



Australian Government

Department of the Environment, Water, Heritage and the Arts

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

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the Western Tuna and Billfish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the Western Tuna and Billfish Fishery was completed in December 2004, resulting in the then Delegate of the Minister for the Environment and Heritage declaring the fishery exempt from the export controls of the EPBC Act until 1 December 2009. The *Western Tuna and Billfish Fishery Management Plan 2005* was accredited in November 2006 under the relevant protected species provisions of Part 13 of the EPBC Act.

In October 2009, the Australian Fisheries Management Authority (AFMA) submitted their submission for assessment under the EPBC Act. The submission 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.

I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of Environment, Water, Heritage and the Arts (DEWHA) website at:

<http://www.environment.gov.au/coasts/fisheries/commonwealth/southern-western-tuna-billfish/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens, to include specimens that are or are derived from fish taken in the Western Tuna and Billfish Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the *Western Tuna and Billfish Fishery Management Plan 2005*, made under the *Commonwealth Fisheries Management Act 1991* and continues not to involve the export of specimens listed on the Convention on the International Trade in Endangered Species.

Additionally, as there have been no significant changes to management arrangements since our last assessment of the fishery in 2004 and noting the level of reported interactions with protected species in the fishery remains very low, I consider that the Western Tuna and Billfish Fishery continues to comply with the protected species provisions of the EPBC Act. For this reason I have decided to reaccredit the fishery's management arrangements under Part 13.

The management arrangements for the Western Tuna and Billfish Fishery meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. The Western Tuna and Billfish Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, proposed strategies and the nature of the fishery allows confidence that the fishery managers will minimise bycatch levels, minimise interactions with protected species and manage impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that AFMA is committed to addressing these issues. Officers from our two departments have discussed key areas requiring ongoing attention. I understand they have agreed to a number of recommended actions, focusing on ensuring the continuation of good management practices, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment A** have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

I would also like to reiterate that EPBC Act approvals are given to the Western Tuna and Billfish Fishery's management regime in place at the time of the decision and as such DEWHA must be advised of any management changes, to ensure that accreditations remain valid.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed.

I have written to Mr Michael Egan, Chairman, Australian Fisheries Management Authority in similar terms.

Yours sincerely

[signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
27 November 2009

Attachment A

Recommendations to AFMA on the ecologically sustainable management of the Western Tuna and Billfish Fishery.

Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the Western Tuna and Billfish Fishery in December 2014.

1. Operation of the Western Tuna and Billfish Fishery will be carried out in accordance with the *Western Tuna and Billfish Fishery Management Plan 2005* in force under the *Commonwealth Fisheries Management Act 1991*.
2. AFMA to inform DEWHA of any intended amendments to the Western Tuna and Billfish Fishery management arrangements that may affect the assessment of the fishery against the criteria on which the Environment Protection and Biodiversity Conservation Act 1999 Act (EPBC Act) decisions are based.
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*.
4. AFMA to provide final copies of the Ecological Risk Assessment (ERA) and Ecological Risk Management (ERM) reports for the WTBF by 1 December 2010, including a catch or effort level trigger within the ERM, above which the ERA is reassessed.
5. AFMA to continue to implement appropriate management responses to address and mitigate risks and impacts identified in the ERA and review the effectiveness of management responses at appropriate intervals, with a particular focus on chondrichthyan mortality.
6. AFMA to:
 - a. provide the results of the formal two-year review of the Bycatch and Discarding Workplan to DEWHA by 1 April 2011;
 - b. by 1 December 2010, outline a new workplan to reduce bycatch and discards in the WTBF.
7. By 1 December 2010, AFMA to revise and implement the WTBF harvest strategy, to include:
 - a. an appropriate catch or effort level trigger, above which the current WTBF harvest strategy decision rules are applied; and
 - b. a risk-based justification of the management approach in force before this trigger is reached.

AFMA should provide the results of the harvest strategy to the Department of Agriculture, Fisheries and Forestry (DAFF) so they can be used for the development of the whole of government approach in any negotiations of Australia's national allocation at the IOTC.

8. DAFF, in consultation with relevant agencies, to:
 - a. continue to engage in the IOTC with the aim of improving the effectiveness of the organisation in managing and conserving target, byproduct and bycatch species in the WTBF, in the pursuit of EBFM.
 - b. consider the WTBF Harvest Strategy in developing the whole of government position for negotiations related to the WTBF in the IOTC, and to advocate the Commonwealth Fisheries Harvest Strategy Policy as an example of best practice in setting sustainable catch levels.