



The Hon Willem Westra Van Holthe
Minister for Primary Industry and Fisheries
GPO Box 3146
DARWIN NT 0801

Dear Minister

I am writing to you as the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Northern Territory Timor Reef Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In February 2013, the Northern Territory Department of Primary Industry and Fisheries provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Timor Reef Fishery.

In May 2013, to allow for negotiations between the Northern Territory Department of Primary Industry and Fisheries and the department to be finalised, the export approval for the Timor Reef Fishery was extended and the list of exempt native specimens was amended until 9 August 2013.

The application 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. The assessment took into account measures that have been developed by the Northern Territory Department of Primary Industry and Fisheries in response to the recommendations made in the 2008 assessment of the fishery.

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/timor-reef/index.html>.

The management regime for the Timor Reef Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in 2003. 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 Timor Reef 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.

I consider that the Timor Reef Fishery operates in line with the *Australian Government Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Given the management arrangements and precautionary measures for the fishery including:

- limited entry and gear restrictions
- decision rules which include formalised objectives, performance indicators, trigger points and management responses
- compulsory log books (species specific) and protected species ID guides for vessels
- mandatory use of catch disposal records
- Individual Transferable Quotas

I have decided to amend the list of exempt native specimens to allow export of product from the Timor Reef Fishery for a period of five years, until 9 August 2018.

To ensure continued good management practices in the Timor Reef Fishery, officers from the Northern Territory Department of Primary Industry and Fisheries and this department have discussed and agreed to three recommendations. These recommendations can be found at **Attachment A**.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decisions. To ensure that the 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 decisions. This includes legislated amendments and operational changes that may affect the impact on target species, 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



Geoff Richardson

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

21 June 2013

Recommendations to the Northern Territory Department of Primary Industry and Fisheries on the ecologically sustainable management of the Northern Territory Timor Reef Fishery, June 2013

Recommendation 1:

Operation of the Northern Territory Timor Reef Fishery will be carried out in accordance with the Northern Territory *Fisheries Act 1988* and the Northern Territory Fisheries Regulations 1993.

Recommendation 2:

The Northern Territory Department of Primary Industry and Fisheries to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended material changes to the NT Timor Reef Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Recommendation 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*.