



The Hon Jaala Pulford MLC
Minister for Agriculture
Level 20, 1 Spring Street
Melbourne VIC 3001

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment and Energy in relation to ongoing environmental approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for four Victorian commercial fisheries.

In October 2014, the then Australian Government Minister for the Environment, the Hon Greg Hunt MP, wrote to the then Victorian Government Minister for Agriculture and Food Security, Senator the Hon Peter Walsh MLA, to seek his views on a reform proposal to extend the maximum timeframe for EPBC Act approvals from five years to ten years for commercial fisheries assessed as posing low environmental risk. These approvals are based on assessments of the fisheries' impacts on marine species protected under Part 13 of the EPBC Act, as well as evaluating fisheries for the purpose of export approval under Part 13A.

Minister Walsh responded in favour of this proposal in November 2014, consistent with the majority view of all parties consulted. Minister Hunt subsequently agreed to proceed with the proposal and I am pleased to advise that Victoria is now able to benefit from the extended environmental approval timeframes.

Officers from the Commonwealth Department of the Environment and Energy and the Victorian Department of Economic Development, Jobs, Transport and Resources (DEDJTR) have worked collaboratively over the last several months to determine which Victorian fisheries continue to meet all relevant EPBC Act requirements, and can therefore have their export approval extended until 28 August 2026. These fisheries are:

1. Abalone Fishery
2. Giant Crab Fishery
3. Sea Urchin Fishery
4. Rock Lobster Fishery

The extensions for these fisheries have 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 assessments took into account all of the management arrangements implemented by the DEDJTR in each of these fisheries.

The revised management regimes for the Victorian Abalone and Giant Crab fisheries will require reaccreditation under Part 13 for interactions with protected species. The Sea Urchin Fishery operates within state waters and therefore does not require Part 13 accreditation. The management regime for the Rock Lobster Fishery is being developed and will require reaccreditation under Part 13 when it is finalised, which DEDJTR anticipate to be August 2017.

I am satisfied that it remains unlikely that fishing operations conducted in accordance with these management regimes 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 regimes, fishing 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 agreed to reaccredit the management regimes for the Abalone and Giant Crab fisheries under Part 13 of the EPBC Act. Ongoing 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.

The management regime for the Victorian Abalone Fishery has recently been revised and includes performance measures in response to fluctuations in the target stock. These changes should be positive for recovering abalone stocks and the Department of the Environment and Energy supports the new approach. However, to ensure this new management regime is successful, the DEDJTR should review the fishery within the next few years. Recognising the need to evaluate the performance of the revised management arrangements, officers from the DEDJTR have agreed to conduct a review of the fishery in 2020 and provide a report of the results to the Department of the Environment and Energy. Maintaining export approval until 2026 is conditional on this 2020 review and report being completed, as the review will substantiate progress from the recent management developments and help ensure the Victorian Abalone Fishery continues to be sustainable in the long term.

I consider that all four fisheries operate in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. Given the management arrangements and precautionary measures in place in each fishery including the proposed review identified above, I have decided to amend the list of exempt native specimens to allow export of product from each fishery until 28 August 2026.

It is important that reports be produced and presented to the Department of the Environment and Energy annually in order for the performance of these fisheries to be monitored and assessed throughout the life of the approval. Export approval is therefore contingent on the requirement for the DEDJTR to produce and present a report on each of the fisheries it has management responsibility for to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

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

Yours sincerely



Nathan Hanna

Delegate of the Minister for the Environment and Energy

18 August 2016