



## Australian Government

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

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The Hon Rory McEwen MP  
Minister for Agriculture, Food and Fisheries  
GPO Box 668  
ADELAIDE SA 5001

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 South Australian (SA) Marine Scalefish Fishery (MSF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The MSF 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 2005 under Part 13 and 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 Department of Primary Industries and Resources South Australia (PIRSA). In light of a number of concerns that needed to be addressed to manage environmental risks in the short to medium term, the MSF 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. The Delegate also accredited the MSF management regime under Part 13 of the EPBC Act in relation to protected species provisions.

In August 2008, PIRSA submitted the report, '*Ecological Assessment of the South Australian Marine Scalefish Fishery Reassessment Report*' for assessment under the EPBC Act to allow continued export approval for this fishery. 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 new assessment report will be available on the DEWHA website at:  
<http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no significant changes to the management arrangements for the MSF the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

In considering the current regulations, 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 *Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term, particularly regarding the need to consider recreational take in assessments of stock sustainability, and the need to ensure risks in relation to bycatch and by-product are addressed and minimised. Hence, I propose to declare the MSF an approved 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 MSF until 1 November 2011.

While there are some environmental risks associated with this fishery, I consider that PIRSA is committed to addressing these issues and is already taking proactive steps in most areas. Officers from DEWHA and PIRSA have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, PIRSA has agreed to a number of recommended actions, focusing on addressing key issues for the MSF, to be implemented before the next assessment of the fishery under the EPBC Act. 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]

Andrew McNee

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

21 November 2008

**Conditions on the Wildlife Trade Operation Declaration for the  
South Australian Marine Scalefish Fishery**

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 South Australian.

1. Operation of the fishery will be carried out in accordance with the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia).
2. The Department of Primary Industries and Resources, South Australia (PIRSA) will advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any material change to the fishery's management arrangements that could affect the assessment against the criteria on which EPBC Act decisions are based.
3. PIRSA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations to the Department of Primary Industries and Resources  
South Australia (PIRSA) on the ecologically sustainable management of the  
South Australian Marine Scalefish Fishery (MSF)**

The MSF is a relatively 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, gear restrictions, minimum legal lengths for most species, and the implementation of netting closures in three priority areas.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the MSF and minimise environmental risks in the short to medium term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next review of the MSF in 2011.

1. In the review of the Management Plan, PIRSA to:
  - (a) identify areas at risk of localised depletion and implement appropriate management measures to address the identified risks;
  - (b) implement appropriate measures to ensure risks identified in relation to bycatch and by-product species are addressed and minimised; and
  - (c) seek the improvement of catch and effort data of the fishery, including consideration of finer scale reporting and the introduction of a robust system to validate catch and effort data.
2. PIRSA to:
  - (a) continue to improve estimates of harvest from the recreational sector; and
  - (b) factor this information into stock assessments to determine appropriately precautionary ecologically sustainable harvest levels.
3. For species that are overfished, PIRSA to continue to develop and implement recovery strategies to rebuild stocks to ecologically viable levels within a specific time period appropriate to the biology of the stock.
4. PIRSA to implement priority research and monitoring including those priorities identified in the Strategic Research and Monitoring Plan for the MSF.