



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 Abrolhos Islands and Mid West Trawl Managed Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In November 2012, the Western Australian Department of Fisheries provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Western Australian Abrolhos Islands and Mid West Trawl Managed Fishery.

The application has been assessed for the purposes of 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 2008 assessment of the fishery.

I am pleased to advise that the assessment 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/wa/abrolhos-island/index.html>

I consider that the Western Australian Abrolhos Islands and Mid West Trawl Managed Fishery operates 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 fishery 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 Abrolhos Islands and Mid West Trawl Managed Fishery for a period of five years, until 15 March 2018.

While there are some environmental risks associated with the Western Australian Abrolhos Islands and Mid West Trawl Managed Fishery, 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 five recommendations for the fishery, focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment 1**.

The management regime for the Western Australian Abrolhos Islands and Mid West Trawl Managed Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in March 2005. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime 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 regime, 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 regime for the Western Australian Abrolhos Islands and Mid West Trawl Managed Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime 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 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

A handwritten signature in purple ink, consisting of a stylized 'G' followed by a long horizontal line.

Geoff Richardson

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

28 March 2013

Recommendations to the Western Australian Department of Fisheries on the ecologically sustainable management of the Western Australian Abrolhos Islands and Mid West Trawl Managed Fishery March 2013

Recommendation 1:

Operation of the fishery will be carried out in accordance with the Western Australian (WA) Abrolhos Islands & Midwest Trawl Limited Entry Fishery Notice 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 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.

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, and
- b) continue to evaluate alternative mesh size for trawl nets to reduce the retention of small size scallops, and encourage uptake of alternative fishing gear where appropriate.

