



Minister for the Environment, Heritage and the Arts

The Hon Tony Rundle
Chairman
Australian Fisheries Management Authority
PO Box 7051
CANBERRA BUSINESS CENTRE ACT 2610

Dear Mr Rundle

I am writing to you in relation to the assessment of the Southern Bluefin Tuna (SBT) fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An assessment of the SBT Fishery under the EPBC Act was first completed in 2004. As a result of that assessment, on 10 November 2004, the then Minister for the Environment and Heritage accredited the SBT fishery under Parts 10, 13 and 13A of the EPBC Act and declared the SBT Fishery an approved Wildlife Trade Operation (WTO) under the EPBC Act until 17 November 2007.

On 26 September 2007, the then Minister for the Environment and Water Resources signed an instrument amending the List of Exempt Native Specimens (LENS) to include product from the SBT fishery for three months, thereby extending the export approval under the EPBC Act. The extension was to allow the outcomes of the October 2007 Commission for the Conservation of Southern Bluefin Tuna (CCSBT) meeting to be incorporated into the reassessment of the fishery. The LENS instrument will expire on 22 February 2008.

In September 2007, the Australian Fisheries Management Authority (AFMA) submitted the *Annual Status Report - Southern Bluefin Tuna Fishery, August 2007* and in November 2007, AFMA submitted a supplementary report *Southern Bluefin Tuna Fishery Purse Seine Operations Supplementary information: - CCSBT 14 Outcomes - 2007* (together being the AFMA 2007 submission) for consideration of further export approval of product from the SBT Fishery.

The AFMA 2007 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 SBT fishery 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/southern-bluefin-tuna/index.html>

I am satisfied that the operation of the SBT fishery 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 current global uncertainties in relation to the stock status of SBT and that the CCSBT will be undertaking a full stock assessment in 2009, I have decided to make this WTO declaration valid for a shorter term, to expire on 25 June 2010. This declaration would allow the export of product from the fishery for the next 28 months. I will make the WTO declaration subject to the conditions at **Attachment A**.

Whilst there are continued concerns regarding the status of SBT, the recent reduction in the global Total Allowable Catch by the CCSBT is a significant step forward. I recognise the role of the CCSBT in the management of the global SBT stock and acknowledge that full engagement by Australia to deliver an effectively functioning CCSBT provides the best chance for recovery of the SBT stock.

DEWHA has some concerns that limited progress has been made on obtaining data on the recreational take of SBT in Australia. Although the take of SBT by recreational fishers is not considered significant, it is important to ensure that management decisions take account of all mortalities of SBT.

Officers from DAFF, AFMA 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 nine additional recommended actions, focusing on the trial on the release of live fish, progress within CCSBT to rebuild the SBT stock, catch monitoring, SBT catch by other sectors, the observer program, potential interactions with Great White Sharks and CCSBTs management. These recommendations can be found at **Attachment B**.

In addition, in May 2007, AFMA advised DEWHA of proposed amendments to the SBT Management Plan. The assessment has taken account of these proposed amendments. The fishery and the Plan were previously assessed in 2004 under Parts 4, 10, 13 and 13A of the EPBC Act and changes to the Plan have implications for decisions made regarding the fishery.

I have reviewed the Plan, including all of the amendments, and consider that the amendments are unlikely to have detrimental impacts in the short term on the ecological sustainability of the fishery or the surrounding marine environment. I note that the trial of the release of live fish will be limited to 2 years and that the release of live fish will be subject to a range of conditions, including the requirement for 100% observer coverage during any release of live fish.

On this basis, I am satisfied that the amendments to the Plan do not alter the outcome of the original assessment of the fishery conducted in 2004 and that the Plan continues to provide for the fishery to be managed in an ecologically sustainable way. A review of the strategic assessment of the fishery under the EPBC Act is therefore not required at this stage. Accordingly, I intend to table a Notice of Intent (NOI) to accredit the amendments to the Plan under section 33 of the EPBC Act and accredit the amendments to the Plan under the protected species provisions of Part 13 of the EPBC Act. I will make these decisions once the final Plan amendments are determined by AFMA and a copy provided to DEWHA.

I look forward to receiving a copy of the determined Plan amendments so that officers from AFMA

and DEWHA can make the necessary arrangements to table the amendments to the Plan and the NOI to accredit the amendments to the Plan in Parliament at the same time to align the requisite disallowance periods.

I have written to the Hon Tony Burke MP, Minister for Agriculture, Fisheries and Forestry in similar terms.

Yours sincerely

[Signed 21 February 2008]

Peter Garrett AM

Attachment A

Conditions on the Wildlife Trade Operation declaration for the Southern Bluefin Tuna (SBT) fishery

1. Operation of the fishery will be carried out in accordance with the *Southern Bluefin Tuna Fishery Management Plan 1995* made under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority (AFMA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act 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. AFMA to take all practical steps to ensure that 100% observer coverage is met during the release process of the trial of the release of live fish.
5. Within 12 months of the commencement of the trial of the release of live fish, AFMA to review the outcomes and provide a report to DEWHA.

Attachment B

**Recommendations to the Australian Fisheries Management Authority on the
ecologically sustainable management of the harvest of product from the
Southern Bluefin Tuna (SBT) fishery**

Recommendations to AFMA:

Recommendation 5: AFMA to ensure that the observer program, implemented to meet domestic and international data and management needs, is capable of providing statistically robust information in both the tow and purse seine operations. The observer program should at a minimum provide validation of commercial catch information including:

- SBT catch;
- SBT mortalities occurring during purse seine fishing operations;
- SBT mortalities occurring during tow operations and final transfer into the 'grow out' cages;
- the incidence of high grading and over catch; and
- interactions with bycatch and protected species.

Recommendation 6: AFMA to monitor interactions with Great White Sharks and implement appropriate management measures to minimise interactions if required.

Recommendations to DAFF:

Recommendation 1: The Department of Agriculture, Fisheries and Forestry (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:

- restore confidence in catch data, including through the collection of fishery independent data;
- establish effective Monitoring, Control and Surveillance measures (e.g. Catch Documentation Scheme, International Observer Program, Vessel Monitoring System, transshipment) to ensure compliance with the global TAC and ensure that unreported catches are eliminated;
- ensure that total allowable catch levels are sustainable through the continued development of a Management Procedure. In this regard, Australia should advocate a position consistent with the Harvest Strategy Policy;
- ensure that decisions regarding the global TAC take into account all take of SBT;
- monitor the SBT spawning grounds and status of the spawning stock and implement appropriate management measures to ensure protection if required; and
- pursue the development of measures to mitigate impacts on ecologically related species.

Recommendation 2: DAFF and AFMA to continue to investigate appropriate catch monitoring technologies that ensures the highest level of confidence in the estimates of SBT catch in the purse seine sector.

Recommendation 3: Within 2 years, DAFF in conjunction with relevant State governments, to collect data and information on the recreational and charter catches of SBT, and provide relevant information to CCSBT16.

Recommendation 4: DAFF to ensure that the management of SBT takes account of all take of SBT, including recreational and charter take within Australia.

Recommendation 7: DAFF to ensure DEWHA is kept informed of any significant change in the CCSBT's management of SBT.