



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2010/01808

The Hon Craig Wallace MP
Minister for Main Roads, Fisheries and Marine Infrastructure
PO Box 15456
CITY EAST QLD 4002

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Queensland Spanner Crab Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In July 2011, Fisheries Queensland provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Queensland Spanner Crab Fishery.

The application 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 by Fisheries Queensland in response to recommendations made in the 2007 assessment of the fishery.

I am pleased to advise that the assessment of the fishery is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at:
<http://www.environment.gov.au/coasts/fisheries/qld/spanner-crab/index.html>.

I consider that the Queensland Spanner Crab Fishery operates in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Given the management arrangements and precautionary measures currently in place for the fishery including total allowable catch limits, individual transferable quotas, protection of egg bearing female crabs, gear restrictions, size limits and seasonal closures, I have decided to amend the list of exempt native specimens to allow ongoing export of product from this fishery for a period of five years, until 3 February 2017. To ensure that the decisions for the Queensland Spanner Crab Fishery under the EPBC Act continue to be valid, officers from Fisheries Queensland and the department have discussed and agreed to three recommendations. These recommendations can be found at **Attachment A**.

The management regime for the Queensland Spanner Crab Fishery was most recently accredited under Part 13 of the EPBC Act in January 2007 and reaccredited in April 2008, following the replacement of the Queensland *Fisheries Regulation 1995* with the Queensland *Fisheries Regulation 2008*. In January 2011, the then Delegate of the Minister for Sustainability, Environment, Water, Population and Communities remade the Part 13 instrument following the repeal of the Queensland *Fisheries (Spanner Crab) Management Plan 1999* and consequent amendments to the *Fisheries Regulation 2008*.



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GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666

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I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.

I have therefore reaccredited the management regime for the Queensland Spanner Crab Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that the decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decisions. This includes legislative amendments and operational changes that may affect the impact of the fishery in relation to target species, byproduct, bycatch, protected species or the ecosystem.

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

As the Queensland Spanner Crab Fishery operates within the Great Barrier Reef Marine Park, I have copied this letter to Dr Russell Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Routh', with a long horizontal stroke extending to the right.

Nigel Routh
Delegate of the Minister for Sustainability, Environment, Water, Population
and Communities

19 January 2012

Attachment A

Recommendations to Fisheries Queensland on the ecologically sustainable management of the Queensland Spanner Crab Fishery.

1. Operation of the Queensland Spanner Crab Fishery will be carried out in accordance with the management regime under the Queensland *Fisheries Act 1994* and Queensland *Fisheries Regulation 2008*.
2. Fisheries Queensland to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the Queensland Spanner Crab Fishery legislated management regime and management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Fisheries Queensland to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.