



**Australian Government**

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

Our Reference: 2012/01246

The Hon Katrina Hodgkinson MP  
Minister for Primary Industries  
Level 30 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the New South Wales (NSW) Lobster Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In January 2012, the NSW Department of Primary Industries provided an application to the Department of Sustainability, Environment, Water, Population and Communities for assessment, seeking continued export approval for this fishery.

The application has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by the NSW Department of Primary Industries in response to the recommendations made in the 2007 assessment of the fishery.

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

I consider that the NSW Lobster Fishery operates in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*. Given the management arrangements and precautionary measures currently in place for the fishery including annually reviewed total allowable catch limits, limited entry, mandatory tagging of commercially harvested lobsters, recreational bag limits, minimum and maximum size limits, prohibition on the take of berried females, area closures and gear restrictions, I have decided to amend the list of exempt native specimens to allow ongoing export of product from this fishery for a period of five years, until 30 March 2017. To ensure that the decisions for the NSW Lobster Fishery under the EPBC Act continue to be valid, officers from the NSW Department of Primary Industries and the Department of Sustainability, Environment, Water, Population and Communities have discussed and agreed to three recommendations. These recommendations can be found at **Attachment A**.



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The management regime for the NSW Lobster Fishery, in force under the NSW *Fisheries Management (Lobster Share Management Plan) Regulation 2000*, the NSW *Fisheries Management (General) Regulation 2002* and the NSW *Fisheries Management Act 1994*, was accredited under Part 13 of the EPBC Act in March 2007. I note that the NSW *Fisheries Management (General) Regulation 2002* has been replaced with the NSW *Fisheries Management (General) Regulation 2010*. I have considered the changes made to the regulation and I am satisfied that it is unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.

I have therefore accredited the management regime for the NSW Lobster Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that the decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements 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 decisions. This includes legislative amendments and operational changes that may affect the impact of the fishery in relation to target species, byproduct, bycatch, protected species or the ecosystem.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nathan Hanna'.

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

19 March 2012

**Recommendations to the New South Wales Department of Primary Industries on the ecologically sustainable management of the New South Wales Lobster Fishery.**

1. Operation of the New South Wales Lobster Fishery to be carried out in accordance with the New South Wales *Fisheries Management (Lobster Share Management Plan) Regulation 2000* in force under the New South Wales *Fisheries Management Act 1994*.
  2. The New South Wales Department of Primary Industries to inform the Department of Sustainability, Environment, Water, Population and Communities of any proposed substantive changes to the New South Wales Lobster Fishery management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
  3. The New South Wales Department of Primary Industries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.
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