



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

---

The Hon Jon Ford MLC  
Minister for Fisheries  
9<sup>th</sup> Floor Dumas House  
2 Havelock St  
WEST PERTH WA 6005

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Western Australia (WA) Abrolhos Islands and Mid West Trawl Managed Fishery (AIMWTMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the AIMWTMF was completed in 2005, resulting in the delegate of the then Minister for the Environment and Heritage declaring the AIMWTMF an approved Wildlife Trade Operation under Part 13A of the EPBC Act until the 22 March 2008. He also accredited the *Abrolhos Islands and Mid West Trawl Limited Entry Fishing Notice 1993* in force under the *WA Fish Resources Management Act 1994* under the relevant protected species provisions of Part 13 of the EPBC Act.

In January 2008, the WA Department of Fisheries (DFWA) submitted an *Application to the Department of the Environment, Water, Heritage and the Arts on the Abrolhos Islands and Mid West Trawl Managed Fishery* for consideration of further export approval of product from the fishery. The DFWA submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DFWA in response to recommendations made in the initial assessment of the AIMWTMF to improve the management of the fishery.

I am pleased to advise that the assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA) website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no changes to the management arrangements since the initial assessment of the AIMWTMF that may negatively impact on protected species and noting that there are management measures in place to minimise the risk of interactions, I consider that the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management arrangements provide the basis for the AIMWTMF to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens (LENS), to include specimens that

are, or are derived from, fish or invertebrates taken in the AIMWTMF excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the *Abrolhos Islands and Mid West Trawl Limited Entry Fishing Notice 1993* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the AIMWTMF meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The AIMWTMF is a relatively low impact fishery that has appropriately precautionary management arrangements. The combination of management arrangements, research and progress in implementing recommendations from the initial AIMWTMF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DFMA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two Departments have discussed key areas requiring ongoing and increased attention. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the AIMWTMF. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the AIMWTMF and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, DEWHA needs to be advised of any changes that are made to the management regime 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 sustainability of the target species or negatively impact on 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

Ian Cresswell  
Delegate of the Minister for the Environment, Heritage and the Arts  
March 2008



**Recommendations to the Western Australia Department of Fisheries on the ecologically sustainable management of the Abrolhos Islands and Mid West Trawl Managed Fishery (AIMWTMF)**

The AIMWTMF is a well managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: limited entry, spatial and temporal closures to protect spawning stock, data collection systems and gear restrictions.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation, Department of Fisheries Western Australia (DFWA) should action these recommendations before the next review of the fishery in 2013.

**Recommendations**

1. Operation of the AIMWTMF will be carried out in accordance with the *Abrolhos Islands and Mid West Trawl Limited Entry Fishery Notice 1993* made under the *Western Australian Fish Resources Management Act 1994*.
2. DFWA to advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended material change to the AIMWTMF legislated management regime and management arrangements that could affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. By August 2009, DFWA to identify and review risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment for the AIMWTMF. DFWA to implement appropriate measures to ensure identified risks are addressed and minimised.
5. Within 2 years DFWA to develop and implement a performance indicator(s) and performance measure(s) capable of detecting a shift in fishing effort to western king prawn that, when exceeded, triggers an appropriate review process and precautionary management response, where required, to ensure stocks remain ecologically sustainable.
6. By March 2010, DFWA to finalise, adopt and implement the Bycatch Action Plan for the AIMWTMF, including ongoing review and progress reporting on its implementation.

7. In conjunction with Recommendations 4 and 6, DFWA to develop and implement a program to identify long-term trends in bycatch diversity and abundance in the AIMWTMF.
8. By March 2010 DFWA to conduct a compliance risk assessment for the fishery and implement a compliance strategy to address any identified risks.
9. DFWA to monitor and report on the level of exploratory fishing in non traditional areas of the AIMWTMF. Where fishing effort in non-traditional areas increases, DFWA to ensure the impacts of fishing on bycatch and benthic habitats in these areas is considered in the management of the fishery.
10. DFWA to continue to investigate the drivers of scallop recruitment and, where appropriate, develop and implement strategies to ensure the ongoing ecologically sustainable management of the AIMWTMF.