



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Joe Helper MP
Minister for Agriculture
Level 22, 1 Spring St
Melbourne VIC 3000

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment, Heritage and the Arts in relation to accreditation of the *Victorian Rock Lobster Fishery Management Plan 2009* under the *Environment Protection and Biodiversity Conservation Act 1999*.

In July 2009 the Victorian Department of Primary Industries (DPI) provided information on the new *Victorian Rock Lobster Fishery Management Plan 2009* for consideration by the Department of the Environment, Water, Heritage and the Arts (DEWHA) as per recommendation 2 of the current export approval, which states:

DPI will advise DEWHA of any intended change to the fishery's management arrangements that could affect the assessment against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

DEWHA was required to consider the new arrangements to ensure that the new management plan does not negatively impact on the exempt export declaration or protected species accreditation.

The new management plan has been considered in terms of maintenance of, or improvement on, the previous management plan. The information provided by DPI indicates that the new management plan provides an enhanced framework for the management of the fishery. Therefore, I propose to make new decisions for the Victorian Rock Lobster Fishery consistent with the current declarations whilst reflecting the new management plan that will be in operation. The declarations will allow the export of product from the Victorian Rock Lobster Fishery subject to the recommendation made as part of the original decision. As the new management plan met the requirement of recommendation 4 of the previous export approval, this recommendation has been removed from the current export approval. An updated list of recommendations can be found at **Attachment A**.

I also note that the Total Allowable Commercial Catch (TACC) for the fishery has been set at 240 tonnes for the 2009/10 season, and DPI's intention to establish an independent and transparent TACC tribunal. An independent

tribunal should provide further certainty regarding the ongoing sustainable management of the fishery through re-building rock lobster stocks.

I also recognise DPI's request for amended recommendations as per discussions with Departmental officials in May 2009. We are continuing to give this matter consideration, to determine how DPI's preferences can be accommodated under the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*. We intend to continue to work with your officials to achieve a mutually acceptable resolution.

Yours sincerely

[signed]

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

30 September 2009

Attachment A

Recommendations to the Victorian Department of Primary Industries (DPI) on the ecologically sustainable management of the Rock Lobster Fishery (RLF)

1. Operation of the fishery will be carried out in accordance with the Victorian *Rock Lobster Fishery Management Plan 2009* and *Fisheries Regulations 1998* in force under the Victorian *Fisheries Act 1995*.
2. Department of Primary Industries (DPI) will advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the fishery's management arrangements that could affect the assessment against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. DPI 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. DPI to:
 - a. develop improved estimates of harvest from the recreational sector; and
 - b. in consultation with stakeholders, factor this information into stock assessments to determine appropriately precautionary ecologically sustainable harvest levels.
5. DPI to identify areas at risk of localised depletion and implement appropriate management measures to address the identified risk.
6. DPI to develop measures to assess ecosystem impacts of the fishery, including consideration of the results of the report on Rock Lobster Habitats (once finalised).
7. DPI to:
 - a. require the adoption of appropriate measures to mitigate interactions with protected species; and
 - b. continue to monitor the nature and frequency of interactions with protected species through the observer program.