



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tony Burke MP
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

Dear Minister Burke

I am writing to you as the Delegate of the Minister for the Environment, Heritage and the Arts regarding the Wildlife Trade Operation (WTO) declaration for the Southern and Eastern Scalefish and Shark Fishery (SESSF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In declaring the SESSF as an approved WTO on 21 December 2006, six conditions were attached to the declaration. Condition 5 required the Australian Fisheries Management Authority (AFMA) to develop and implement within 12 months formal recovery plans for species in the SESSF classified as overfished, with priority to be given to eastern gemfish and school shark.

Since the 2006 WTO declaration, significant fisheries policy developments have occurred, most notably the formal launch in September 2007 of the *Commonwealth Fisheries Harvest Strategy Policy* (the Harvest Policy) and the release of the 2005 and 2006 Bureau of Rural Sciences *Fishery Status Reports*. The release of these major documents has significantly altered the context in which fisheries are managed as well as the status of many commercial fish stocks.

As a result of the significant developments in fisheries policy and in light of advice from AFMA regarding progress in meeting the current Condition 5, I have decided to vary Condition 5 of the WTO to ensure the Condition's intent remains relevant. The new schedule to the WTO declaration for the SESSF is at **Attachment A**.

Yours sincerely

[Signed]

Andrew McNee

Delegate of the Minister for the Environment, Heritage and the Arts
12 December 2007

SCHEDULE
December 2007

Declaration of the Harvest Operations of the Southern and Eastern Scalefish and Shark Fishery (SESSF) as an approved Wildlife Trade Operation

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the SESSF.

1. Operation of the fishery will be carried out in accordance with the *Southern and Eastern Scalefish and Shark Management Plan 2003*.
2. Australian Fisheries Management Authority (AFMA) will inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any changes to the *Southern and Eastern Scalefish and Shark Management Plan 2003* or other significant policy documents to enable DEWHA to evaluate any impact on the ecological sustainability of the fishery.
3. Reports to be produced and presented to the DEWHA annually, and to include:
 - a. a statement of the extent to which the performance criteria of the *Southern and Eastern Scalefish and Shark Management Plan 2003* were met in the year; and
 - b. information sufficient to allow assessment of the progress of AFMA in implementing the recommendations made in the *Assessment of the Southern and Eastern Scalefish and Shark Fishery December 2006*.
4. AFMA by the end of 2007 to ensure a defined process for expanding fishing effort in each sector of the SESSF to new areas and/or new species is implemented within the formal management arrangements for the SESSF.
5. Consistent with the *Commonwealth Fisheries Harvest Strategy Policy* AFMA to develop and implement rebuilding strategies for all SESSF species below their limit reference point (B-Lim). Priority is to be given to finalising rebuilding strategies for eastern gemfish and school shark to be completed by 21 December 2007, and Blue Warehou by 21 December 2008.
6. AFMA to finalise the SESSF Bycatch Action Plan (BAP) by June 2007. The BAP should include specified targets for bycatch reduction across all sectors, with the aim of minimisation, along with measures to address bycatch mitigation and performance measures to evaluate effectiveness of the various bycatch reduction measures.