



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

Our reference: 2011/10302

The Hon Norman Moore  
Minister for Mines and Petroleum, Fisheries  
and Electoral Affairs  
4th Floor, London House  
216 St Georges Terrace  
PERTH WA 6000

Dear Minister

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

In June 2011, the Department of Fisheries Western Australia provided the Department of Sustainability, Environment, Water, Population and Communities with a submission for reassessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery under the EPBC Act.

I am pleased to advise that assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery is now complete. The assessment report will be available on the department's website at: <http://www.environment.gov.au/coasts/fisheries/wa/shark-bay/index.html>.

The *Western Australian Shark Bay Crab Fishery (Interim) Management Plan 2005* was accredited under Part 13 of the EPBC Act in November 2004. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the *Western Australian Shark Bay Crab Fishery (Interim) Management Plan 2005* will adversely affect the conservation status of protected species or affect the survival and recovery of listed threatened species. I also consider that under the management plan, operators are required to take all reasonable steps to avoid the killing or injuring of protected species.

I have therefore reaccredited the *Western Australian Shark Bay Crab Fishery (Interim) Management Plan 2005* under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management plan are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

I am satisfied that the operation of the Western Australian Shark Bay Crab (Interim) Managed 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 in the medium term.

Given the management arrangements and precautionary measures for the fishery including seasonal and daily time restrictions and specific measures such as catch limits, gear restrictions, prohibition of the harvest of berried females and immature male crabs, I have decided to amend the list of exempt native specimens to allow export of product from this fishery for a period of five years, until 30 September 2016.

While there are some environmental risks associated with the Western Australian Shark Bay Crab (Interim) Managed Fishery, I believe that the Department of Fisheries Western Australia has in place measures to address these issues. Officers from the Department of Fisheries Western Australia and this department have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment A**. These recommendations have been an important factor in my decision to include product derived from the Western Australian Shark Bay Crab (Interim) Managed Fishery in the list of exempt native specimens and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions under the EPBC Act relate to the arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the department needs to be advised of any intended changes to the management plan 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 decision. This includes legislated amendments and operational changes that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

I would like to thank you for the cooperation of your officials in this assessment.

Yours sincerely

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

Nigel Routh

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

4 October 2011

**Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the Western Australian Shark Bay Crab (Interim) Managed Fishery.**

1. Operation of the fishery will be carried out in accordance with the Western Australian *Shark Bay Crab Fishery (Interim) Management Plan 2005* and management regime for the fishery in force under the Western Australian *Fish Resources Management Act 1994* and *Fish Resources Management Regulations 1995*.
2. The Western Australian Department of Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the Western Australian Shark Bay Crab (Interim) Managed Fishery's legislated management regime and management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Department of Fisheries Western Australia 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 – 2<sup>nd</sup> Edition*. These reports should also include updates regarding catch summaries of bycatch and byproduct.
4. Within five years, the Department of Fisheries Western Australia to review and update performance measures, indicators, management responses and information requirements for blue swimmer crab in the fishery. As part of this review, the Department of Fisheries Western Australia to develop a total acceptable catch limit for blue swimmer crab as a performance measure.

