



Senator the Hon Joe Ludwig
Minister for Agriculture, Fisheries and Forestry
Parliament House
Canberra ACT 2600

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 Torres Strait Prawn Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Torres Strait Prawn Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in February 2009. As a result of the 2009 assessment, the Delegate of the then Minister for the Environment, Heritage and the Arts declared the Torres Strait Prawn Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of 3 years, until 25 February 2012. This allowed export of product from the fishery to continue during the period of the declaration.

In November 2011, the Australian Fisheries Management Authority provided an application to the Department of Sustainability, Environment, Water, Population and Communities for assessment, seeking continued export approval for the fishery. In February 2012, the then delegate agreed to product derived from the Torres Strait Prawn Fishery being included in the list of exempt native specimens under Part 13A of the EPBC Act to allow additional time for the department to work with the Australian Fisheries Management Authority to negotiate conditions and recommendations.

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, taking into account measures that have been developed by the Torres Strait Protected Zone Joint Authority in response to the conditions and recommendations made in the 2009 assessment of the fishery.

I am pleased to advise that the assessment of the 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/torres-strait-prawn/index.html>

I consider that the management arrangements for the Torres Strait Prawn Fishery meet most of the requirements of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'. Given that the fishery is managed using input controls including: limited entry; permanent spatial closures and a seasonal closure; vessel and gear restrictions; and an annually set total allowable effort, 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.

I am also satisfied that the operation of 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 in the next three years.

Accordingly, I have decided to declare the Torres Strait Prawn Fishery an approved wildlife trade operation until 18 March 2016. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the department's website, and will be subject to the conditions (**Attachment A**) specified in the instrument of declaration.

Officers from the Australian Fisheries Management Authority and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Protected Zone Joint Authority is committed to addressing these issues and has already taken proactive measures.

The Australian Fisheries Management Authority, acting on behalf of the Protected Zone Joint Authority, and the department's officers have agreed to additional recommendations (**Attachment B**) to be implemented before the next assessment of the Torres Strait Prawn Fishery under the EPBC Act.

The Torres Strait Prawn Fishery Management Plan 2009 was most recently accredited under Part 13 of the EPBC Act for interactions with protected species in February 2009. 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 Torres Strait Prawn Fishery Management Plan 2009 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 the 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 decisions. This includes legislative amendments and operational changes that may affect the impact of the fishery 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. I have written to Dr James Findlay, Chief Executive Officer of the Australian Fisheries Management Authority, in similar terms.

Yours sincerely



Geoff Richardson

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

13 March 2013

**Conditions on the approved wildlife trade operation declaration for
the Torres Strait Prawn Fishery, March 2013**

1. Operation of the fishery will be carried out in accordance with the Torres Strait Prawn Fishery Management Plan 2009 in force under the *Torres Strait Fisheries Act 1984* and the Torres Strait Fisheries Regulations 1985.
2. The Protected Zone Joint Authority will advise the Department of Sustainability, Environment, Water, Population and Communities of any intended change to the Torres Strait Prawn Fishery's management arrangements that could affect the assessment against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Protected Zone Joint 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'.

Recommendations to the Protected Zone Joint Authority on the ecologically sustainable management of the Torres Strait Prawn Fishery, March 2013

1. Agencies of the Protected Zone Joint Authority to set appropriate trigger points, after which data validation systems will be reviewed for the Torres Strait Prawn Fishery.
2. a) The Protected Zone Joint Authority to ensure that relevant risk assessments for bycatch species, habitats and ecosystems in the Torres Strait Prawn Fishery are undertaken when trigger points detailed in the 'Torres Strait Prawn Fishery Harvest Strategy 2011' are reached.

b) The Protected Zone Joint Authority to continue to implement appropriate mitigation measures to ensure sustainability of bycatch species, habitats and ecosystems in the Torres Strait Prawn Fishery.

