



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon David Llewellyn MP
Minister for Primary Industries and Water
Level 1, Public Buildings
Franklin Square
HOBART TAS 7000

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 Tasmanian Giant Crab Fishery (TGCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the TGCF was completed in July 2003, resulting in the then Minister for the Environment and Heritage declaring the TGCF a wildlife trade operation (WTO), valid until July 2006. In 2006 the TGCF was re-assessed and again declared a WTO, valid until 22 July 2009. At this time the TGCF management regime in force under the Tasmanian *Living Marine Resources Management Act 1995* was also accredited under the relevant protected species provisions of Part 13 of the EPBC Act.

In April 2009, the Department of Primary Industries and Water (DPIW) submitted the document entitled *Application to the Department of the Environment, Water, Heritage and the Arts for Re-Assessment of the Tasmanian Giant Crab Fishery* seeking continued export approval for the TGCF under Part 13 and Part 13A of the EPBC Act.

I am pleased to advise that assessment of the TGCF is now complete. The new assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA) website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

The 2006 DEWHA assessment of the TGCF placed a condition on the WTO which required DPIW develop a strategy that provided for defining and monitoring robust target levels of sustainable yields and biomass for giant crab stocks in the TGCF by the end of 2007. In meeting this condition DPIW provided the Draft Framework for assessing the Giant Crab Fishery (July 2007). The Framework outlined a range of strategies to manage risks that had been identified as part of the 2006 DEWHA assessment. I understand that DPIW have committed to the continued implementation and review of the Framework and the ongoing development of performance indicators in the TGCF. In support of this work a recommendation has been attached to the 2009 assessment of the TGCF.

In recognition of the significant progress DPIW has made in developing and implementing a precautionary approach to the management of the TGCF I have decided to accredit the TGCF as exempt from the export provisions of the EPBC Act for five years, until 22 July 2014.

I am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the management arrangements provide the basis for the TGCF to be managed in an ecologically sustainable manner. Therefore I propose to amend the List of Exempt Native Specimens (LENS) to include specimens that are, or derived from fish or invertebrates taken in the TGCF, excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery operates in accordance with the management regime in force under the Tasmanian *Living Marine Resources Management Act 1995* and continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Additionally as there have been no significant changes to management arrangements since the last assessment of the fishery in 2006 and noting the very low level of reported interactions with protected species in the fishery, I consider that the TGCF continues to comply with the protected species provisions of the EPBC Act. For this reason I have decided to reaccredit the fishery's management arrangements under Part 13.

The management arrangements for the TGCF meet the Australian Government's *Guidelines for Ecologically Sustainable Management of Fisheries – 2nd Edition*. The TGCF is a relatively low impact fishery that is appropriately precautionary. The combination of total allowable catch and the use of individual transferable quotas, legal minimum and maximum lengths for both male and female giant crab; and limited entry lead DEWHA to consider that fishing operations are managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While there are some environmental risks associated with this fishery, I believe that DPIW 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 addressing key issues, to be implemented before the next Australian Government assessment of the TGCF. The recommendations at **Attachment A** have been an important factor in my decision to exempt the TGCF 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 for the TGCF 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. Therefore in the lead up to the implementation of the new management plan a reassessment of the TGCF's new management

arrangements will be required to determine whether they continue to ensure the ecologically sustainable management of the fishery.

I ask that you ensure your officers are aware of this requirement and keep my Department appropriately informed as to the progress of the new management plan for the TGCF.

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

Yours sincerely

[Signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
17 July 2009

Recommendations to DPIW on the ecologically sustainable management of the TGCF

Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next assessment of the TGCF in July 2014.

1. Operation of the fishery will be carried out in accordance with the Fisheries (Giant Crab) Rules 2006 made under the Tasmanian *Living Marine Resources Management Act 1995*.
2. DPIW to inform DEWHA of any intended amendments to the TGCF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. DPIW 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. As part of the 2010 review of the management plan DPIW to finalise new performance indicators for the TGCF, and ensure that appropriate management responses are also developed should limits be reached.
5. DPIW to continue to monitor the impact of discarding of undersize crabs on the giant crab stock and to implement appropriate management measures should risks be identified.
6. DPIW to implement an appropriate research plan to pursue and support research, in particular to address the following areas:
 - continued decline in the exploitable biomass of giant crabs;
 - increase in catch rates of undersized crabs; and
 - need to improve the stock assessment data for the east coast of the fishery.
7. DPIW to
 - a) work collaboratively with AFMA to address the recommendations of the FRDC shelf break habitat study.
 - b) to continue to work with relevant fishery management agencies in the management of the shared giant crab stocks.