



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

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Torres Strait Trochus Fishery (TSTF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The TSTF was first assessed by the then Australian Government Department of the Environment and Heritage (DEH) in November 2005 under Parts 10, 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. The fishery was accredited as an approved Wildlife Trade Operation (WTO) for the purposes of export of product from the fishery for the maximum period of three years until 25 November 2008.

In June 2008, the Protected Zone Joint Authority (PZJA) submitted the report, *Strategic and export reassessment report – Torres Strait Trochus Fishery* (the 2008 submission) for consideration of further export approval of product from the TSTF. The 2008 submission has been assessed for the purposes of Parts 13 and 13A of the EPBC Act. The assessment also took account of measures that have been developed by the PZJA in response to recommendations made in the 2005 assessment of the TSTF.

I am pleased to advise that the assessment of the TSTF 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/commonwealth/torres-strait-trochus/index.html>.

I am satisfied that the operation of the TSTF is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem in the short to medium term.

Given the development of a harvest strategy, lack of bycatch and by-product due to the hand collection methods used, and the progress towards making docket books compulsory, I have decided to declare the TSTF a WTO for 3 years, until



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25 November 2011. The WTO declaration will be subject to the conditions at Attachment A.

While there are some environmental risks associated with the TSTF, I believe the PZJA are committed to addressing these issues and are already taking proactive steps in some areas. Officers from Australian Fisheries Management Authority (AFMA) and DEWHA have discussed key areas requiring ongoing and increased attention.

AFMA officers have agreed to four additional recommendations; focusing on finalisation and implementation of a harvest strategy for the TSTF, conducting research into trochus stocks and addressing compliance risks in the fishery to be implemented before the next Australian Government review of the TSTF. These recommendations can be found at Attachment B.

In the 2005 assessment of the TSTF the accreditation under Part 13 of the EPBC Act (protected species provisions) of fisheries managed under the *Torres Strait Fisheries Act 1984* (TSF Act) was not provided for.

The EPBC Act was amended in 2007 and now allows for the accreditation under Part 13 of fisheries managed under the TSF Act. The 2008 submission provided by the PZJA, states that there have been no recorded interactions with any protected species in the TSTF. Therefore, DEWHA considers that the PZJA is managing the TSTF in a manner that complies with the EPBC Act sufficient for the management regime to be accredited under Part 13 of the EPBC Act.

Please note that the decisions on this assessment are contingent on receiving the formal agreement of the PZJA on the recommendations made to enhance the management of the fishery. I look forward to receiving the final PZJA response to these recommendations as soon as possible.

I have written to the Hon Tony Rundle, Chairperson, AFMA in similar terms and provided copies to Mr John Toshie Kris, TSRA Chairperson and the Hon Tim Mulherin MP, Queensland Minister for Primary Industries and Fisheries.

Yours sincerely



Claire Howlett
Delegate of the Minister for the Environment, Heritage and the Arts
8 November 2008

cc: Mr John Toshie Kris, Chairperson, Torres Strait Regional Authority

The Hon Tim Mulherin MP, Queensland Minister for Primary Industries and Fisheries

Attachment A

Conditions on the Wildlife Trade Operation declaration for the Torres Strait Trochus Fishery (TSTF)

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 *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the TSTF.

1. Operation of the fishery will be carried out in accordance with the management regime in force under the Commonwealth *Torres Strait Fisheries Act 1984* and *Torres Strait Fisheries Regulations 1985*.
2. The Protected Zone Joint Authority (PZJA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the assessment of the TSTF against the criteria on which EPBC Act decisions are based.
3. The PZJA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Protected Zone Joint Authority (PZJA) on the ecologically sustainable management of the Torres Strait Trochus Fishery (TSTF)

The material submitted by the PZJA for assessment of the TSTF suggests the fishery generally operates in accordance with the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

DEWHA is satisfied that the harvest of Trochus from the TSTF will not be detrimental to the survival or conservation status of the taxon to which the fishery relates in the short to medium term. Similarly, it is not likely to threaten any relevant ecosystem in the short to medium term. To minimise the risks in the longer term, the following recommendations have been made for the TSTF.

Recommendations:

1. The PZJA to develop and finalise the harvest strategy for the TSTF with objectives, performance indicators and performance measures appropriate to the fishery by 30 June 2011. The harvest strategy should also implement measures to prevent localised depletion.

In the interim, the PZJA to closely monitor catch levels in the TSTF until the harvest strategy is formally implemented. The PZJA to take immediate action if the total allowable catch is reached.

2. The PZJA to undertake appropriate research on target species in the TSTF to inform the setting of sustainable catch levels through the harvest strategy. Research should focus on providing reliable biomass estimates of target species and where possible:
 - address key gaps in the understanding of the biology and ecology of trochus; and
 - provide an assessment of the ecosystem impacts of the fishery in the Torres Strait.
3. The PZJA to continue to cooperate with other relevant jurisdictions to pursue complementary management and research of shared stocks, which may be affected by cross-jurisdictional issues.
4. The PZJA to develop and implement measures to improve compliance within the TSTF with particular focus on improving:
 - accuracy of commercial catch records; and
 - estimates of removals by recreational, indigenous and illegal fishers.