



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Jon Ford MLC
Minister for Fisheries
9th Floor Dumas House
2 Havelock St
WEST PERTH WA 6005

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Western Australia (WA) Exmouth Gulf Prawn Managed Fishery (EGPMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the EGPMF was completed in 2003, resulting in the then Minister for the Environment and Heritage declaring the EGPMF exempt from the export controls under Part 13A of the EPBC Act and including product from the fishery on the List of Exempt Native Specimens (LENS) until 11 February 2008.

In October 2007, the WA Department Fisheries (DFWA) submitted an *Application to the Department of the Environment and Water Resources on the Exmouth Gulf Prawn Managed Fishery* for consideration of further export approval of product from the EGPMF. The DFWA submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by DFWA in response to recommendations made in the initial assessment of the EGPMF to improve the management of the fishery.

I am pleased to advise that assessment of the fishery is now complete. The 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 in Part 13A of the EPBC Act, the management arrangements provide the basis for the EGPMF to be managed in an ecologically sustainable way. I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the EGPMF excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five 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 *Exmouth Gulf Prawn Management Plan 1989* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the EGPMF meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd*

Edition. The EGPMF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial EGPMF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DFWA 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 and increased attention. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the EGPMF. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the EGPMF and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that the decision remains valid, DEWHA needs to be advised of any changes that are made to the management regime 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 sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

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, Heritage and the Arts
6 February 2008

Attachment A

Recommendations to the Western Australia Department of Fisheries on the ecologically sustainable management of the Exmouth Gulf Prawn Managed Fishery

The WA EGPMF is a well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: real time monitoring, spatial and temporal closures based on spawning stock, data collection systems and defined acceptable catch ranges.

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 to longer term. Unless a specific time frame is provided in the recommendation, DFWA should action these recommendations before the next review of the fishery in 5 years.

Recommendations

1. Operation of the fishery will be carried out in accordance with the *Exmouth Gulf Prawn Management Plan 1989* made under the *WA Fish Resources Management Act 1994*.
2. DFWA to advise DEWHA of any intended material change to the EGPMF legislated management regime and management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. By August 2009, DFWA to identify and review risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment for the EGPMF. DFWA to implement appropriate measures to ensure identified risks are addressed and minimised.
5. By December 2009, DFWA to develop, finalise and implement the Bycatch Action Plan for the EGPMF, including ongoing review and progress reporting on its implementation.
6. In conjunction with Recommendations 4 and 5, DFWA to develop and implement a program to identify long-term trends in bycatch diversity and abundance in the Exmouth Gulf.
7. By December 2010, DFWA to implement a strategy for managing the take of byproduct in the EGPMF.