



The Hon Willem Rudolf Westra van Holthe MLA  
Minister for Primary Industry and Fisheries  
GPO Box 3146,  
DARWIN NT 0801

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to decisions about the Northern Territory Offshore Net and Line Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Fisheries are assessed under the EPBC Act if product is to be exported and/or the fishery operates in Commonwealth waters.

The Offshore Net and Line Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in November 2007. As a result of the 2007 assessment, the Delegate of the then Minister for the Environment and Water Resources declared the Offshore Net and Line Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years, until 28 November 2010. This allowed export of product harvested from the fishery during the period of the declaration.

In August 2010, the then Northern Territory Department of Resources (now Department of Primary Industry and Fisheries) provided an application to the then Department of Environment, Water, Heritage and the Arts (now Department of Sustainability, Environment, Water, Population and Communities) seeking continued export approval for the Offshore Net and Line Fishery.

To allow export to continue while additional information from the stock assessment on the key target species was considered and to allow the department's assessment of the Offshore Net and Line Fishery to be assessed alongside the adjacent Queensland Gulf of Carpentaria Inshore Fin Fish Fishery, the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities agreed to include product derived from the fishery in the list of exempt native specimens for successive periods, each not exceeding 12 months, between November 2010 and September 2012.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Northern Territory Department of Primary Industry and Fisheries in response to the conditions and recommendations made in the 2007 export assessment under the EPBC Act and additional information provided by the Northern Territory Department of Primary Industry and Fisheries.

I am pleased to advise that the assessment 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/nt/offshore-net-line/index.html>.

I consider that the management arrangements for the Offshore Net and Line Fishery meet most of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition'. Taking into account:

- the management arrangements currently in place in the fishery including; limited entry, gear restrictions and annually reviewed total allowable effort informed by triennial stock assessments for target species
- the annual review of the fishery's performance against management objectives and performance indicators with the results being published in the annual fishery status report for the fishery, and
- the collaborative work with adjacent jurisdictions on developing complementary management measures for grey mackerel and with relevant jurisdictions on contemporary issues related to shark management through the Northern Management and Science Working Group of the North Australian Fisheries Committee,

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 Offshore Net and Line Fishery an approved wildlife trade operation until 24 September 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 Northern Territory Department of Primary Industry and Fisheries and the department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Northern Territory Department of Primary Industry and Fisheries is committed to addressing these issues and has already taken proactive measures. The Northern Territory Department of Primary Industry and Fisheries and the department's officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery. These recommendations focus on ensuring that long term arrangements are in place which provides for the regular review of key management documents for the fishery.

The management regime for the Offshore Net and Line Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in November 2007. 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.

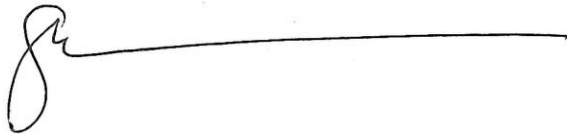
I have therefore reaccredited the management regime for the Offshore Net and Line Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring 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 would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'G' followed by a long horizontal line.

Geoff Richardson

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

17 September 2012



**Conditions on the approved wildlife trade operation declaration for the  
Northern Territory Offshore Net and Line Fishery - September 2012**

1. Operation of the Northern Territory Offshore Net and Line Fishery will be carried out in accordance with the management regime for the fishery in force under the Northern Territory Fisheries Regulations and the Northern Territory *Fisheries Act 1988*.
2. The Northern Territory Department of Primary Industry and Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended change to the Offshore Net and Line Fishery management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Northern Territory Department of Primary Industry and Fisheries 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'.



**Recommendations to Northern Territory Department of Primary Industry and Fisheries  
on the ecologically sustainable management of the Northern Territory Offshore Net  
and Line Fishery - September 2012**

1. The Northern Territory Department of Primary Industry and Fisheries to improve the species based management of sharks in the Offshore Net and Line Fishery through:
  - a. in conjunction with other relevant jurisdictions, improving the
    - i. identification
    - ii. knowledge of species biology and ecology, and
    - iii. knowledge of catch compositionof sharks in the blacktip complex and hammerhead shark complex, and
  - b. developing and implementing species specific performance indicators and trigger reference points, where appropriate, to ensure that catch levels of individual shark species are ecologically sustainable.
2. The Northern Territory Department of Primary Industry and Fisheries to develop a program to review the management objectives, performance measures and trigger reference points on a regular basis to ensure that they are appropriately precautionary.
3. The Northern Territory Department of Primary Industry and Fisheries to:
  - a. initiate a program to review and update the ecological risk assessment for the Offshore Net and Line Fishery on a regular basis, and
  - b. make public the results of future ecological risk assessments.
4. The Northern Territory Department of Primary Industry and Fisheries to ensure that the management arrangements for the Offshore Net and Line Fishery take account of any future listings under the EPBC Act of species harvested, or permitted to be harvested, in the fishery.
5. The Northern Territory Department of Primary Industry and Fisheries to continue to collaborate with relevant jurisdictions to pursue increased knowledge and complementary management of shared species and stocks across jurisdictions.

