



Original Sent
from
Minister's Office

The Hon Tony Burke MP

Minister for Sustainability, Environment, Water, Population and Communities

B10/1853

Senator the Hon Joseph Ludwig
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

19 OCT 2010

Dear Minister 

In March 2010, the Australian Fisheries Management Authority (AFMA) and the Department of Agriculture, Fisheries and Forestry (DAFF) submitted the *Annual Status Report Southern Bluefin Tuna Fishery 2010* for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act).

This 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 DAFF in response to conditions and recommendations made in the previous assessment.

I am pleased to advise that assessment of the Southern Bluefin Tuna Fishery is now complete. The 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/southern-bluefin-tuna/index.html>.

I am satisfied that the operation of the Southern Bluefin Tuna Fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that 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 for the duration of my declaration.

Given the management measures in place, including output controls based on individual transferable quotas that are allocated as statutory fishing rights from an annual total allowable catch, and comprehensive compliance and monitoring arrangements, I have decided to declare the Southern Bluefin Tuna Fishery an approved Wildlife Trade Operation for three years, until 24 July 2013. I will make the declaration subject to the nine conditions at Attachment A.

There are a number of issues that need to be addressed to contain environmental risks in the longer term. To ensure that these issues are addressed and risks are minimised, I have made three recommendations to improve the environmental performance of the fishery. These are set out in Attachment B.

Officers from the Department of Sustainability, Environment, Water, Population and Communities, DAFF and AFMA have discussed key areas requiring ongoing and increased attention. I understand that the recommendations in Attachment B have been agreed to by officials in these agencies.

In October 2009, AFMA advised the then Department of the Environment, Water, Heritage and the Arts of proposed amendments to the *Southern Bluefin Tuna Management Plan 1995*. The assessment has taken account of these proposed amendments.

The Southern Bluefin Tuna Fishery and the *Southern Bluefin Tuna Management Plan 1995* were previously assessed under Part 10 (strategic assessments) of the EPBC Act in 2004. I have reviewed the Plan, including all of the amendments, and I am satisfied that the amendments do not alter the outcome of the previous strategic assessment of the fishery.

AFMA has advised the department that the amendments to the *Southern Bluefin Tuna Management Plan 1995* were determined by the AFMA Commission on 26 August 2010. Accordingly, I intend to table a Notice of Intent to accredit the *Southern Bluefin Tuna Management Plan 1995* under section 33 of the EPBC Act for the purposes of a declaration under subsection 33(1) of the EPBC Act.

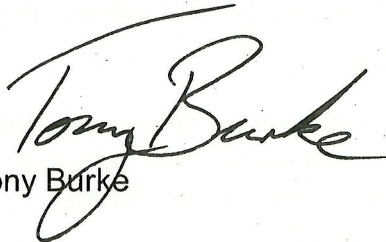
The *Southern Bluefin Tuna Management Plan 1995* was accredited under Part 13 of the EPBC Act in November 2004. I am satisfied that the amendments do not alter the outcomes of the previous accreditation.

I consider that the operation of the Southern Bluefin Tuna Fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. I also consider that under the *Southern Bluefin Tuna Management Plan 1995*, operators are required to take all reasonable steps to avoid the killing or injuring of protected species. Accordingly, I have recredited the *Southern Bluefin Tuna Management Plan 1995* under Part 13 of the EPBC Act.

I would like to thank you for the cooperation of your officials in this assessment and I look forward to receiving your assurance that the recommendations will be implemented.

I have written to the Hon Michael Egan, Chairman, AFMA, in similar terms.

Yours sincerely



Tony Burke

Enc

Conditions to the Australian Fisheries Management Authority (AFMA) and the Department of Agriculture, Fisheries and Forestry (DAFF) on the ecologically sustainable management of the Southern Bluefin Tuna (SBT) Fishery

Condition 1

Operation of the fishery will be carried out in accordance with the management arrangements for the Southern Bluefin Tuna (SBT) Fishery in force under the *Fisheries Management Act 1991*.

Condition 2

The Australian Fisheries Management Authority (AFMA) to inform the Department of Sustainability, Environment, Water, Population and Communities (the department) of any intended amendments to the SBT Fishery's management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) Act decisions are based.

Condition 3

AFMA and the Department of Agriculture, Fisheries and Forestry (DAFF) to produce and present reports to the department annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 4

AFMA to continue to investigate appropriate catch monitoring technologies which provide increased confidence in the estimates of SBT catch in the purse seine sector, and specifically:

- a) consistent with Australia's obligations under the CCSBT, complete commercial trials of stereo-video systems for monitoring at least 10 per cent of the SBT transferred to pontoons during the 2011 fishing season;
- b) make publicly available an assessment of the level of success of the stereo-video trial, including whether it meets the criteria in c) below; and
- c) if the commercial trials of stereo video in 'a)' are successful, and stereo video technology can be implemented in a manner that is cost-effective, practical and delivers estimates of average weight of fish within an appropriate timeframe, implement stereo video by the start of the 2012 fishing season.

Condition 5

DAFF and AFMA to:

- a) develop a methodology by 1 September 2012 for obtaining regular statistically robust estimates of recreational and charter fishing catch of SBT in Australian waters;
- b) using the methodology in a), to work towards progressing a first round of data and information collection with a view to making this information publicly available.

Condition 6

AFMA to:

- a) continue to ensure that there are statistically significant levels of scientific observer effort (or other reliable method) representative of sector/operation (purse seine, towing, transfer, and longline), by areas and months to, at a minimum, meet CCSBT requirements and to validate:
 - i. the nature and level of interactions with species listed under the EPBC Act. This will facilitate a quantification of the effects of fishing on these species;
 - ii. SBT commercial catch;
 - iii. SBT mortalities occurring during purse seine fishing operations;
 - iv. SBT mortalities occurring during tow operations and final transfer into the 'grow out' pontoons;
 - v. the incidence of discarding (including life status), and high grading (all sectors); and
 - vi. interactions with bycatch;
- b) continue to report on the level of scientific observer coverage by gear-specific effort as part of the annual reporting to the department prescribed in Condition 3;
- c) continue to annually compare observer reports with logbook records for species listed under the EPBC Act, implement measures to address any inconsistencies and publicly report these as part of the annual reporting to the department; and
- d) continue to ensure that 100 per cent observer coverage is met during the release process of the trial of the release of live fish to ensure compliance with the requirements of live release and to detect mortalities of SBT during the release process.

Condition 7

As part of the annual reporting to the department prescribed in Condition 3, AFMA to include an evaluation of the outcomes of the trial of the release of live fish for that year, including reporting on any measures under development or implemented that reduce or increase the probability of overcatches or to maximise the survivorship of SBT that are to be released.

Condition 8

AFMA to:

- a) note and report any detected significant increase in protected species interactions, bycatch and discarding in any sector/operation of the SBT Fishery (purse seine, towing, and longline) as part of its annual reporting to the department prescribed in Condition 3; and
- b) continue to monitor interactions with threatened species, especially white sharks (*Carcharodon carcharias*), and implement appropriate management measures to minimise interactions.

Condition 9

To the extent consistent with domestic legislation, AFMA and DAFF to implement as a minimum all actions agreed by the CCSBT to help ensure the recovery of SBT stock to ecologically sustainable levels.

Recommendations to AFMA and DAFF on the ecologically sustainable management of the SBT Fishery.

Recommendation 1

DAFF and AFMA to:

- a) take account of all known domestic sources of mortality of SBT as part of the domestic SBT management arrangements;
- b) develop a framework by 1 July 2012 for consistent management of the take of SBT by recreational and charter fishing that represents best-practice fisheries management and includes effective monitoring, compliance and enforcement activities.

Recommendation 2

DAFF to continue to pursue Australian Government objectives to incorporate an ecosystem approach to fisheries management and rebuild the SBT stock to ecologically sustainable levels. This is to include working within the CCSBT to help:

- a) restore confidence in catch data, including through the collection of fishery independent data and catch validation;
- b) continue to pursue, implement or improve effective monitoring, control and surveillance measures (e.g. Catch Documentation Scheme, International Observer Program, Vessel Monitoring System, transshipment) to ensure compliance with the global total allowable catch and ensure that unreported catches are minimised;
- c) ensure that total allowable catch levels are sustainable through the development of an appropriate Management Procedure. In this regard, Australia should continue to advocate a position consistent with the Commonwealth Fisheries Harvest Strategy Policy;
- d) ensure that decisions regarding the global Total Allowable Catch take into account all mortality of SBT;
- e) monitor the SBT spawning grounds and status of the spawning stock; and
- f) get the agreement of CCSBT to allow the use, and pursue the development, of binding measures to mitigate the impacts on ecologically related species.

Recommendation 3

DAFF to continue to ensure the department is kept informed of any significant change in the CCSBT's management of SBT.

