



**THE HON MARK BUTLER MP
MINISTER FOR CLIMATE CHANGE
MINISTER FOR THE ENVIRONMENT, HERITAGE AND WATER**

B13/1110

The Hon Michael Egan FAICD
Chairman
Australian Fisheries Management Authority Commission
PO Box 7051
CANBERRA BC ACT 2610

Dear Mr Egan

I am writing to you in relation to the reassessment of the Australian Southern Bluefin Tuna Fishery, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Australian Southern Bluefin Tuna Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in October 2010. The then Minister for Sustainability, Environment, Water, Population and Communities subsequently declared the fishery an approved wildlife trade operation under Part 13A of the EPBC Act until 24 July 2013. This allowed export of product from the fishery to continue during the period of the declaration.

In March 2013, the Australian Fisheries Management Authority and the Department of Agriculture, Fisheries and Forestry provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Australian Southern Bluefin Tuna Fishery. The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Australian Fisheries Management Authority and the Department of Agriculture, Fisheries and Forestry in response to the conditions and recommendations made in previous export assessments under the EPBC Act.

I am pleased to advise that the assessment of the Australian Southern Bluefin Tuna 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/southern-bluefin-tuna/index.html>.

I consider that the management arrangements for the Australian Southern Bluefin Tuna Fishery meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. Taking into account the management arrangements for the fishery including individually transferrable quota, limited effort, a total allowable catch, gear limitations and catch monitoring, 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.

Accordingly, I have decided to declare the operation of the Australian Southern Bluefin Tuna Fishery an approved wildlife trade operation until 22 July 2016. The declaration will be subject to the conditions at **Attachment 1** specified in the instrument of declaration.

Officers from the Australian Fisheries Management Authority, the Department of Agriculture, Fisheries and Forestry and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Australian Fisheries Management Authority and the Department of Agriculture, Fisheries and Forestry are committed to addressing these issues and has already taken proactive measures. The Australian Fisheries Management Authority and the Department of Agriculture, Fisheries and Forestry have agreed to an additional recommendation (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery under the EPBC Act.


The *Southern Bluefin Tuna Fishery Management Plan 1995* was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in October 2010. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the management 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 consider that under 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 reaccredited the *Southern Bluefin Tuna Fishery Management Plan 1995* under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the management plan 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 under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that these decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities 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 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.

I would like to thank you for the constructive way in which your officials have approached this assessment. I have written to the Hon Joel Fitzgibbon MP, Minister for Agriculture, Fisheries and Forestry, in similar terms.

Yours sincerely



Mark Butler

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**Conditions on the approved wildlife trade operation declaration for the
Australian Southern Bluefin Tuna Fishery – July 2013**

1. Operation of the Australian Southern Bluefin Tuna Fishery will be carried out in accordance with the *Southern Bluefin Tuna Fishery Management Plan 1995*, in force under the *Fisheries Management Act 1991*.
2. The Australian Fisheries Management Authority to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended change to the Australian Southern Bluefin Tuna Fishery's management arrangements that could affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Australian Fisheries Management Authority to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.
4. The management arrangements for the Australian Southern Bluefin Tuna Fishery to include the implementation of appropriate catch monitoring technologies which provide a high degree of confidence in the estimates of southern bluefin tuna catch in the purse seine sector.
5. The management arrangements for the Australian Southern Bluefin Tuna Fishery to take account of all sources of mortality of southern bluefin tuna as part of management of the species in Australian waters. This should include a reliable estimate of recreational and charter fishing catch of the species in Australian waters.
6. The management arrangements for the Australian Southern Bluefin Tuna Fishery to continue to implement all relevant measures agreed by the Commission for the Conservation of Southern Bluefin Tuna in the Australian Southern Bluefin Tuna Fishery, to support the recovery of the southern bluefin tuna stock to ecologically sustainable levels.
7. The management arrangements for the Australian Southern Bluefin Tuna Fishery to include statistically robust levels of scientific observer coverage for all sectors to validate:
 - southern bluefin tuna commercial catch
 - mortalities, discarding and high-grading of southern bluefin tuna, and
 - interactions with bycatch and EPBC Act listed protected species, especially white sharks (*Carcharodon carcharias*).

**Recommendations on the ecologically sustainable management of the
Australian Southern Bluefin Tuna Fishery – July 2013**

1. The Department of Agriculture, Fisheries and Forestry to work with the relevant state agencies to refine and implement the methodology for obtaining reliable estimates of recreational and charter fishing catch of southern bluefin tuna in Australian waters.