findlay, Chief Executive Officer of the Australian Fisheries Management Authority, in similar terms.

Yours sincerely

A handwritten signature in dark ink, consisting of a stylized 'G' followed by a long horizontal line.

Geoff Richardson

Delegate of the Minister for Environment, Heritage and Water

9/7/13 July 2013

**Conditions on the approved wildlife trade operation declaration for  
the Torres Strait Finfish Fishery, July 2013**

1. Operation of the Torres Strait Finfish Fishery will be carried out in accordance with the Torres Strait Finfish Fishery Management Plan 2013 in force under the *Torres Strait Fisheries Act 1984*.
2. The Protected Zone Joint Authority to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the Torres Strait Finfish Fishery's 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. The Protected Zone Joint Authority to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition'.

**Recommendations to Protected Zone Joint Authority on the ecologically sustainable management of the Torres Strait Finfish Fishery, July 2013**

1. The Protected Zone Joint Authority to implement strategies to improve estimates of all fishery-related removals from the Torres Strait Finfish Fishery.
2. The Protected Zone Joint Authority to develop and implement reference points and relevant management responses, including timeframes for management responses, for the Torres Strait Finfish Fishery.