



Australian Government

Department of the Environment and Water Resources

The Hon Rory McEwen
Minister for Agriculture, Food and Fisheries
GPO Box 668
ADELAIDE SA 5001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Water Resources in relation to the South Australian (SA) fisheries export declarations and protected species accreditations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In July 2007 the Department of Primary Industries and Resources, South Australia (PIRSA) provided information on the new *SA Fisheries Management Act 2007* (FM Act 2007) and *Fisheries Management (General) Regulations 2007* (FM Regulations 2007) for consideration by the Department of Environment and Water Resources (DEW) in relation to the existing SA fisheries declarations under the EPBC Act.

Twelve SA fisheries have current export declarations under Part 13A of the EPBC Act and five SA fisheries have protected species accreditation under Part 13 of the EPBC Act. The environmental assessments and declarations for these fisheries were determined under the *SA Fisheries Act 1982*. As the FM Act 2007 will be in force from 1 December 2007, the Department of the Environment and Water Resources was required to consider the new arrangements to ensure that the new legislation does not negatively impact on the current Wildlife Trade Operation and Exempt export declarations or protected species accreditations.

The new legislation has been considered in terms of maintenance of, or improvement on the previous legislative framework. The information provided by PIRSA indicates that the FM Act 2007 provides for an enhanced governance framework for the management of SA fisheries which will provide for the ecologically sustainable development of SA fisheries. I also note that the Objects of the FM Act 2007 include principles for the ecologically sustainable development of fisheries including principles to protect aquatic resource from over exploitation, allocate access to aquatic resources between users in a manner that achieves optimum utilisation and equitable distribution, and maintains and enhances of aquatic ecosystems and genetic diversity.

The Department of Environment and Water Resources' report which considers the FM Act 2007 in relation to the current export and protected species declarations will be available at: <http://www.environment.gov.au/coasts/fisheries/sa/index.html>.

In considering the new legislative framework and information supplied by PIRSA, the Department of Environment and Water Resources considers that the legislation maintains, and in areas improves on, the previous management framework for SA fisheries. The management regime aims to ensure that fishing is conducted in a manner that does not lead to over-fishing and for fishing operations to be managed to

minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

Therefore, I propose to make new decisions for all SA fisheries consistent with their current declarations and timeframes whilst reflecting the new legislative framework that will be in operation in South Australia. These declarations will allow the export of product from the twelve SA fisheries consistent with their current timeframes and subject to the conditions made as part original decisions. I will make the new declarations as identified at **Attachment A**.

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

Yours sincerely

[Signed]

Andrew McNee
Delegate of the Minister for the Environment and Water Resources

28 November 2007

ATTACHMENT A

SA fisheries management arrangements reflecting new SA legislation and Part 13 and 13A accreditations under the EPBC Act

Fishery	New management arrangements	Part 13A – Exempt/WTO and expiration date	Part 13 - protected species accreditation
Abalone Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Abalone Fishery, as defined in the <i>Fisheries Management (Abalone Fisheries) Regulations 2006</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)	Exempt - 21 June 2009	Yes
Beach-cast Seagrass & Marine Algae Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Beach-cast Seagrass and Marine Algae fishery, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)	Exempt – 1 August 2009	n/a
Blue Crab Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Blue Crab Fishery, as defined in the <i>Fisheries Management (Blue Crab Fishery) Regulations 1998</i> and the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2006</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)	Exempt - 29 November 2009	Yes
Giant Crab Fishery	the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Giant Crab Fishery, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> , the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the	WTO - 14 March 2010	Yes

	<i>Fisheries Management Act 2007 (South Australia)</i>		
Lakes & Coorong Fishery	the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the Act, taken in the South Australian Lakes and Coorong Fishery, as defined in the <i>Fisheries Management (Lakes and Coorong Fishery) Regulations 2006</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007 (South Australia)</i>	WTO - 25 November 2008	n/a
Marine Scalefish Fishery	the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the Act, taken in the South Australian Marine Scalefish Fishery, as defined in the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2006</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007(South Australia)</i>	WTO - 25 November 2008	Yes
Pilchard Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Pilchard Fishery, as defined in the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2006</i> in force under the <i>Fisheries Management Act 2007(South Australia)</i>	Exempt - 15 October 2009	Yes
Prawn Trawl Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the Spencer Gulf Prawn Fishery, the Gulf St Vincent Prawn Fishery and the West Coast Prawn Fishery, as defined in the <i>Fisheries Management (Prawn Fisheries) Regulations 2006</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007(South Australia)</i>	Exempt- 3 November 2009	Yes
Rock Lobster Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Rock Lobster Fishery as defined in the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> and the <i>Fisheries</i>	Exempt - 31 October 2008	Yes

	<i>Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)		
Sea Urchin Fishery	the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the Act, taken in taken in the South Australian Sea Urchin Fishery, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)	WTO - 20 October 2008	n/a
Specimen Shell Fishery	Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Specimen Shell Fishery, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)	Exempt - 15 November 2009	n/a
Scallop and Turbo Fisheries	the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in taken in the South Australian Scallop and Turbo Fisheries, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia)	WTO - 12 September 2010	n/a