



**COMMONWEALTH OF AUSTRALIA**

*Environment Protection and Biodiversity Conservation Act 1999*

**Revocation of Accreditation of a Plan, Regime or Policy for the purposes of Part 13  
Accreditation of a Plan, Regime or Policy for the purposes of Part 13**

I, TONY BURKE, Minister for Sustainability, Environment, Water, Population and Communities:

(A) revoke, under subsection 33(3) of the *Acts Interpretation Act 1901*, the accreditation of the management regime for the Western Australian West Coast Rock Lobster Managed Fishery dated 8 April 2013, and

(B) being satisfied that:

- (i) the management plan for the Australian West Coast Rock Lobster Managed Fishery, in force under the Western Australian *Fish Resources Management Act 1994* and the Western Australian Fish Resources Management Regulations 1995, requires persons engaged in fishing under the management regime to take all reasonable steps to ensure that members of listed threatened species, listed migratory species, cetaceans and listed marine species are not killed or injured as a result of the fishing, and
- (ii) the fishery to which the management plan relates does not, or is not likely to, adversely affect:
  - (a) the survival or recovery in nature of any listed threatened species, or
  - (b) the conservation status of a listed migratory species, cetacean, or listed marine species or a population of that species,

accredit the management regime for the Western Australian West Coast Rock Lobster Managed Fishery in force under the Western Australian *Fish Resources Management Act 1994* and the Western Australian Fish Resources Management Regulations 1995 under sections 208A, 222A, 245 and 265 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the purposes of Divisions 1, 2, 3 and 4 respectively of Part 13 of the EPBC Act.

Unless amended or revoked, this accreditation is subject to the following condition applied under section 303AA:

**Condition A:**

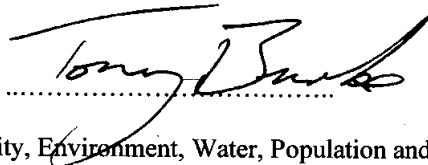
The Western Australian Department of Fisheries to:

- a) implement interim measures to reduce the risk of the fishery interacting with migrating whales in 2013, including through supporting the update of the Western Australian West Coast Rock Lobster Managed Fishery Code of Practice For Reducing Whale Entanglements (the Code).

- b) monitor and evaluate the uptake and effectiveness of interim measures, including robust validation and an analysis of the circumstances when entanglements do occur.
- c) by 31 March 2014, complete a robust evaluation of longer term operational management measures to reduce the risk of whale entanglements, which could include the removal of some restrictions on western rock lobsters (such as removal of some size limits and removal of the restriction on keeping some pre-breeding females), spatial and seasonal closures and potential gear modifications.
- d) taking account of the evaluation of the interim measures and the evaluation of longer term management arrangements, and in consultation with the department and the Western Australian Department of Environment and Conservation, determine a suite of management measures to minimise the entanglements of whales before the 2015 migration season, and
- e) in consultation with marine mammal experts, continue to monitor and review the adequacy of management measures to avoid mortality of, or injuries to whales.

The accreditation in part (B) above is valid until 28 May 2015.

Dated this 28 day of May 2013

A handwritten signature in black ink, appearing to read 'Tony Banks', written over a dotted line.

Minister for Sustainability, Environment, Water, Population and Communities