



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Ian Macdonald MLC
Minister for Primary Industries
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the reassessment of the NSW Estuary Prawn Trawl Fishery (EPTF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPTF was first assessed by the Department of the Environment, Water, Heritage and the Arts (DEWHA) (formerly the Department of the Environment and Heritage) in November 2003 under Part 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the NSW Department of Primary Industries (DPI). In light of a number of concerns that needed to be addressed to manage environmental risks in the longer term, the EPTF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years.

In October 2006, your Department indicated the fishery had ceased export and ongoing export approval was not required. Subsequently, on the 30 November 2006, the WTO declaration was allowed to lapse. On 20 September 2007 an exceptional circumstances permit was granted to allow the export of 50 tonnes of school prawns sourced from the Clarence River estuary of the EPTF for a short-term period of six months.

DPI recently advised DEWHA of the intention to resume export at the start of the fishing season in December 2008, and consequently submitted an updated submission for assessment under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise the assessment of the fishery is now complete. The new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/nsw/prawntrawl/index.html>.

In considering the current management arrangements, 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 over the next three years.

Performance against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the EPTF a WTO under Part 13A of the EPBC Act, subject to the three conditions at **Attachment A**. This declaration would allow the export of product from the EPTF for the next three years.

While there are some environmental risks associated with this fishery, I consider that NSW DPI is committed to addressing these issues and is already taking proactive steps in most 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 recommendations, focusing on addressing key issues for the EPTF, 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.

Yours sincerely

[signed]

Claire Howlett

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

25 November 2008

Attachment A

Conditions on the Wildlife Trade Operation for the New South Wales (NSW) Estuary Prawn Trawl Fishery (EPTF)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the EPTF.

1. Operation of the EPTF will be carried out in accordance with the NSW *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006* in force under the NSW *Fisheries Management Act 1994*.
2. NSW Department of Primary Industries (DPI) to advise the Department of Environment, Heritage and the Arts (DEWHA) of imminent and substantive changes to the EPTF management arrangements that may affect the assessment of the fishery against the criteria upon which the EPBC Act decisions are based.
3. NSW DPI to produce and present reports to DEWHA annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the New South Wales (NSW) Department of Primary Industries (DPI) on the ecologically sustainable management of the Estuary Prawn Trawl Fishery (EPTF)

The EPTF 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, catch limits and gear restrictions including the mandatory implementation of square mesh codends.

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, NSW DPI should action these recommendations before the next review of the fishery in November 2011.

1. NSW DPI should continue to review the stock status of species categorised as growth overfished and implement improved measures as appropriate to ensure stocks are maintained at ecologically viable levels.
2. NSW DPI should continue to develop and implement a new catch information management system for the major NSW commercial fisheries (including EPTF) to improve reporting and data analysis. A robust system to validate catch and effort logbook data should be included as part of the implementation of the catch information system.
3. NSW DPI to:
 - implement research and monitoring priorities identified within the Strategic Research and Monitoring Plan for the EPTF;
 - and continue to collaborate, where appropriate, with other jurisdictions to actively pursue consistent and/or complementary research needs and management arrangements for target species.
4. NSW DPI to implement appropriate measures to ensure risks identified in relation to bycatch and byproduct species are addressed and minimised.
5. NSW DPI to ensure that stock assessments and management arrangements for target and byproduct species, take account of all removals, including best estimates of recreational, Indigenous and illegal catch.