



COPY

The Hon Greg Hunt MP

Minister for the Environment

PDR: MS14-000980

The Hon Ken Baston MLC
Minister for Agriculture and Food; Fisheries
4th Floor London House
216 St George's Terrace
PERTH WA 6000

Dear Minister

I am writing to you in relation to the reassessment of the Western Australian Pilbara Fish Trawl Interim Managed Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In September 2013, the Western Australian Department of Fisheries provided an application to the Department of the Environment seeking continued export approval for the Pilbara Fish Trawl Interim Managed Fishery. The application 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 took into account measures that have been developed by the Western Australian Department of Fisheries in response to the conditions and recommendations made in the 2011 assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:

<http://www.environment.gov.au/topics/marine/fisheries/wa/pilbara-trawl>

The management regime for the Pilbara Fish Trawl Interim Managed Fishery was most recently accredited under Part 13 of the EPBC Act for interactions with protected species in March 2011. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime 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 regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act, other than species listed as conservation dependent.

I have therefore accredited the management regime for the Pilbara Fish Trawl Interim Managed Fishery 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 EPBC Act protected species in Commonwealth waters. The accreditation will be subject to conditions requiring ongoing independent monitoring of protected species and implementation of measures to protect dolphins and green sawfish (Attachment 1).

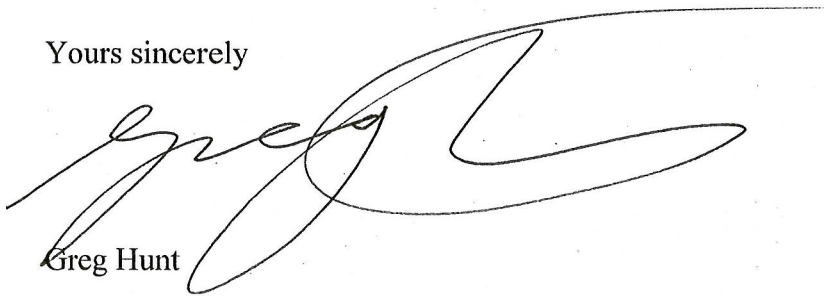
Taking into account the management arrangements in place in the fishery, I am satisfied that the operation of the Pilbara Fish Trawl Interim Managed Fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act. I am also satisfied that the operation of the fishery over the period of the declaration as an approved wildlife trade operation 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.

Accordingly, I have decided to declare the Pilbara Fish Trawl Interim Managed Fishery an approved wildlife trade operation until 18 May 2017. The declaration will be subject to the conditions at **Attachment 2** which are specified in the instrument of declaration.

Officers from the Western Australian Department of Fisheries and the Department of the Environment have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Western Australian Department of Fisheries is committed to addressing these issues and has already taken proactive measures. The Western Australian Department of Fisheries has agreed to additional recommendations (**Attachment 3**) to be implemented before the next Australian Government assessment of the fishery.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to read 'Greg Hunt', with a long horizontal flourish extending to the right.

Greg Hunt

Enc.

**Conditions on the accreditation of the management regime for the Western Australian
Pilbara Fish Trawl Interim Managed Fishery under Section 208A (Part 13) of the
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)
May 2014**

Relating to the accreditation of the management regime for the Pilbara Fish Trawl Interim Managed Fishery, in force under the Western Australian *Fish Resources Management Act 1994*, Fish Resources Management Regulations 1995, under Part 13 of the EPBC Act.

Accreditation under Part 13 means 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, in Commonwealth waters, species protected under Part 13 of the EPBC Act.

Condition A:

The Western Australian Department of Fisheries to ensure that there is sufficient ongoing fishery independent monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on EPBC Act protected species.

Condition B:

The Western Australian Department of Fisheries to ensure fishing operations are not adversely affecting the conservation status of dolphin populations, including by:

- a) developing and implementing an industry code of conduct to minimise the incidence of dolphin mortalities caused by operational fishing behaviour
- b) undertaking or facilitating research on the size and structure of dolphin populations within the fishing area, to determine whether fishing operations are affecting the conservation status of dolphin populations, and
- c) investigating and implementing alternative mitigation measures to reduce dolphin bycatch as appropriate.

Condition C:

The Western Australian Department of Fisheries to ensure that fishing operations do not adversely affect the recovery of green sawfish, through:

- a) ensuring the Pilbara Fish Trawl Interim Managed Fishery operates in accordance with the national recovery plan for sawfish
- b) developing and implementing an industry code of conduct to minimise the incidence of sawfish mortality caused by operational fishing behaviour, and
- c) considering implementation of additional mitigation measures to reduce the impact on green sawfish if effective strategies can be developed.

Declaration of the Harvest Operations of the Western Australian Pilbara Fish Trawl Interim Managed Fishery as an approved Wildlife Trade Operation, April 2014

ADDITIONAL PROVISIONS (section 303FT)

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 EPBC Act, taken in the Pilbara Fish Trawl Interim Managed Fishery.

Condition 1: Operation of the fishery will be carried out in accordance with the management regime in force under the Western Australian *Fish Resources Management Act 1994* and the Western Australian Fish Resources Management Regulations 1995.

Condition 2: The Western Australian Department of Fisheries to inform the Department of the Environment of any intended material changes to the Western Australian Pilbara Fish Trawl Interim Managed Fishery management arrangements that may affect the assessment against which Environment Protection and Biodiversity Conservation Act 1999 decisions are made.

Condition 3: The Western Australian Department of Fisheries to produce and present reports to the Department of the Environment annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations to the Western Australian Department of Fisheries on the
ecologically sustainable management of the Pilbara Fish Trawl Interim Managed
Fishery—April 2014**

Recommendation 1: The Western Australian Department of Fisheries to continue reporting publically on interactions with protected species, and to provide this information, summarised by quarter, directly to the Department.

Recommendation 2: The Western Australian Department of Fisheries to update the Bycatch Action Plan for the fishery as new research priorities arise, and to include clear goals and objectives for minimising interactions with EPBC Act listed species.