



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Ian Macdonald MLC
Minister for Primary Industries
Parliament House
Macquarie St
SYDNEY NSW 2000

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 New South Wales (NSW) Estuary General Fishery (EGF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the EGF was completed in 2003, resulting in the then Minister for the Environment and Heritage declaring the EGF exempt from the export controls under Part 13A of the EPBC Act and including product from the fishery on the List of Exempt Native Specimens (LENS) until 25 April 2008.

In February 2008, the NSW Department Primary Industries (DPI) provided the '*Submission to the Department of the Environment, Heritage, Water and the Arts on behalf of the NSW fishing industry seeking ongoing export approval for the NSW Estuary General Fishery – February 2008*', for consideration of further export approval of product from the EGF. The NSW DPI submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by NSW DPI in response to recommendations made in the initial assessment of the EGF to improve the management of the fishery.

Assessment of the EGF against Part 13A of the EPBC Act was completed before the 25 April 2008 export expiry date. However, a decision to renew the fisheries five year export approval was not able to be made at that time due to agreement being unable to be reached between NSW DPI and the Department of the Environment, Water, Heritage and the Arts (DEWHA) on the proposed recommendations.

In order to allow a period to reach resolution with NSW DPI without unduly impacting on the fishers, I, as Delegate of the Minister for the Environment, Heritage and the Arts, made a decision to include the product harvested from the EGF on the LENS until 25 July 2008.

I am pleased to advise that assessment of the fishery is now complete. The new assessment report will be available on the DEWHA at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

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 EGF to be managed in an ecologically sustainable way. I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the EGF 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 continues to operate in accordance with the *Fisheries Management Act 1994* 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 EGF perform satisfactorily against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The EGF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, the strategy for developing fishery independent sampling tools, research projects and progress in implementing recommendations from the initial EGF 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 NSW DPI is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our Departments have discussed key areas requiring ongoing and increased attention, and have now agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the EGF. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the EGF 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 the decision remains valid, DEWHA needs to be advised of any intended 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

Donna Petrachenko

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Delegate of the Minister for the Environment, Heritage and the Arts

22 July 2008

Recommendations to the New South Wales (NSW) Department of Primary Industries (DPI) on the ecologically sustainable management of Estuary General Fishery (EGF).

The NSW EGF is a well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery.

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, NSW DPI should action these recommendations before the next review of the fishery in 2013.

Recommendations

1. Operation of the EGF will be carried out in accordance with the NSW *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* in force under the NSW *Fisheries Management Act 1994*.
2. NSW DPI to advise DEWHA of imminent and substantive changes to the EGF management arrangements that may affect the assessment of the fishery against the criteria upon which the EPBC Act decisions are based.
3. NSW DPI 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. NSW DPI to:
 - participate with other harvest sectors over the development of a recovery program for silver trevally and mullet; and
 - for species categorised as growth overfished, such as eastern king prawn and school prawn, the status of the stocks will be reviewed and specific measures implemented, as required, within 12 months to prevent the stocks from becoming recruitment overfished;

in order to ensure the ecological sustainability of the EGF.

5. NSW DPI in collaboration with industry to identify ongoing research and monitoring priorities in the EGF and incorporate these within the work plan for the cross-fishery Scientific Observer Program or other research and monitoring mechanisms. Results of any relevant research or information should inform the management of the fishery and changes made to management arrangements where required.
6. NSW DPI to continue to develop and implement a new catch information management system for the major NSW commercial fisheries (including EGF) to introduce finer scale catch and effort reporting and improve data

analysis. A robust system to validate catch and effort logbook data should be included as part of the implementation of the catch information system.

7. NSW DPI to continue to collaborate, where appropriate, with other jurisdictions to actively pursue consistent and/or complementary research needs and management arrangements for the target species.
8. NSW DPI to continue to monitor and assess bycatch in the major NSW commercial fisheries (including EGF) under NSW DPI's Resource Assessment Framework and scientific observer program, to ensure that changes in quantity and/or composition can be monitored and verified over time.
9. NSW DPI to ensure that fishery assessment processes and management arrangements, for primary and secondary EGF species, take account of all removals, including best estimates of recreational, Indigenous and illegal catch.