



The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

B09/802

The Hon Norman Moore MLC
Minister for Fisheries
4th Floor London House
216 St George Terrace
PERTH WA 6000

Dear Minister

16 APR 2009

I am writing to you in relation to the re-assessment of the Western Australia Temperate Shark Fisheries (WATSF), comprising the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery and the West Coast Demersal Gillnet and Demersal Longline (Interim) Managed Fishery, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In October 2008, the Department of Fisheries Western Australian (DFWA) submitted the document entitled *Application to the Department of the Environment, Water, Heritage and the Arts on the Western Australian Temperate Shark Fisheries* for assessment under the EPBC Act to allow continued export approval for these fisheries. 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. The assessment also took account of measures that have been developed and implemented by DFWA in response to conditions and recommendations placed on the previous Wildlife Trade Operation (WTO) declarations to improve the management of the fisheries. I am pleased to advise that assessment of the WATSF is now complete.

The new assessment report will be available on my Department's website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

I am satisfied that the operation of the WATSF are consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that they are unlikely to be detrimental to the survival or conservation status of any taxon to which the fisheries operations relate, or threaten any relevant ecosystem in the short to medium term.

While performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* is adequate, I am of the view that there are a number of issues that need to be addressed to contain environmental risks in the longer term. These include: ensuring dusky, sandbar and whiskery sharks are managed to rebuild their breeding stocks and to determine the nature and frequency of interactions between fishers and Australian sea lions. To ensure that these risks are minimised, I propose to declare the WATSF as approved WTO's under Part 13A of the EPBC Act, subject to five conditions (Attachment A). This declaration would allow the export of product from the fisheries for the next three years.

As there have been no significant changes to management arrangements since our last assessment of the fisheries in 2006 and noting the low level of reported interactions with protected species in the fisheries, I consider that the existing Part 13 accreditations in relation to protected species provisions under the EPBC Act still apply. However, as stipulated above, I remain concerned about the level of certainty surrounding interactions with Australian sea lions and have conditioned the WTO declaration accordingly.

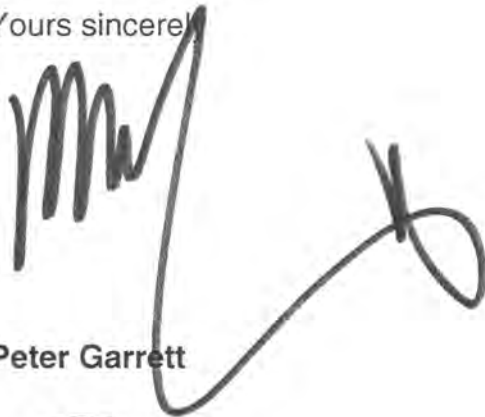
While there are some environmental risks associated with these fisheries, I am advised that DFWA is committed to addressing these issues and has already taken significant steps to improve the ecological sustainability of the WATSF. Officers from our two departments have discussed key areas requiring ongoing and increased attention, and I understand that in addition to the conditions to the WTO declarations, they have agreed to a number of recommended actions to be implemented before the next Australian Government review of the fisheries. The recommendations at Attachment B have been an important factor in my decision to declare the fisheries as approved WTO's and I look forward to receiving your confirmation that they will be implemented.

In particular, I would like to draw your attention to Recommendation 1, which asks for DFWA to validate catch and effort data in the fisheries. This was a recommendation of the previous export approval. I understand your Department has experienced some difficulties in implementing a robust validation program, but are seeking to rectify this. I commend this work and consider it remain a priority for the ecologically sustainable management of the fisheries.

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

I have written to the Minister for Agriculture, Fisheries and Forestry, the Hon Tony Burke MP to advise him of the outcomes of the assessment for the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Garrett', with a large, stylized flourish extending from the end of the signature.

Peter Garrett



Conditions on the Wildlife Trade Operation Declaration for the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery (JASDGDLF) and the West Coast Demersal Gillnet and Demersal Longline (Interim) Managed Fishery (WCDGDLF).

1. Operation of the JASDGDLF and the WCDGDLF will be carried out in accordance with the management arrangements in force under the *WA Fish Resources Management Act 1994*.
2. The Department of Fisheries Western Australia (DFWA) to advise the Department of Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the JASDGDLF and WCDGDLF management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (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:
 - (a) review and report against the outcomes of actions taken to date to rebuild dusky and sandbar shark stocks, and publicly release the report; and,
 - (b) continue to further develop strategies to ensure the recovery of dusky, sandbar and whiskery shark stocks within an appropriate timeframe relevant to the biology of the stock.
5. DFWA to;
 - (a) by 30 March 2011, undertake a study to estimate risk of interactions between fishers and Australian sea lions and determine scientifically robust levels of observer coverage required for the purposes of designing an appropriate and effective observer program; and
 - (b) subject to the outcomes of Condition 5(a) implement an appropriate observer program to determine the nature and frequency of interactions with Australian sea lions.

Recommendations to the Department of Fisheries Western Australia (DFWA) on the ecologically sustainable management of the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery (JASDGDLF) and the West Coast Demersal Gillnet and Demersal Longline (Interim) Managed Fishery (WCDGDLF).

The JASDGDLF and WCDGDLF are relatively well-managed fisheries with a range of management measures to promote the ecologically sustainable harvesting of species from the fisheries. These measures include: limited entry; gear restrictions; stock assessments for the four key shark stocks (gummy, dusky, sandbar and whiskery sharks); introduction of maximum size limits for dusky sharks to reduce mortality of older individuals (critical to the rebuilding of dusky shark stocks); improved management arrangements for shark caught in commercial fisheries that do not target shark; improved management measures for recreational fishers, including maximum size limits for all whaler sharks in the west coast and south coast bioregions; prohibition on the use of metal snood material and large hooks; implementation of temporal closures for whiskery shark pupping areas; implementation of an effort management regime aimed at reducing and constraining effort; and, implementation of a daily/trip catch and effort logbook, with proposed improvements to data validation processes to ensure integrity and accuracy of logbook data.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fisheries and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (three years).

Recommendation:

1. DFWA to implement a robust system to validate commercial logbook reporting of catch and effort for all target and byproduct species.
2. DFWA to continue to improve accuracy and recording of species-specific catch data for all chondrichthyans, including target and byproduct species.
3. DFWA, in collaboration with industry and relevant stakeholders, to develop and implement a long-term monitoring program for bycatch species, sufficient to identify long-term trends in their composition and quantity.
4. By November 2010, DFWA to review and update the Ecologically Sustainable Development report for the Western Australia Temperate Shark Fisheries (WATSF) including:
 - a review of risk levels; and,
 - update or development of new objectives, performance measures, management responses and information requirements as appropriate,for target species, byproduct, bycatch (including protected species) and impacts on the marine environment. DFWA to implement appropriate management measures to ensure identified risks are addressed and minimised.

5. DFWA to:
 - (a) undertake a formal quantitative compliance risk assessment for the WATSF; and
 - (b) apply the outcomes of that assessment within its internal compliance planning processes.

6. DFWA to pursue and support ongoing research for target species, byproduct, bycatch (including protected species) and impacts on the ecosystem to continue to improve the ecologically sustainable management of the fisheries.

7. DFWA to:
 - (a) continue to improve estimates of harvest from the recreational sector; and
 - (b) factor this information into stock assessments to ensure harvest levels are ecologically sustainable.