



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

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The Hon David Llewellyn MP  
Minister for Primary Industries and Water  
Level 1, Public Buildings,  
Franklin Square,  
HOBART TAS 7000

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment, Heritage and the Arts in relation to the reassessment of the Tasmanian Freshwater Eel Fishery (TFEF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the TFEF was completed in November 2004, resulting in the then Minister for the Environment and Heritage declaring the TFEF 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 3 November 2009.

In August 2009, the Inland Fisheries Services Tasmania (IFS) submitted an *Application to the Department of Environment, Water, Heritage and the Arts For Re-Assessment of the Tasmanian Freshwater Eel Fishery* for consideration of further export approval of the product of the TFEF. The IFS 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 IFS in response to recommendations made in the initial assessment of the TFEF to improve the management of the fishery.

I am pleased to advise that the assessment of the fishery is now complete. The new assessment report will be available on the Department of the Environment, Water, Heritage and the Arts website at:  
<http://www.environment.gov.au/coasts/fisheries/index.html>.

I am satisfied that for the purposes of Part 13A of the EPBC Act, the management arrangements provide the basis for the TFEF 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 TFEF excluding specimens that are listed under Part 13 of the EPBC Act, for a period of four and a half years. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues to operate in accordance with the *Tasmanian Inland Fisheries Act 1995* and the *Inland Fisheries Regulations 1996* 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 TFEF perform satisfactorily against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The TFEF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial TFEF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way.

While there are some environmental risks associated with this fishery, I believe that IFS is committed to addressing these issues and is already taking proactive action. Officers from DEWHA and IFS have discussed key areas requiring ongoing and increased attention, and have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next assessment of the TFEF under the EPBC Act in 2014. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the TFEF 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, my Department needs to be advised of any intended changes 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 the 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]*

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

29/10/ 2009

**Recommendations to the Inland Fisheries Services Tasmania (IFS) on the ecologically sustainable management of the Tasmanian Freshwater Eel Fishery (TFEF)**

The TFEF 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: limited entry, input controls, spatial management and gear restrictions.

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, IFS should action these recommendations before the next review of the fishery in 2014.

1. Operation of the fishery will be carried out in accordance with the management regime in force under the *Inland Fisheries Act 1995* and the *Inland Fisheries Regulations 1996*.
2. IFS to inform DEWHA of any intended amendments to the management arrangements that may affect the assessment of the TFEF against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. IFS to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2<sup>nd</sup> Edition*.
4. IFS to collaborate with other jurisdictions in pursuing consistent and complementary research needs and management arrangements for target species.
5. By 1 November 2012 IFS to:
  - (a) develop and implement fishery specific objectives linked to performance indicators and performance measures for target, bycatch, protected species and impacts on the ecosystem;
  - (b) to monitor the status of the fishery in relation to the performance measures once developed; and
  - (c) within 3 months of becoming aware of a performance measure not being met, IFS to finalise a clear timetable for the implementation of appropriate management responses.
6. IFS to:
  - (a) undertake an Ecological Risk Assessment (ERA) for the TFEF; and
  - (b) identify and implement appropriate management responses, to address and mitigate risks and impacts identified in the ERA.