



Australian Government
Department of the Environment

Ref: 2013/10982

The Hon Ken Baston MLC
Western Australian Minister for Fisheries
PO Box 1452
BROOME WA 6725

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the reassessment of the Western Australian Marine Aquarium Fish Managed Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In November 2013, the Western Australian Department of Fisheries submitted the *Application to the Department of the Environment on the Marine Aquarium Fish Managed Fishery Against the Guidelines for the Ecologically Sustainable Management of Fisheries 2013* for consideration of further export approval for the Western Australian Marine Aquarium Fish Managed Fishery.

The submission has been assessed for the purposes of Parts 13 and 13A of the EPBC Act, taking into account measures developed by the Western Australian Department of Fisheries in response to recommendations made in the last assessment of the fishery in 2012.

I am pleased to advise that the assessment of the Western Australian Marine Aquarium Fish Managed Fishery is now complete. Subject to consultation with the Western Australian Department of Fisheries, the new assessment report will be available on the Department of the Environment's website at: <http://www.environment.gov.au/coasts/fisheries/wa/marine-aquarium/index.html>

The assessment considered the possible impacts on species harvested in the Western Australian Marine Aquarium Fish Managed Fishery, including those which are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to imports and exports of CITES listed species as appropriate.

I am advised by the CITES Scientific Authority of Australia that, based on available information, it is possible to make non-detriment findings for CITES listed species in the fishery when harvest remains within specified limits. Upon completion of the ecological risk assessment planned by your department for the fishery in 2014, these precautionary harvest levels may be revised by the CITES Scientific Authority of Australia as appropriate.

Taking into account the current management arrangements in place in the fishery, 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. I am also satisfied that the operation of the fishery over the period of the declaration as an approved wildlife trade operation 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.

Accordingly, I have decided to declare the Western Australian Marine Aquarium Fish Managed Fishery, an approved wildlife trade operation for just under three years, until

20 October 2016. The declaration will be subject to the conditions at **Attachment A**. These conditions were developed after discussion by officers from the Western Australian Department of Fisheries with the Department of the Environment on the key aspects of the management of the fishery requiring ongoing attention.

The management regime for the Western Australian Marine Aquarium Fish Managed Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in December 2012. I am satisfied that it is unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the conservation status of listed marine species, listed migratory species or cetaceans, or adversely affect the survival or recovery in nature of listed threatened species. I also consider that under the management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species protected under Part 13 of the EPBC Act.

I have therefore accredited the management regime for the Western Australian Marine Aquarium Fish Managed Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the management plan are not required to seek permits if they are at risk of killing or injuring protected species in Commonwealth waters.

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

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

20 December 2013

**Conditions on the approved wildlife trade operation declaration for the
Western Australian Marine Aquarium Fish Managed Fishery**

1. Operation of the fishery will be carried out in accordance with the management regime under the Western Australian *Fish Resources Management Act 1994* and the Western Australian Fish Resources Management Regulations 1995.
2. The Western Australian Department of Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the fishery's legislated management regime and management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Western Australian Department of Fisheries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. The Western Australian Department of Fisheries to:
 - a) limit harvest of CITES listed species according to current non-detriment findings for each species or species group, and
 - b) consult with the Department of the Environment prior to a change to the management arrangements for a CITES or EPBC Act listed species being implemented.
5. The Western Australian Department of Fisheries to:
 - a) undertake an ecological risk assessment (ERA) in 2014, with actions underway to address any recommendations resulting from the assessment by January 2015
 - b) finalise and adopt the harvest strategy for the fishery by mid 2015, and
 - c) consider further research on CITES species in the context of the outcomes of the ERA, including on species' distribution and abundance in areas of high fishing effort.

**Recommendations on the approved wildlife trade operation declaration for the
Western Australian Marine Aquarium Fish Managed Fishery**

1. The Western Australian Department of Fisheries to investigate and implement measures to improve species level identification for giant clams.