



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Ref: 2007/12857

The Hon Norman Moore MLC
Minister for Mines and Petroleum, Fisheries and Electoral Affairs
4th Floor, London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister

I am writing to you as the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Western Australian Shark Bay Prawn and Scallop Managed Fisheries under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In November 2012, the Western Australian Department of Fisheries provided applications to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Western Australian Shark Bay Prawn and Scallop Managed Fisheries.

The applications have 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 recommendations made in the 2007 assessment of the fisheries.

I am pleased to advise that the assessment is now complete. The new assessment reports will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/wa/sbprawn/index.html> and <http://www.environment.gov.au/coasts/fisheries/wa/scallop/index.html>.

The management regimes for the Western Australian Shark Bay Prawn and Scallop Managed Fisheries were first accredited under Part 13 of the EPBC Act, for interactions with protected species, in February 2003. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regimes 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 regimes, 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 management regimes for the Western Australian Shark Bay Prawn and Scallop Managed Fisheries under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regimes are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

I consider that the Western Australian Shark Bay Prawn and Scallop Managed Fisheries operate in line with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.' Given the management arrangements and precautionary measures for the fisheries including limited entry, seasonal and area openings and closures, the mandatory use of bycatch reduction devices and gear controls, I have decided to amend the list of exempt native specimens to allow export of product from the Western Australian Shark Bay Prawn and Scallop Managed Fisheries for a period of five years, until 31 January 2018.

While there are some environmental risks associated with the Western Australian Shark Bay Prawn and Scallop Managed Fisheries, I believe that the Western Australian Department of Fisheries has in place measures to address these issues. Officers from the Western Australian Department of Fisheries and this department have discussed and agreed to six recommendations for each fishery, focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment 1 & 2**.

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 the decisions remains 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 impact of the harvest 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.

Yours sincerely



Nathan Hanna
Delegate of the Minister for Sustainability, Environment, Water, Population and Communities
28 January 2013

Recommendations to the Western Australian Department of Fisheries on the ecologically sustainable management of the Western Australian Shark Bay Prawn Managed Fishery
January 2013

Recommendation 1:

Operation of the fishery will be carried out in accordance with the *WA Shark Bay Prawn Managed Fishery Management Plan 1993* in force under the *Western Australian Fish Resources Management Act 1994*.

Recommendation 2:

WA Department of Fisheries to advise the department of any intended material change to the fishery's legislated management regime and management arrangements that could affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

Recommendation 3:

WA Department of Fisheries to produce and present reports to the department annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.

Recommendation 4:

WA Department of Fisheries to investigate measures to improve protected species interaction reporting, including species level identification, with particular attention to turtles and sea snake species.

Recommendation 5:

WA Department of Fisheries to review the target catch range for king prawns in the fishery to ensure that it reflects current fishing strategies and effort levels.

Recommendation 6:

WA Department of Fisheries to conduct appropriate ongoing research and/or monitoring to determine whether the actions undertaken in the Bycatch Action Plan Matrix are sufficient to minimise risk to bycatch species in the fishery.

**Recommendations to the Western Australian Department of Fisheries on the ecologically sustainable management of the Western Australian Shark Bay Scallop Managed Fishery
January 2013**

Recommendation 1:

Operation of the WA Shark Bay Scallop Managed Fishery will be carried out in accordance with the *Shark Bay Scallop Managed Fishery Management Plan 1994* in force under the *Western Australian Fish Resources Management Act 1994*.

Recommendation 2:

WA Department of Fisheries to advise the department of any intended material change to the fishery's legislated management regime and management arrangements that could affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

Recommendation 3:

WA Department of Fisheries to produce and present reports to the department annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition'.

Recommendation 4:

WA Department of Fisheries to investigate measures to improve protected species interaction reporting, including species level identification, with particular attention to turtles and sea snake species.

Recommendation 5:

WA Department of Fisheries to:

- a) continue to investigate the causes contributing to the ongoing low recruitment of scallops, and develop and implement strategies to address these where appropriate.
- b) continue evaluation of alternative fishing gears to reduce bycatch and the retention of smaller scallops, and encourage uptake of alternative gears where appropriate.

Recommendation 6:

WA Department of Fisheries to conduct appropriate ongoing research and/or monitoring to determine whether the actions undertaken in the Bycatch Action Plan Matrix are sufficient to minimise risk to bycatch species in the fishery.