



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

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The Hon Tim Mulherin MP  
Minister for Primary Industries and Fisheries  
GPO Box 46  
BRISBANE QLD 4001

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 Queensland East Coast Tropical Rock Lobster Fishery (ECTRLF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The ECTRLF was first assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (formerly the Department of the Environment and Heritage) in November 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the Queensland Department of Primary Industries and Fisheries (DPI&F). In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the ECTRLF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years. The Delegate also accredited the ECTRLF management regime in force under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 1995* under Part 13 of the EPBC Act in relation to protected species interactions.

In August 2007, DPI&F submitted the 2005, 2006 and 2007 Annual Status Reports for the ECTRLF for assessment under the EPBC Act to allow continued export approval for this fishery. The submission 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.

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

Given there have been no changes to the management regime for the ECTRLF and there have not been any reported protected species interactions in the fishery since 2004, 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 advised that DPI&F are proposing to introduce a quota management system for the ECTRLF in order to ensure the level of harvest from the fishery does not exceed the estimated maximum sustainable yield. I see this as being especially important in light of the recent restructure of the Torres Strait Tropical Rock Lobster Fishery and the potential for effort displacement to the east coast. In considering these proposed management arrangements, along with the current regulations, I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem over the next three years.

Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the fishery an approved WTO under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years. I have made the declaration subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I consider that DPI&F 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 attention. In addition to the conditions to the WTO declaration, I understand that they have agreed to a number of recommended actions, focusing on addressing key issues outstanding from the last assessment, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented. I draw your attention specifically to Recommendation 1 and the particular importance of the implementation of this recommendation to my decision. If demonstrable progress has not been made on implementing this recommendation by the end of January 2008, I will consider reviewing this decision.

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

Yours sincerely

[signed]

Robyn Bromley  
Delegate of the Minister for the Environment, Heritage and the Arts

18 December 2007

**Conditions on the Wildlife Trade Operation Declaration for the  
Queensland East Coast Tropical Rock Lobster Fishery (ECTRLF)**

1. Operation of the ECTRLF will be carried out in accordance with the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 1995*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. DPI&F to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations to the Queensland Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the Queensland East Coast Tropical Rock Lobster Fishery (ECTRLF)**

The ECTRLF is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: limited entry, a seasonal closure, minimum size limits, and gear and vessel restrictions.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the ECTRLF and minimise environmental risks in the medium term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next review of the ECTRLF in 2010.

1. DPI&F to develop and implement interim management arrangements, prior to the commencement of the 2008 fishing season, to ensure that the 2008 total catch does not exceed 200 tonnes.
2. DPI&F, in conjunction with the Australian Fisheries Management Authority and other jurisdictions, to continue to work towards developing a stock-wide resource assessment for tropical rock lobster.
3. DPI&F to continue to improve estimates of recreational and Indigenous harvest and take these into account in resource assessments.
4. DPI&F to review the current information collection system and validation mechanisms for the ECTRLF and implement further systems as appropriate to ensure compliance with management arrangements, reliable resource assessment and adequate measurement of fishery performance.