



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Joe Helper MP
Minister for Agriculture
Level 22, 1 Spring St
MELBOURNE VIC 3000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the Victorian Abalone Fishery (VAF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the VAF was completed in July 2003, resulting in the then Minister for the Environment and Heritage declaring the VAF exempt from the export controls of the EPBC Act until 21 July 2008. At this time the VAF management regime in force under the *Victorian Fisheries Act 1995* was also accredited under the relevant protected species provisions of Part 13 of the EPBC Act.

On 16 May 2008, following a request from the Victorian Department of Primary Industries (DPI), the Delegate for the Minister for the Environment, Heritage and the Arts extended the VAF's export approval until 30 June 2009, to enable alignment of the EPBC Act reassessment process with the expected implementation of a new management plan for the fishery. I understand that due to unexpected complications, implementation of the management plan is now expected to occur in December 2009.

In April 2009, DPI submitted the document *Application to the Department of the Environment, Water, Heritage and the Arts for the re-assessment of the Victorian Abalone Fishery – April 2009* to enable assessment of the fishery under the EPBC Act. This submission has been assessed for the purposes of Part 13 and 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 Department of the Environment, Water, Heritage and the Arts (DEWHA) website at: <http://www.environment.gov.au/coasts/fisheries/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the management arrangements provide the basis for the VAF to be managed in an ecologically sustainable manner. Therefore I propose to amend the List of Exempt Native Specimens (LENS) to include specimens that are, or derived from fish or invertebrates taken in the VAF, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of two 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 *Victorian Fisheries Management Act 1995* and continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Additionally as there have been no significant changes to management arrangements since our last assessment of the fishery in 2003 and noting the level of reported interactions with protected species in the fishery remains very low, I consider that the VAF continues to comply with the protected species provisions of the EPBC Act. For this reason I have decided to reaccredit the fishery's management arrangements under Part 13.

The management arrangements for the VAF meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. The VAF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements and strong investment in research allows confidence that the fishery managers will maintain low bycatch levels, interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe DPI is committed to addressing these issues. Officers from our two departments have discussed key areas requiring ongoing attention. I understand they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government assessment of the VAF. The recommendations at **Attachment A** have been an important factor in my decision to exempt the VAF and I look forward to receiving your confirmation that they will be implemented. We are currently discussing aspects of our assessment process with officers from your Department, and until these discussions are resolved, I will continue to follow our previously agreed process for accrediting the management arrangements for Victorian fisheries, including seeking your formal endorsement of the recommendations.

I would also like to reiterate EPBC Act approvals are given for the VAF management regime in place at the time of the decision and as such DEWHA must be advised of any management changes to ensure that accreditations remain valid. Therefore in the lead up to the implementation of the new management plan a reassessment of the VAF's new management arrangements will be required to determine whether they continue to ensure the ecologically sustainable management of the fishery.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed as to the progress of the new management plan for the VAF.

Yours sincerely

[Signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
25 June 2009

Recommendations to DPI on the ecologically sustainable management of the VAF

Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the VAF in June 2011.

1. Operation of the fishery will be carried out in accordance with the management regime for the VAF in force under the Victorian *Fisheries Act 1995*.
2. DPI to inform DEWHA of any intended amendments to the management arrangements that may affect the assessment of the VAF against the criteria on which EPBC Act decisions are based.
3. 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. DPI to finalise and implement the new management plan for the VAF.
5. DPI to continue to ensure reliable growth data is obtained across all regions of the fishery to ensure the effectiveness of existing management controls and continued sustainability of abalone stocks.
6. DPI to continue to consult with other fisheries agencies on:
 - the development and implementation of appropriate biological parameters and reference points for abalone harvesting; and
 - pursue a national process for developing, adopting and reviewing these indicators, along with periodic review of respective abalone stock assessment processes.
7. DPI to continue to improve illegal catch estimates, monitor catch trends and implement additional measures to minimise illegal catch in the VAF.
8. DPI to ensure that the new management plan has the capacity to incorporate appropriate decision rules, which provide the basis for monitoring and responding to ecosystem changes, as they are developed.