



The Hon Peter Walsh MLA  
Minister for Agriculture and Food Security  
Level 20  
1 Spring Street  
MELBOURNE VIC 3000

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 Victorian Abalone Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In May 2013, the Victorian Department of Environment and Primary Industries provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Victorian Abalone Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Victorian Department of Environment and Primary Industries in response to the recommendations made in the 2009 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/vic/abalone/index.html>

The management regime for the Victorian Abalone Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in June 2009. 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 consider that the Victorian Abalone Fishery operates in line with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition.' Given the management arrangements for the fishery, including limited entry, gear restrictions, minimum size limits and capacity to implement spatial closures if required, I have decided to amend the list of exempt native specimens to allow export of product from the Victorian Abalone Fishery to continue for a period of five years, until 15 June 2018.

While there are some environmental risks associated with the Victorian Abalone Fishery, I believe that the Victorian Department of Environment and Primary Industries has in place measures to address these issues. Officers from the Victorian Department of Environment and Primary Industries and this department have discussed and agreed to five recommendations

focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment 1**.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. 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 decision. This includes legislated amendments and operational changes that may affect the impact of the harvest in relation to target species, byproduct, bycatch, protected species or the ecosystem.

I am aware that the Victorian Department of Environment and Primary Industries is currently working towards developing a new management plan for the Victorian Abalone Fishery. It is important that the department is able to review the new management plan before it is finalised to determine if a reassessment under the EPBC Act is necessary. The department's review of the new management plan should be undertaken prior to its implementation.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'GR', followed by a long horizontal line extending to the right.

Geoff Richardson

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

19 June 2013

**The Department of Sustainability, Environment, Water, Population and Communities'  
final recommendations to the Victorian Department of Environment and Primary  
Industries for the Victorian Abalone Fishery, June 2013**

1. Operation of the fishery will be carried out in accordance with the management regime for the Victorian Abalone Fishery in force under the Victorian *Fisheries Act 1995*.
2. The Victorian Department of Environment and Primary Industries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the Victorian Abalone Fishery's management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Victorian Department of Environment and Primary Industries to produce and present reports to the department annually as per Appendix B of the '*Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition*'.
4. The Victorian Department of Environment and Primary Industries to ensure that the new management plan incorporates appropriate decision rules for monitoring and responding to ecosystem changes as they develop.
5. Prior to its implementation, the Victorian Department of Environment and Primary industries to provide the new management plan to the Department of Sustainability, Environment, Water, Population and Communities' with sufficient time for review to determine if reassessment under the EPBC Act is required.