



Australian Government

Department of the Environment and Water Resources

The Hon Chris Natt MLA
Minister for Primary Industry, Fisheries and Mines
GPO BOX 3146
DARWIN NT 0801

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Water Resources in relation to the re-assessment of the Northern Territory (NT) Offshore Net and Line Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The NT Offshore Net and Line Fishery (formerly the NT Shark Fishery) was first assessed by the Australian Government Department of the Environment and Water Resources (formerly the Department of the Environment and Heritage) in November 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). This assessment was based on the submission provided by the NT Department of Primary Industry, Fisheries and Mines (DPIFM) in August 2004. In November 2004, in light of a number of concerns that needed to be addressed to manage environmental risks in the short term, particularly the need for additional information on the impact of longlining, the NT Offshore Net and Line Fishery was declared a six month short-term Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act until 1 June 2005. In recognition of DPIFM implementing a range of new management measures aimed at controlling effort in the fishery, an additional two and a half year WTO declaration was approved for the fishery in May 2005.

In August 2007, DPIFM submitted the document entitled - *Northern Territory Offshore Net and Line Fishery Re-assessment Report, August 2007* and *Review of the Northern Territory Offshore Net and Line Fishery, August 2007* for re-assessment of the fishery under the EPBC Act to allow continued export approval for this fishery. The submission 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.

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 and Water Resources website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

As I have been made aware of the formal change in the fishery's name (from the NT Shark Fishery to the NT Offshore Net and Line Fishery) and that the management arrangements for the fishery currently allow the retention of a number EPBC Act listed species (spartooth sharks, Northern river sharks and freshwater sawfish), I

have decided to accredit the NT Offshore Net and Line Fishery under Part 13 of the EPBC Act subject to a condition to prohibit the retention of all EPBC Act listed Chondrichthyan species in the fishery.

I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem. The fishery is relatively well managed and operates under an adaptable and precautionary regime capable of controlling, monitoring and enforcing the level of take from the fishery. Performance against the Guidelines is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. The key issues for this fishery include improving the management of EPBC Act listed species and reviewing the management of species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Hence, I propose to declare the fishery an approved WTO under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years. I will make the declaration subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I believe that DPIFM is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, I understand that they have agreed to a number of recommended actions, focusing on addressing key issues outstanding from the last assessment, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

The assessment also considered the possible impacts on species harvested in the NT Offshore Net and Line Fishery which are listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). The recent Convention of Parties for CITES added all species of Pristidae to Appendix I. One exception was made with the addition of freshwater sawfish to Appendix II for the exclusive purpose of allowing international trade in live animals for primarily conservation purposes. As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to Pristidae imports and exports as appropriate, noting that the export of species listed under Appendix I of CITES for commercial purposes is prohibited.

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

Yours sincerely

[*signed*]

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

28 November 2007

Conditions on the Wildlife Trade Operation Declaration for the Northern Territory (NT) Offshore Net and Line Fishery

1. Operation of the NT Offshore Net and Line Fishery will be carried out in accordance with the management regime in force under the NT *Fisheries Regulations* and the NT *Fisheries Act 1988*.
2. The NT Department of Primary Industry, Fisheries and Mines (DPIFM) to advise the Department of the Environment and Water Resources (DEW) of any intended change to the NT Offshore Net and Line Fishery management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DPIFM to produce and present reports to DEW annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Northern Territory (NT) Department of Primary Industry, Fisheries and Mines (DPIFM) on the ecologically sustainable management of the NT Offshore Net and Line Fishery

The NT Offshore Net and Line Fishery is a relatively well-managed fishery with a range of management measures to promote the ecological sustainability of the fishery. These measures include: limited entry, gear restrictions, fin ratio conditions and effort limits.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium term. Unless a specific time frame is provided in the recommendation, each recommendation must be addressed within the life of the declaration (three years).

Recommendations

1. DPIFM to specifically consider the management of CITES listed species, in particular members of the Pristidae family, in the NT Offshore Net and Line Fishery.
2. DPIFM to investigate management options, and where appropriate, develop and implement management responses to the 12 Chondrichthyan species identified from the FRDC Project (2002/064) as least likely to be sustainable to ensure that overall catch levels for these species are sustainable.
3. Within two years, DPIFM to commence investigating the extent of material misidentifying *Carcharhinus limbatus* from *C. tilstoni* and review current performance indicators and trigger reference points to ensure they are appropriately precautionary.
4. Should the investigation indicate that material misidentification of the two shark species is occurring, DPIFM to investigate a mechanism to accurately identify *C. tilstoni* and *C. limbatus* in order to determine the true catch composition of these two shark species in the fishery.
5. DPIFM to continue stock assessments of target shark species on a triennial basis and incorporate current catch and effort data into stock assessment models. DPIFM to review the adequacy of the current stock assessment model for the target shark species to ensure the ecologically sustainable management of the fishery.
6. DPIFM to continue stock assessments of grey mackerel on a triennial basis and continue to refine sustainable catch levels, performance indicators and trigger reference points to ensure the take of grey mackerel is ecologically sustainable.
7. DPIFM to continue to actively pursue identified research priorities and the development of collaborative research with other jurisdictions and agencies and ensure that management arrangements for the NT Offshore Net and Line Fishery continues to take account of the results of research conducted.

8. Within 12 months, DPIFM to conduct an Ecological Risk Assessment on the impacts of the fishery on target, byproduct, bycatch (other than shark species) and protected species, particularly *Glyphis sp. A* and *Pristis microdon*. DPIFM to investigate measures to ensure that issues identified at risk are minimised.

9. DPIFM to improve estimates of recreational and Indigenous harvest of target species in the NT Offshore Net and Line Fishery. Once available, DPIFM to take estimates of illegal, unregulated and unreported (IUU) fishing, recreational and Indigenous harvests into account in stock assessments and to introduce management arrangements to mitigate any risks identified.