



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2008/23616

Senator the Hon Joe Ludwig
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

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 Torres Strait Trochus Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Torres Strait Trochus Fishery was previously assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in November 2008. As a result of the 2008 assessment, the Delegate of the then Minister for the Environment, Heritage and the Arts declared the Torres Strait Trochus Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years, until 25 November 2011. This allowed export of product from the fishery to continue during the period of the declaration.

In October 2011, the Australian Fisheries Management Authority provided the 'Annual Status Report – Torres Strait Trochus Fishery Export Accreditation – August 2011', for consideration of further export approval for the Torres Strait Trochus Fishery.

The application has been assessed for the purposes of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Australian Fisheries Management Authority and the Torres Strait Protected Zone Joint Authority in response to the conditions and recommendations made in the 2008 assessment of the fishery.

I am pleased to advise that the assessment is now complete. The assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/commonwealth/torres-strait-trochus/index.html>

I consider that the management arrangements for the Torres Strait Trochus Fishery meet most of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'. Taking into account the management arrangements currently in place in the fishery, which include total allowable catch limits, gear restrictions, and minimum and maximum size limits, I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

Accordingly, I have decided to declare the Torres Strait Trochus Fishery an approved wildlife trade operation until 16 October 2015. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

Officers from the Australian Fisheries Management Authority and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Australian Fisheries Management Authority is committed to addressing these issues and has already taken proactive measures.

The Australian Fisheries Management Authority and the department's officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The management regime for the Torres Strait Trochus Fishery was previously accredited under Part 13 of the EPBC Act, for interactions with protected species, in November 2008. 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 recredited the policy for the Torres Strait Trochus 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 these 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 sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

I understand that Australian Fisheries Management Authority officers will be liaising with officers of the Protected Zone Joint Authority in the coming months regarding the recommendations. I look forward to receiving the final Protected Zone Joint Authority response on these recommendations as soon as possible.

I would like to thank you for the constructive way in which your officials have approached this assessment.

I have written to the Hon Michael Egan, Chairman of the Australian Fisheries Management Authority Commission, in similar terms.

Yours sincerely



Nathan Hanna
Delegate of the Minister for Sustainability, Environment, Water, Population and Communities
5 October 2012

Conditions on the approved wildlife trade operation declaration for the Torres Strait Trochus Fishery

1. Operation of the fishery will be carried out in accordance with the management regime in force under the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations 1985*.
 2. The Protected Zone Joint Authority to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the Torres Strait Trochus Fishery management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
 3. The Protected Zone Joint Authority to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.
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Recommendations to the Protected Zone Joint Authority on the ecologically sustainable management of the Torres Strait Trochus Fishery

1. The Protected Zone Joint Authority to:
 - a) implement strategies to improve estimates of all fishery-related removals from the Torres Strait Trochus Fishery, and
 - b) review fishery dependent data collection processes on a regular basis.
 2. The Protected Zone Joint Authority to review and consider implementing management measures proposed in the CSIRO survey report by Murphy et al. (2010).
 3. The Protected Zone Joint Authority to:
 - a) continue to investigate methods to improve the reliability of stock estimates to be used in management decisions, and
 - b) continue to review stock assessments on a regular basis.
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