



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Chris Natt 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 the Environment, Heritage and the Arts in relation to the assessment of the Northern Territory (NT) Timor Reef Fishery (TRF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the TRF was completed in 2003, resulting in the then Minister for the Environment and Heritage declaring the TRF exempt from the export controls under Part 13A of the EPBC Act until 11 May 2008. He also accredited the management regime in force under the NT *Fisheries Act 1988* and the NT *Fisheries Regulations 1993* under the relevant protected species provisions of Part 13 of the EPBC Act.

In February 2008, the NT Department of Primary Industries, Fisheries and Mines (DPIFM) submitted the *Northern Territory Timor Reef Fishery Re-assessment Report February 2008* for consideration of further export approval of product from the TRF. The DPIFM submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DPIFM in response to recommendations made in the initial assessment of the TRF to improve the management of the fishery.

I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment, Water, Heritage and the Arts website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no changes to the management arrangements since the initial assessment of the TRF that may negatively impact on protected species and noting that there are management measures in place to minimise the risk of interactions, I consider that the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management arrangements provide the basis for the TRF to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens (LENS), to include specimens that are, or are derived from, fish or invertebrates taken in the TRF, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such a listing will

serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the management regime in force under the *NT Fisheries Act 1988* and the *NT Fisheries Regulations 1993* and continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the TRF meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The TRF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial TRF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DPIFM is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two Departments have discussed key areas requiring ongoing and increased attention. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the TRF. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the TRF and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, the Department of the Environment, Water, Heritage and the Arts needs to be advised of any changes that are made 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 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.

I have copied this letter to your Joint Authority counterpart, the Hon Tony Burke MP.

Yours sincerely

[*signed*]

Ian Cresswell
Delegate of the Minister for the Environment, Heritage and the Arts
30 April 2008

Recommendations to the Northern Territory (NT) Department of Primary Industry, Fisheries and Mines on the ecologically sustainable management of the NT Timor Reef Fishery

The NT Timor Reef 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: limited entry, gear restrictions and formalised objectives, performance indicators, trigger points and management responses.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium term. Unless a specific time frame is provided in the recommendation, DPIFM should action these recommendations before the next review of the fishery in 2013.

Recommendations

- 1.** Operation of the NT Timor Reef Fishery will be carried out in accordance with the NT *Fisheries Regulations 1993* and the NT *Fisheries Act 1988*.
- 2.** The Department of Primary Industry, Fisheries and Mines (DPIFM) to advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the NT Timor Reef Fishery management arrangements that could affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
- 3.** DPIFM 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.** DPIFM to continue to work towards more statistically refined sustainable yield estimates for target species, particularly red emperor.
- 5.** Within 12 months, DPIFM to review trigger reference points to take into account current catch from other sectors, particularly the Demersal and Finfish Trawl Fisheries.
- 6.** Within 18 months, DPIFM to develop and implement appropriate mitigation measures to ensure any significant risks of localised depletion are managed, with particular reference to outcomes of relevant research projects.
- 7.** Within 12 months of becoming aware of a triggered reference point for bycatch, protected species or ecosystem components, DPIFM to review and implement amended management arrangements.
- 8.** Within 18 months, DPIFM to undertake a bycatch risk assessment for the Timor Reef Fishery (including protected species). Appropriate measures for high risk species should

be implemented within 12 months of completing the risk assessment. Medium risk issues should be addressed within three years of completing the risk assessment.

9. Within three years, DPIFM to develop and implement appropriate management responses for risks ranked as 'moderate' in the NT Timor Reef Fishery Compliance Risk Assessment.

10. DPIFM to continue to engage with other State and Commonwealth agencies to minimise the risk posed by illegal fishing and once available incorporate estimates of the level of take from illegal fishing into stock assessments and management arrangements for the fishery.