



Australian Government

Department of the Environment and Water Resources

The Hon Jon Ford MLC
Minister for Fisheries
11th Floor Dumas House
2 Havelock St
WEST PERTH WA 6005

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Water Resources in relation to the assessment of the Western Australian (WA) Western Rock Lobster Fishery (WRLF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An assessment of the WRLF under the EPBC Act was completed in 2002. As a result of that assessment, the then Minister for the Environment and Heritage declared the WRLF exempt from the export provisions under Part 13A of the EPBC Act until 4 September 2007. The WRLF management regime under the *Western Rock Lobster Limited Entry Notice 1993* was also accredited under the relevant protected species provisions of Part 13 of the EPBC Act.

In June 2007 the WA Department of Fisheries (DFWA) provided the submission *Application to the Environment and Water Resources on the Western Rock Lobster Fishery*, June 2007 for consideration of further export approval of product from the fishery. The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DFWA in response to recommendations made in the initial assessment of the WRLF to improve the management of the fishery.

I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment and Water Resources website at: <http://www.environment.gov.au/coasts/fisheries/index.html>

As there have been no management changes since the last assessment and noting the relatively low number of protected species interactions reported in the fishery and management measures in place to minimise the risk of interactions, I consider that the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

I am satisfied that for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the 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 harvested in accordance with the

WRLF management arrangements, 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 continues not to involve the export of specimens listed under the Convention on the International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. The WRLF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, and nature of the fishery allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DFWA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing and increased 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 review of the fishery. These recommendations (**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.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, the Department of the Environment and Water Resources needs to be advised of any changes that are made to the management regime 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.

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

Yours sincerely

[Signed]

Andrew McNee
Delegate of the Minister for the Environment and Heritage

23 August 2007

Recommendations to DFWA on the ecologically sustainable management of the WRLF

The WRLF is a well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include:

- limited effort;
- zonal management;
- minimum and maximum legal carapace lengths;
- a prohibition on the take of all setose female lobsters or those carrying eggs, or tarspot;
- gear restrictions; and
- spatial and temporal closures.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation, DFWA should action these recommendations before the next review of the fishery in 2012.

Recommendations

1. DFWA to advise the Department of the Environment and Water Resources of any intended material change to the WRLF legislated management plan and/or arrangements that could affect the criteria on which EPBC Act decisions are based.
2. DFWA to continue to produce and present reports to the Department of the Environment and Water Resources annually. Reports to include:
 - i) Information sufficient to allow assessment of the progress of DFWA in implementing the recommendations made in the Assessment of the WRLF 2007; and
 - ii) A description of the fishery, management arrangements in place, recent catch data for all sectors of the fishery, status of target stock including performance of the fishery against objectives, performance indicators and measures, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and research and monitoring outcomes.

Information should only be provided on those aspects which are relevant to the fishery and that articulate 'changes' since the last annual report

3. DFWA to continue to monitor performance measures and indicators for the WRLF. Within 3 months of becoming aware that a performance measure has not been met, DFWA to develop potential management responses and timeframes for implementation.
4. DFWA to examine the data and models used to monitor the ongoing performance of the WRLF and resolve issues where necessary.
5. DFWA to continue to actively monitor interactions with threatened, endangered and protected species, particularly sea lions and whales, and develop appropriate mitigation measures if the number or rate of interactions increases.
6. DFWA to take account of the outcomes of the WRLF independent stock assessment reviews, the Ecological Risk Assessment (ERA) review and other relevant fishery research projects and make changes to management arrangements where required. DFWA to ensure that the WRLF Environmental Management Strategy is updated following the completion of the ERA review.