



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Ian Macdonald MLC
Minister for Primary Industries
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the reassessment of the New South Wales (NSW) Ocean Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In September 2008, NSW DPI submitted the report, '*Submission to the Department of the Environment, Water, Heritage and the Arts on behalf of the NSW Fishing Industry Seeking Export Approval for the NSW Ocean Trawl Fishery*', for assessment under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise that assessment of the fishery is now complete. The new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no significant changes to the management arrangements for the Ocean Trawl Fishery since our previous assessment, the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

In considering the current management arrangements, I am satisfied that the operation of the fishery 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 over the next three years.

Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term including the continued need for cross jurisdictional collaboration with particular regard to shared species stock rebuilding and recovery plans and programs for listed threatened fish species and overfished species, review of performance indicators and triggers, continued improvement of bycatch monitoring and validation of catch and effort data, improving species specific data collection, particularly for elasmobranchs, continued

improvement on effective compliance of fishery closures and effort restrictions and continued management of bycatch and interactions with protected species in all sectors. Hence, I propose to declare the Ocean Trawl Fishery an approved short term WTO under Part 13A of the EPBC Act, subject to the four conditions at **Attachment A**. This declaration would allow the export of product from the Ocean Trawl Fishery until 28 February 2012.

While there are some environmental risks associated with this fishery, I consider that NSW DPI is committed to addressing these issues and is already taking proactive steps in most areas. Officers from DEWHA and NSW DPI have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, NSW DPI has agreed to a number of recommended actions, focusing on addressing key issues for the Ocean Trawl Fishery, to be implemented before the next assessment of the fishery under the EPBC Act. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

Yours sincerely

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts

25 February 2009

Conditions on the Wildlife Trade Operation Declaration for the New South Wales Ocean Trawl Fishery

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the New South Wales (NSW) Ocean Trawl Fishery.

1. Operation of the fishery will be carried out in accordance with the New South Wales (NSW) Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006 in force under the *NSW Fisheries Management Act 1994*.
2. NSW Department of Primary Industries (DPI) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of imminent and substantive changes to the Ocean Trawl Fishery management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. NSW DPI to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. NSW DPI to review its current management arrangements for eastern gemfish, and where appropriate, in collaboration with AFMA and other jurisdictions, develop and implement timely and complementary management arrangements that assist to stop the decline of, and support the recovery of eastern gemfish stocks.

Recommendations to the New South Wales (NSW) Department of Primary Industries (DPI) on the ecologically sustainable management of the NSW Ocean Trawl Fishery

The Ocean Trawl Fishery is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: proposed development, implementation and review of the compliance plan for commercial designated fishing activities, development of a new catch information management system, various spatial and temporal closures, effort reduction measures, gear restrictions and modifications, species specific size and catch limits, and limited entry.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the Ocean Trawl Fishery and minimise environmental risks in the short to medium term. Unless a specific time frame is provided in the recommendation, NSW DPI should action these recommendations before the next review of the Ocean Trawl Fishery in 2012.

1. By 28 February 2010 NSW DPI in collaboration with relevant jurisdictions, to continue to develop and implement recovery programs for shared species classified as overfished or growth overfished
2. NSW DPI to conduct the formal review of the performance management framework as outlined in the OT FMS, ensuring that ecological sustainability is a primary objective of the review and when determining the range of values deemed acceptable for performance indicators used in the OT FMS
3. NSW DPI, by 28 February 2010, to continue to take all reasonable steps to complete the implementation of the fine scale catch and effort data reporting and validation system for target, byproduct, and interactions with protected species.
4. NSW DPI, by 28 February 2010, to ensure the implementation of species specific identification and reporting of elasmobranchs taken in the OTF is completed.
5. NSW DPI in conjunction with industry to review fishing effort levels following the implementation of minimum shareholding requirements in the OTF (on 6 August 2009) and determine future effort management needs to ensure fishing effort is matched with sustainability targets
6. NSW DPI to continue to implement an appropriate framework to ensure effective compliance with management measures, including fishery closures.

7. NSW DPI to continue to work collaboratively with industry and other stakeholders to improve the effectiveness of bycatch reduction strategies in all sectors of the fishery.
8. NSW DPI to implement its commitments to address actions within the appropriate timeframes specified under the OT FMS to ensure the fishery is managed in an ecologically sustainable manner.