



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Paul Caica 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 Giant Crab Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the South Australian Giant Crab Fishery was completed in March 2004, resulting in the then Delegate of the Minister for the Environment and Heritage declaring the fishery an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act until 19 March 2007. The *Giant Crab Fishery Management Plan 2003* was also accredited at that time under the relevant protected species provisions of Part 13 of the EPBC Act.

A second assessment of the fishery was completed in March 2007, with the then Delegate of the Minister for the Environment and Heritage declaring the fishery an approved WTO until 14 March 2010.

In December 2009, the Department of Primary Industries and Resources, South Australia (PIRSA) provided their submission for assessment under the EPBC Act. 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 the assessment of the fishery is now complete. The assessment report will be available on the Department of Environment, Water, Heritage and the Arts (DEWHA) website at:

<http://www.environment.gov.au/coasts/fisheries/sa/giant-crab/index.html>

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. I therefore propose to amend the List of Exempt Native Specimens, to include specimens that are derived from fish taken in the South Australian Giant Crab Fishery, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the *SA Fisheries Management (Miscellaneous) Regulations 2000*; *SA Fisheries Management (General) Regulations 2007*; and *Fisheries Management Act 2007*, as the Regulations and Act apply to the South Australian Giant Crab Fishery, and continues not to involve the export of specimens listed on the Convention on the International Trade in Endangered Species.

Additionally, as there have been no significant changes to management arrangements since our last assessment of the fishery in 2007 and the level of reported interactions with protected species in the fishery remains very low, I consider that the South Australian Giant Crab Fishery continues to comply with the protected species provisions of the EPBC Act.

The management arrangements for the South Australian Giant Crab Fishery meet the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. The South Australian Giant Crab Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, proposed strategies and the nature of the fishery allows confidence that the fishery managers will maintain low bycatch levels, minimise interactions with protected species and manage impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that PIRSA is committed to addressing these issues. Officers from our two departments have discussed key areas requiring ongoing attention. I understand that they have agreed to a number of recommended actions, focusing on ensuring the continuation of good management practices, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment A** have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

I would also like to reiterate that EPBC Act approvals are given to the South Australian Giant Crab Fishery's management regime in place at the time of the decision and as such DEWHA must be advised of any management changes, to ensure that accreditations remain valid.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed.

Yours sincerely



Nigel Routh

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

10 March 2010

Attachment A

Recommendations to PIRSA on the ecologically sustainable management of the South Australian Giant Crab Fishery.

Unless a specific time frame is provided in the recommendation, each recommendation must be addressed before the next assessment of the South Australian Giant Crab Fishery in March 2015.

1. Operation of the fishery will be carried out in accordance with the management arrangements for the SA Giant Crab Fishery (SAGCF) in force under the *SA Fisheries Management Act 2007*.
2. The Department of Primary Industries and Resources, South Australia (PIRSA) to inform the DEWHA of any intended amendments to the SAGCF management arrangements that may affect the assessment of the fishery 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*.
4. PIRSA to review the suite of performance indicators for the fishery to improve confidence in the stock assessment model.
5. PIRSA to continue to develop and implement a system for the monitoring and assessment of bycatch; PIRSA to explore the development of methods for validation of bycatch in logbook data.
6. PIRSA to continue to collaborate with other jurisdictions to pursue consistent and/or complimentary research needs, stock assessments and management arrangements for the Southern Australian giant crab stock where appropriate.