



Australian Government
Department of the Environment

Ref: 2010/12618

The Hon Ken Baston MLA
Minister for Agriculture and Food; Fisheries
4th Floor, London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment in relation to the reassessment of the Western Australian Abalone Managed Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In June 2014, the Department of Fisheries Western Australia provided an application to the Department of the Environment seeking continued export approval for the Western Australian Abalone Managed Fishery.

The application 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. The assessment took into account measures that have been developed by the Department of Fisheries Western Australia in response to the recommendations made in the 2009 assessment of the fishery.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:
<http://www.environment.gov.au/marine/fisheries/wa/abalone>.

The management regime for the Western Australian Abalone Managed Fishery was first accredited under Part 13 of the EPBC Act, for interactions with protected species, in August 2004. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will 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 regime, 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 reaccredited the management regime for the Western Australian Abalone Managed Fishery under Part 13 of the EPBC Act. 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.

I consider that the Western Australian Abalone Managed Fishery operates in line with the Australian Government '*Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.*'

Given the management arrangements and precautionary measures for the fishery including total allowable catch limits, size limits, season restrictions, possession and bag limits for recreational fishers, and area closures, I have decided to amend the list of exempt native specimens to allow export of product from the Western Australian Abalone Managed Fishery for a period of five years, until 12 September 2019.

While there are some environmental risks associated with the Western Australian Abalone Managed Fishery, I believe that the Department of Fisheries Western Australia has in place measures to address these issues. Officers from the Department of Fisheries Western Australia and the Department of the Environment have discussed and agreed to three recommendations focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment 1**.

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

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

5 September 2014

Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the WA Abalone Managed Fishery September 2014

1. Operation of the fishery will be carried out in accordance with the management regime under the Western Australian *Fish Resources Management Act 1994* and the Western Australian Fish Resources Management Regulations 1995.
2. The WA Department of Fisheries to inform the Department of the Environment of any intended material changes to the Western Australian Abalone Managed Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The WA Department of Fisheries to produce and present reports to the Department of the Environment annually as per Appendix B of the '*Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*'.

