



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Norman Moore
Minister for Fisheries
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the Western Australian (WA) Abalone Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the WA Abalone Fishery was completed in August 2004, resulting in the then Delegate of the Minister for the Environment and Heritage declaring the fishery exempt from the export controls of the EPBC Act until 10 September 2009. The *Abalone Management Plan 1992* was also accredited at this time under the relevant protected species provisions of Part 13 of the EPBC Act.

In June 2009, the Department of Fisheries Western Australia (DFWA) submitted their submission for assessment under the EPBC Act. 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 assessment report will be available on the Department of Environment, Water, Heritage and the Arts (DEWHA) website at:
<http://www.environment.gov.au/coasts/fisheries/wa/abalone/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens, to include specimens that are or are derived from fish taken in the WA Abalone Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the *Abalone Management Plan 1992*, made under the *Western Australian Fish Resources Management Act 1994* and continues not to involve the export of specimens listed on the Convention on the International Trade in Endangered Species.

Additionally, as there have been no significant changes to management arrangements since our last assessment of the fishery in 2004 and noting the level of reported interactions with protected species in the fishery remains very low, I consider that the WA Abalone Fishery continues to comply with the protected species provisions of the EPBC Act. For this reason I have decided to reaccredit the fishery's management arrangements under Part 13.

The management arrangements for the WA Abalone Fishery meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. The WA Abalone Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, proposed strategies and the nature of the fishery allows confidence that the fishery managers will maintain low bycatch levels, minimise interactions with protected species and manage 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. Officers from our two departments have discussed key areas requiring ongoing attention. I understand they have agreed to a number of recommended actions, focusing on ensuring the continuation of good management practices, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment A** have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

I would also like to reiterate that EPBC Act approvals are given to the WA Abalone Fishery's management regime in place at the time of the decision and as such DEWHA must be advised of any management changes, to ensure that accreditations remain valid.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed.

Yours sincerely

[Signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
4 September 2009

Attachment A

Recommendations to DFWA on the ecologically sustainable management of the WA Abalone Fishery.

Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the WA Abalone Fishery in September 2014.

1. Operation of the fishery will be carried out in accordance with the management arrangements for the WA Abalone Fishery in force under the *WA Fish Resources Management Act 1994*.
2. The Department of Fisheries Western Australia (DFWA) to inform the DEWHA of any intended amendments to the WA Abalone Fishery's management arrangements that may affect the assessment of the fishery against the criteria on which the Environment Protection and Biodiversity Conservation Act 1999 Act (EPBC Act) decisions are based.
3. DFWA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA to conduct a comprehensive review of risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment for the Abalone Fishery. DFWA to implement appropriate measures to ensure identified risks are addressed and minimised.
5. DFWA to continue to progress the current and intended 'future directions' research areas indicated in the *Performance indicators, biological reference points, and decision rules for Western Australian abalone fisheries* report, to enable the fishery to continue to improve its ecological sustainability.
6. DFWA to continue to consult with other fisheries agencies to pursue a national process for developing, adopting and reviewing appropriate biological parameters and reference points.
7. DFWA to develop an appropriate performance measure(s) which provides the basis for monitoring and responding to future ecosystem changes in the fishery.
8. DFWA to continue to ensure that any relevant community, conservation and recreational interests in the fishery are considered through appropriate consultative mechanisms.
9. DFWA to continue to implement strategies to more accurately quantify the extent of catch from other sectors, to better inform the stock assessment process.
10. DFWA to continue to work with other jurisdictions to develop and implement effective strategies and response measures to reduce the extent of illegal take of abalone in Western Australia.