



## The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

B10/306

Professor Glenn Hurry  
Chief Executive Officer  
Australian Fisheries Management Authority  
CANBERRA BUSINESS CENTRE ACT 2610

16 FEB 2010

Dear Professor Hurry

I am writing to you in relation to the reassessment of the Southern and Eastern Scalefish and Shark Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As you are aware, the Australian Fisheries Management Authority (AFMA) provided a submission to my Department earlier this year seeking reaccreditation for the SESSF under the export provisions of the EPBC Act. I note that this submission outlines the suite of management arrangements that apply to the SESSF, as well as progress against the conditions that were in place under the former Wildlife Trade Operation.

I am pleased to advise that the assessment of the SESSF is now complete. The assessment report will be available on my Department's website at:  
<http://www.environment.gov.au/coasts/fisheries/commonwealth/scale-fish/index.html>.

I am satisfied that the operation of the SESSF is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that, for the period of the proposed WTO accreditation, 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.

While there are environmental risks associated with the SESSF, I believe AFMA is committed to addressing these issues and is already taking proactive steps in some areas. In particular, I note the commitment to ensure a significant reduction in fishery interactions with the vulnerable-listed Australian sea lion through fisheries closures, and look forward to hearing of AFMA's progress in this regard.

However, while the management arrangements for the fishery ensure it is relatively well managed and meet most of the requirements of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*, there are a number of issues that need to be addressed to contain environmental risks in the longer term. This includes continuing work to minimise bycatch and discard levels, reducing interactions with EPBC Act listed species and other species of concern, such as the Australian sea lion, seabirds and deepwater sharks, improving the statistical robustness of the observer program and a commitment to implementing rebuilding strategies for depleted stocks.

Hence, I propose to declare the SESSF an approved WTO under Part 13A of the EPBC Act for a period of 30 months, until 30 July 2012, subject to the nine conditions at Attachment A. I have also proposed five recommended actions (Attachment B) that are to be implemented before the next assessment of the fishery. These recommendations have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

I am of the view that the operation of the 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 note that under the Management Plan operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and the level of interaction under current fishing operations is low. As such I have approved a new Part 13 accreditation.

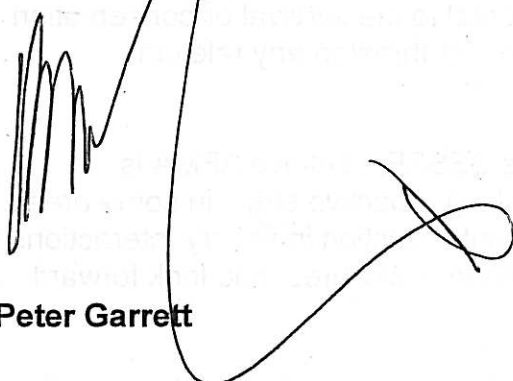
As you are aware, there will be continued public interest in the operation of this fishery. It is important that AFMA continues to deliver on its commitments and obligations with respect to the management of this fishery.

Noting the significant amount of information available on this fishery that is expected to be delivered over the coming months, my Department will continue to review the appropriateness of the conditions and recommendations of the WTO to ensure that the operation of the fishery continues to be consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. This includes the outcomes of the implementation of the management strategy that AFMA has developed to reduce fishery interactions on Australian sea lions.

I would like to thank you for the cooperation of your officials on this assessment.

Noting his interest in this matter, I have copied this letter to the Minister for Agriculture, Fisheries and Forestry, the Hon Tony Burke MP.

Yours sincerely



Peter Garrett

cc The Hon Tony Burke MP, Minister for Agriculture, Fisheries and Forestry.



**Conditions of the Wildlife Trade Operation accreditation for the Southern and Eastern Scalefish and Shark Fishery**

**Condition 1**

Operation of the fishery will be carried out in accordance with the management arrangements for the Southern and Eastern Scalefish and Shark Fishery (SESSF) in force under the *Fisheries Management Act 1991*.

**Condition 2**

AFMA will inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the SESSF management arrangements that may affect the assessment of the fishery against the criteria on which the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) decisions are based.

**Condition 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*, that include a report of progress in completing the work plans contained within the SESSF Bycatch and Discard Workplans

**Condition 4**

AFMA to provide final copies of the Ecological Risk Assessment (ERA) and Ecological Risk Management (ERM) reports for all SESSF sectors by 1 December 2010.

**Condition 5**

AFMA to:

- a) by 1 November 2010, outline a new workplan to reduce bycatch and discards in the Great Australia Bight Trawl sector of the SESSF;
- b) provide the results of the formal two-year review of the Great Australia Bight Trawl Fishery Bycatch and Discard Workplan to DEWHA by 1 March 2011;
- c) by 1 July 2011, outline new workplans to reduce bycatch and discards in the Shark Gillnet, Commonwealth Trawl Sector (formerly South East Trawl), and Automatic Longline sectors of the SESSF; and
- d) provide the results of the formal two-year review of the Shark Gillnet, Commonwealth Trawl Sector (formerly South East Trawl), and Automatic Longline Bycatch and Discard Workplans to DEWHA by 1 November 2011.

**Condition 6**

In accord with the precautionary principle, as outlined in section 391(2) of the *Environment Protection and Biodiversity Conservation Act 1999*:

- a) AFMA to continue to implement interim management measures, which will include voluntary fishery closures, increased observer coverage in areas adjacent to Australian Sea Lion colonies and other actions, designed to mitigate the impact of fishing activity on Australian Sea Lions;
- b) by 30 June 2010, taking into account current information and in consultation with marine mammal experts, AFMA to implement long-term management measures, including formal fisheries closures and other actions, that will lead to a significant reduction of the impact of fishing activity on Australian Sea Lions. These measures will be clearly directed towards enabling recovery of the species, including all sub-populations; and

- c) AFMA, in consultation with marine mammal experts, will continue to monitor and review the adequacy of management measures towards the objective of avoiding mortality of, or injuries to, Australian Sea Lions so as to enable the recovery of Australian Sea Lion populations, including all sub-populations.

#### **Condition 7**

AFMA to:

- a) evaluate the effectiveness of strategies used to mitigate against seabird interactions in the SESSF, using evidence-based criteria to measure performance. The outcome of this evaluation is to be included as part of the annual reporting to DEWHA prescribed in Condition 3; and
- b) develop and implement appropriate management responses to address the outcomes of each evaluation within 10 months of issues having been identified as part of the annual reporting to DEWHA prescribed in Condition 3.

#### **Condition 8**

By 1 July 2010, AFMA to:

- a) ensure statistically robust levels of ongoing observer effort (or other reliable method) to validate the nature and level of interactions with, and to facilitate a quantification of the effects of fishing on: species that are identified as high risk through ecological risk assessment processes, species listed under the Environment Protection and Biodiversity Conservation Act 1999 and any other species identified by DEWHA to be of concern; ensuring that scientific observer coverage is representative of each sector of the SESSF, by vessel-types, areas and months;
- b) report on the level of scientific observer coverage by gear-specific effort as part of the annual reporting to DEWHA prescribed in Condition 3, and make this observer coverage level publicly available; and
- c) annually compare observer reports with logbook records for species listed under the Environment Protection and Biodiversity Conservation Act 1999 and put measures in place to address any inconsistencies.

#### **Condition 9**

Taking into consideration any recommendations made by the Threatened Species Scientific Committee or listings decisions made by the Minister for the Environment, Heritage and the Arts under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999*:

- a) by 30 June 2010, AFMA to implement interim management measures, which may include and are not limited to, more precautionary catch limits, fisheries closures, monitoring of improved handling practices, training of AFMA observers and SESSF fishers, improved observer coverage, constraining the expansion of fishing effort and other actions, designed to mitigate the impact of fishing activity on Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog;
- b) by 17 December 2010, taking into account current information and in consultation with relevant experts, AFMA to implement long-term management measures, including fisheries closures and other actions, that will lead to a significant reduction of the impact of fishing activity on Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog. These measures will be clearly directed towards stopping the decline of, and supporting the recovery of each species; and
- c) AFMA, in consultation with relevant experts, will continue to monitor and review the adequacy of management measures towards the objective of stopping the decline of, and supporting the recovery of Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish, and Greeneye Spurdog.



***Recommendations of the Wildlife Trade Operation accreditation for the Southern and Eastern Scalefish and Shark Fishery***

**Recommendation 1**

AFMA to:

- a) report on the implementation and success of existing rebuilding strategies for SESSF species that are below their limit reference point ( $B_{Lim}$ ) as part of the annual reporting to DEWHA prescribed in Condition 3. This report should include an assessment of the effectiveness of the rebuilding strategy in meeting its objectives; and
- b) advise DEWHA of any species/stock or stocks of species identified as potentially being below their limit reference point ( $B_{Lim}$ ), and therefore possibly requiring the development of a rebuilding strategy consistent with the Commonwealth Fisheries Harvest Strategy Policy. DEWHA to be advised as soon as the relevant SESSF Research Assessment Group raises such concerns.

**Recommendation 2**

AFMA to continue to implement appropriate management responses to address and mitigate risks and impacts for species that are identified as high risk through ERA processes. A review of the effectiveness of management responses to mitigate the interactions outlined in the ERAs should be undertaken at appropriate intervals. Measures to mitigate interactions should be incorporated into AFMA's management arrangements for the relevant sectors of the fishery.

**Recommendation 3**

AFMA to ensure Vessel Management Plans are in place for all SESSF trawl licensed boats by 31 December 2011.

**Recommendation 4**

AFMA to investigate methods for improving data collection on seabird interactions for vessels that use trawl gear in the SESSF, including the ability or necessity to collect data by means other than logbooks and the SESSF observer program.

**Recommendation 5**

AFMA is encouraged to maintain ongoing liaison and joint stock assessments with bordering jurisdictions to ensure resources are managed on a whole of fishery basis. AFMA are to advise DEWHA of the outcomes of these deliberations as they occur.

