



## Australian Government

### Department of the Environment and Water Resources

The Hon Ian Macdonald MLC  
Minister for Primary Industries  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

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 New South Wales (NSW) Lobster Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An assessment of the NSW Lobster Fishery under the EPBC Act was completed in 2005. As a result of that assessment, the delegate of the then Minister for the Environment and Heritage, declared a 12 month short-term Wildlife Trade Operation (WTO) for the NSW Lobster Fishery on the 30 November 2005, and an additional four month short-term WTO declaration on 28 November 2006. These short-term declarations were given primarily to allow for the NSW Lobster Fisheries Management Strategy (Lobster FMS) to be finalised. A condition was placed on the second WTO declaration that the Lobster FMS be finalised by 28 February 2007.

In February 2007, the NSW Department of Primary Industries (NSW DPI) submitted the approved Lobster FMS to the Department of the Environment and Water Resources (DEW) for consideration of further export approval of product from the fishery. The approved Lobster FMS has been considered in the assessment of the fishery 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 addressed within the approved Lobster FMS in response to recommendations made in the initial assessment of the NSW Lobster Fishery 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 DEW website at:  
<http://www.environment.gov.au/coasts/fisheries/nsw/lobster/index.html>.

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 that are, or

are derived from, fish taken in the NSW Lobster Fishery excluding specimens that are listed under Part 13 of the EPBC Act, 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's *Guidelines for the Ecologically Sustainable Management of Fisheries*. The NSW Lobster Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements including a wide range of reviewable management objectives, strategies and performance indicators, data gathering and monitoring, and the methods of harvest in the fishery allows confidence that NSW DPI will maintain low bycatch levels, minimise interactions with protected species and manage impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that NSW DPI 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 discussed 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.

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 Water Resources

4 April 2007

**Recommendations to the New South Wales (NSW) Department of Primary Industries (DPI) on the ecologically sustainable management of the NSW Lobster Fishery**

The NSW Lobster Fishery 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:

- protection of berried female crabs;
- a Total Allowable Commercial Catch and Individual Transferable Quotas in the fishery;
- minimum and maximum size limits; and
- gear restrictions.

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 timeframe has been provided in the recommendation each recommendation should be actioned before the next review in 2012.

**Recommendations**

1. NSW DPI to advise the Department of the Environment and Water Resources of any material change to the NSW Lobster Fishery's management arrangements that could negatively affect the assessment of the fishery against the *Environment Protection and Biodiversity Conservation Act 1999* criteria, within three months of that change being made.
2. NSW DPI to monitor the spatial population structure of the eastern rock lobster stock and trends in effort at an appropriate scale and, as required, implement management measures to minimise the risk of localised depletion and to inform the Total Allowable Commercial Catch setting process.
3. NSW DPI to modify the Lobster Fishery catch recording system to record and monitor landings of all other species taken in the lobster traps and retained, including records for separate species, within 1 year. Appropriate support for byproduct reporting should be provided to fishers including guides to species identification and information on the importance of complete and accurate reporting.