



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

Our reference: 2008/03466

The Hon Bryan Green MP  
Minister for Primary Industries and Water  
Parliament House,  
Hobart,  
TASMANIA, AUSTRALIA, 7000

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Tasmanian King Island Cast Bull Kelp Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In May 2011, the Tasmanian Department of Primary Industries, Parks, Water and Environment provided a submission to the Department of Sustainability, Environment, Water, Population and Communities seeking further export approval for the Tasmanian King Island Cast Bull Kelp Fishery.

The submission has been assessed for the purposes of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by the Tasmanian Department of Primary Industries, Parks, Water and Environment in response to recommendations made in the 2008 assessment of the fishery.

I am pleased to advise that the assessment of the fishery 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/tas/kelp/index.html>.

The Tasmanian King Island Cast Bull Kelp Fishery is a low impact fishery that is suitably precautionary. The combination of management arrangements, the nature of the fishery and progress in implementing recommendations from the initial assessment has provided confidence that the fishery managers will continue to manage the fishery in an acceptable manner.

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. The management arrangements for the Tasmanian King Island Cast Bull Kelp Fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.



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Therefore, I have decided to amend the list of exempt native specimens to include specimens that are, or are derived from, fish or invertebrates taken in the Tasmanian King Island Cast Bull Kelp Fishery, excluding specimens listed under Part 13 of the EPBC Act, until 17 August 2016. 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 Tasmanian *Living Marine Resources Management Act 1995* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with this fishery, I believe that the Department of Primary Industries, Parks, Water and Environment is committed to addressing these issues and has already taken proactive measures. Officers from the Department of Primary Industries, Parks, Water and Environment and the Department of Sustainability, Environment, Water, Populations and Communities have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices. These recommendations (**Attachment A**) have been an important factor in my decision to declare the Tasmanian King Island Cast Bull Kelp Fishery exempt and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the Department of Sustainability, Environment, Water, Populations and Communities needs to be advised of any intended changes 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 the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

I welcome the progress made by the Department of Primary Industries, Parks, Water and Environment on the draft *Tasmanian Marine Plant Management Issues Paper*. I have been informed that this paper will be circulated for public comment in September 2011 and will be finalised by July 2012. Completion of this paper will be an important milestone for this fishery.

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

Yours sincerely



Nigel Routh  
Delegate of the Minister for Sustainability, Environment, Water, Populations and Communities

15 August 2011

**Recommendations to the Tasmanian Department of Primary Industries, Parks, Water and Environment on the ecologically sustainable management of the Tasmanian King Island Cast Bull Kelp Fishery.**

The Tasmanian King Island Cast Bull Kelp Fishery 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 harvesting yield restrictions, the limiting of harvesting to specific areas and the restrictions on harvesting and transportation from September to March (inclusive).

The following ongoing 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.

1. Operation of the fishery will be carried out in accordance with the management regime in force under the Tasmanian *Living Marine Resources Management Act 1995*.
2. Department of Primary Industries, Parks, Water and Environment to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the assessment of the King Island Cast Bull Kelp Fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Department of Primary Industries, Parks, Water and Environment to 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 - 2<sup>nd</sup> Edition*.
4. Department of Primary Industries, Parks, Water and Environment to:
  - pursue a strategic approach to the management of marine plants in Tasmania by developing a formal policy paper that considers harvest management for the King Island Cast Bull Kelp Fishery; and
  - provide the Department of Sustainability, Environment, Water, Population and Communities with regular progress updates and the final policy paper.
5. Department of Primary Industries, Parks, Water and Environment to continue to work with the operator, to help facilitate studies and monitor the impacts of the harvesting of cast bull kelp on protected bird species as required. Department of Primary Industries, Parks, Water and Environment to take into account relevant research to assist in the management arrangements of harvesting cast bull kelp on King Island.