



Australian Government

Department of the Environment and Heritage

Environment Protection and Biodiversity Conservation Act 1999

FISHERIES ASSESSMENTS

The depletion of fish stocks and the ecological sustainability of global fisheries are issues of international concern. While the status of Australia's fish stocks is generally better than elsewhere in the world, there is still evidence of overfishing and a high level of uncertainty¹. The Australian Government has responded to the ongoing concerns about the environmental impacts of fishing and the risk of over exploitation of marine resources by incorporating ecological sustainability requirements into Australian Government environment and fisheries legislation.

Legislative changes, including the implementation of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), mean the Australian Government now plays a stronger role in assessing the environmental performance of Australian fisheries. The EPBC Act requires that:

1. all Commonwealth managed fisheries undergo strategic environmental impact assessment before new management arrangements are brought into effect; and
2. all fisheries with an export component undergo assessment to determine the extent to which management arrangements will ensure the fishery is managed in an ecologically sustainable way.

Management of fisheries remains firmly the responsibility of the State, Territory and Commonwealth fisheries management agencies. The legislative amendments simply require independent assessment of the environmental performance of fisheries management arrangements, to ensure that, over time, all fisheries are both productive and ecologically sustainable.

The assessments are conducted by the Department of the Environment and Heritage's (DEH) Sustainable Fisheries Section (SFS) on behalf of the Australian Government. Submissions are prepared by the fishery management agency against the *Guidelines for the Ecologically Sustainable Management of Fisheries* (available from the SFS or at <http://www.deh.gov.au/coasts/fisheries/assessment/guidelines.html>). The Guidelines outline principles and objectives designed to ensure a strategic and transparent way of evaluating ecological sustainability.

Assessment of Fisheries

Export fisheries - The assessment of fisheries with an export component involves consideration of the requirements of Part 13A of the EPBC Act and seeks to determine the extent to which the fishery is managed in an ecologically sustainable way.

Commonwealth Fisheries - Strategic assessment of Commonwealth fisheries involves consideration of the requirements of Part 10 of the EPBC Act, to assess the impacts of actions taken under a fishery management regime on matters of national environmental significance (NES).

Fisheries operating in Commonwealth waters – The assessment also considers the impact of fishery operations on cetaceans, and threatened species, migratory species, marine species and threatened ecological communities listed under Part 13 of the EPBC Act.

A single assessment is done for each fishery, resulting in 1, 2 or 3 independent decisions, relating to Part 10 (accreditation for matters of NES), Part 13 (accreditation for protected species interactions) and Part 13A (export). Flow charts of the process and procedures involved in the strategic and export assessment

¹ Bureau of Rural Sciences, *Fishery Status Reports 2000-2001* (2002), Agriculture Fisheries and Forestry – Australia, Canberra.

of fisheries are included overleaf. The aim is to strengthen and complement existing fisheries management responsibilities, with a common and fundamental goal of best practice ecosystem-based fisheries management.

The processes are designed to incorporate a flow of communication between fisheries managers and the Sustainable Fisheries Section, thus facilitating the best outcome for the fishery. A 28 day public comment period allows anyone interested in fisheries management to provide DEH and fisheries managers with comments on the management agency submission.

Outcomes

At the completion of the assessment process, the Minister for the Environment and Heritage will make a number of decisions based on advice from DEH.

The Minister may make one of three decisions relating to the export of products from a fishery:

EXEMPT – The fishery is being managed in an ecologically sustainable way, in accordance with the *Guidelines*. Products or species sourced from the fishery are added to the list of exempt native specimens for up to 5 years and recommendations for action over that time may be made; or

WTO – The fishery is consistent with the objectives in the EPBC Act and is not likely to have an unacceptable impact in the short term. However there are uncertainties and further action required. This fishery is declared an approved Wildlife Trade Operation (WTO) and export can occur while conditions are being met; or

PROHIBITION – The fishery has significant environmental impacts that cannot be mitigated through conditions. Export is not permitted. This is an undesirable situation and in every case DEH will strive to find mutual ground and a positive way forward in order to achieve either exemption or a WTO.

In addition, for Commonwealth managed fisheries, the Minister will determine either:

s.33 accreditation – Actions taken in accordance with the Management Plan for the fishery are unlikely to have an unacceptable or unsustainable impact on the environment. The Management Plan is accredited and further assessment of the impacts of the fishery under the EPBC Act is not required; or

No s.33 accreditation – The Management Plan does not address key environmental issues and the plan's ability to control unacceptable impacts of the fishery on the environment is uncertain.

For fisheries operating in Commonwealth waters the Minister will also determine either:

Part 13 accreditation – The fishery management regime requires fishers to take all reasonable steps to avoid killing or injuring protected species and the regime does not, or is not likely to adversely affect the survival or recovery in nature of a protected species. The Management Plan is accredited and operators are exempt from requiring permits under Part 13 for interactions with protected species.

No Part 13 accreditation – The Management Plan does not take all reasonable steps to minimise impacts on protected species and the plan's ability to control unacceptable impacts on protected species is uncertain.

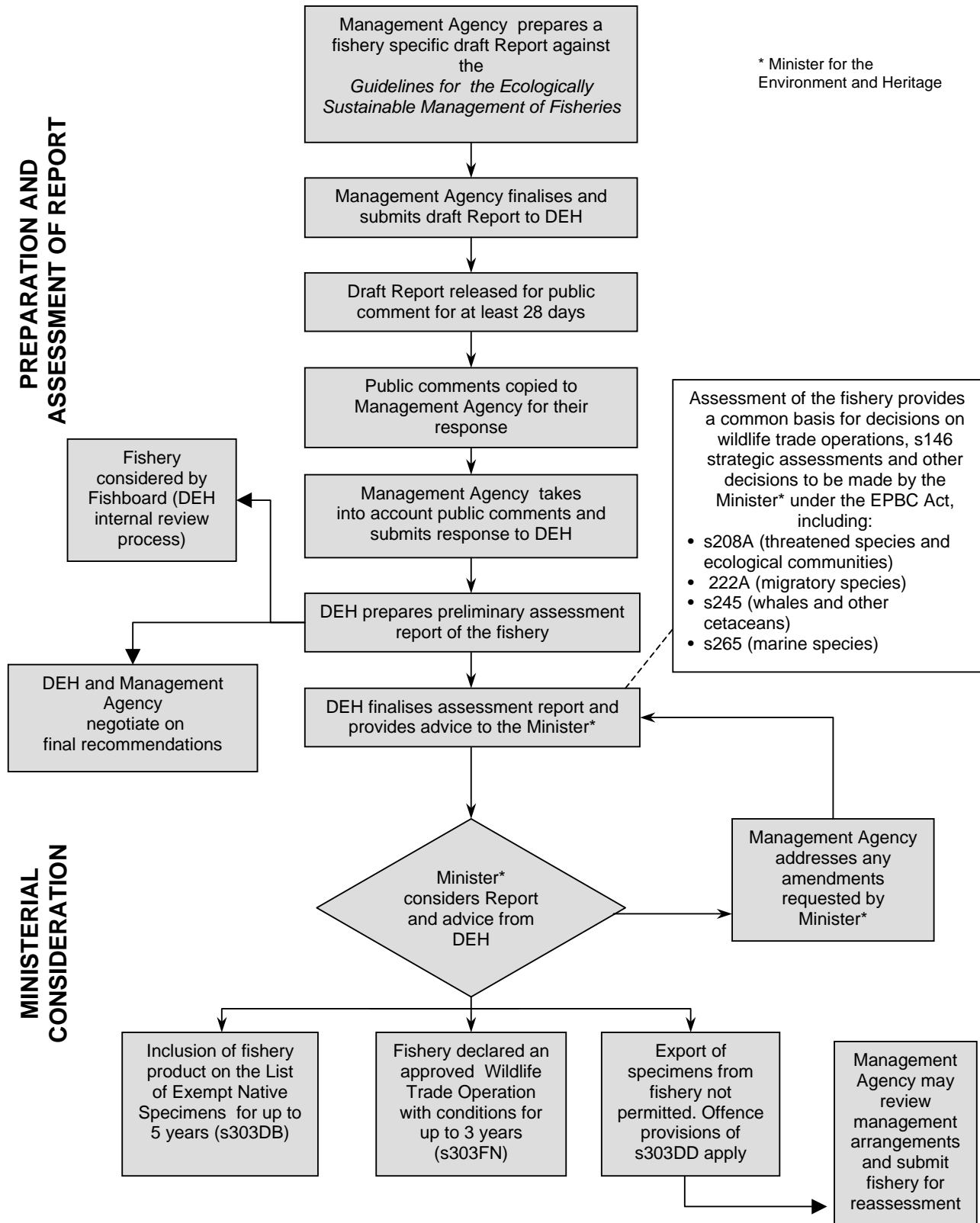
The Australian Government Minister for the Environment and Heritage may accredit an environmental assessment process for fisheries by State or Territory authorities if satisfied that the assessment process meets the *Accreditation Benchmarks for the Environmental Assessment of Fisheries* (available from the SFS).

Contact Details

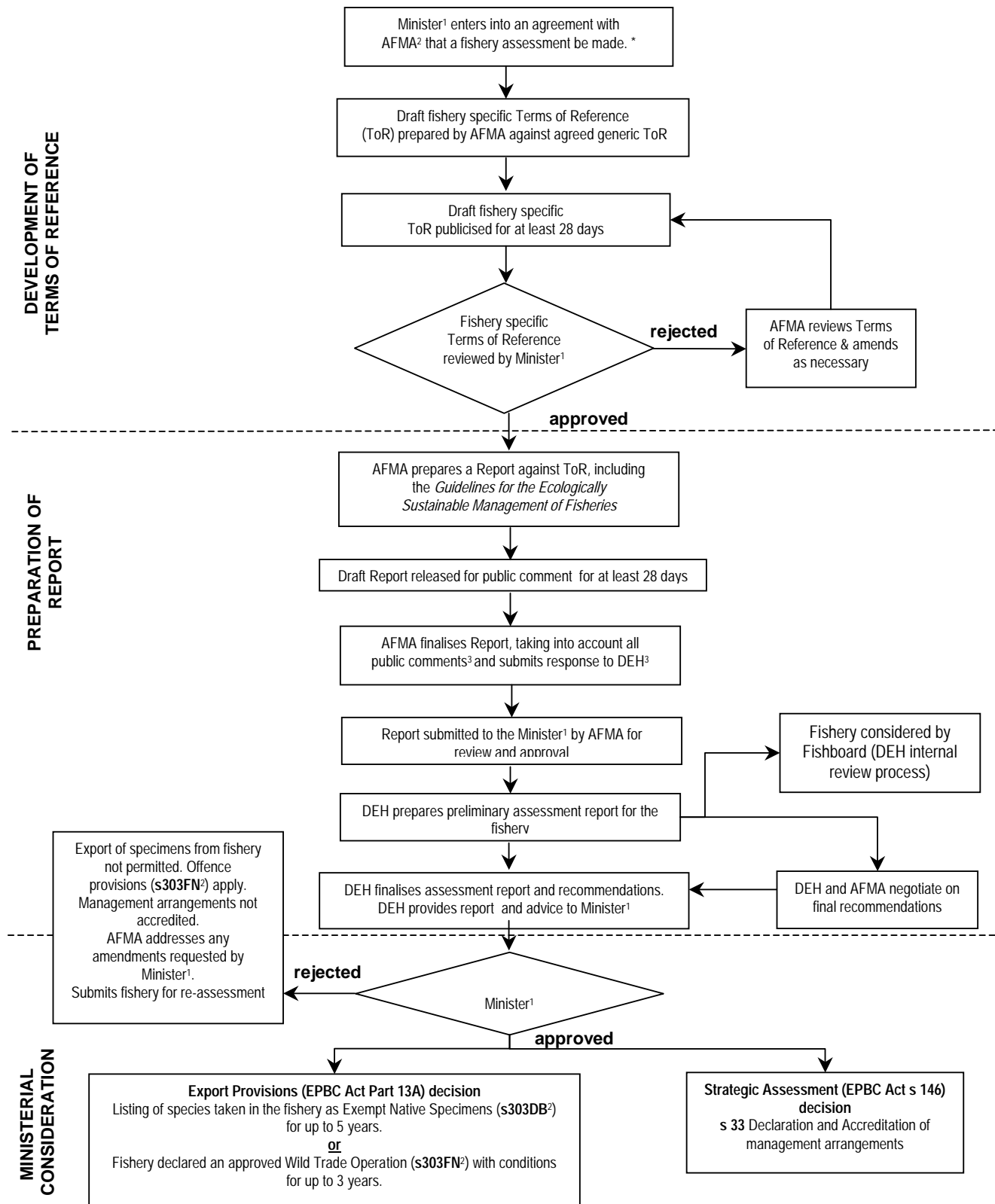
For further information or clarification of the fisheries management assessment process contact the Sustainable Fisheries Section

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Overview of Assessment Process for Fisheries to Export under the Wildlife Trade provisions of the EPBC Act 1999



Overview of Process for Strategic Assessment & Assessment for export for Commonwealth managed Fisheries under the EPBC Act



- 1 Minister for the Environment and Heritage
 2 Australian Fisheries Management Authority
 3 Department of the Environment and Heritage
 * Note: Torres Strait fisheries agreements are entered into with the Minister for Agriculture, Fisheries and Forestry