



**Australian Government**

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

Our reference: 2010/19076

Hon Tim Mulherin MP  
Minister for Primary Industries, Fisheries  
and Rural and Regional Queensland  
GPO Box 46  
BRISBANE QLD 4001

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 Queensland Commercial Crayfish and Rocklobster Fishery (hereafter referred to as the Queensland Tropical Rock Lobster Fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the Queensland Tropical Rock Lobster Fishery was completed in November 2004. This resulted in the Delegate of the then Minister for the Environment and Heritage declaring the fishery an approved Wildlife Trade Operation under Part 13A of the EPBC Act for three years. In December 2007 the Queensland Tropical Rock Lobster Fishery was reassessed and the Delegate of the then Minister for the Environment and Water Resources declared the fishery an approved Wildlife Trade Operation under Part 13A of the EPBC Act until 21 December 2010.

In September 2010, Fisheries Queensland submitted the following documents to the Department of Sustainability, Environment, Water, Population and Communities for assessment, seeking continued export approval for this fishery:

- *Queensland Tropical Rock Lobster Fishery Progress against DEWHA Conditions and Recommendations 2009 and 2010.*
- *Annual Status Report Queensland Tropical Rock Lobster Fishery 2008, 2009 and 2010.*

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. The assessment also took account of measures that have been developed by Fisheries Queensland in response to the conditions and 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' web site at <http://www.environment.gov.au/coasts/fisheries/qld/tropical-rock-lobster/index.html>.

The management regime for the Queensland Tropical Rock Lobster Fishery was first accredited under Part 13 of the EPBC Act in 2004 and was recredited in April 2008 following the replacement of the Queensland *Fisheries Regulation 1995* with the *Fisheries Regulation 2008*. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the conservation status of protected species or affect the survival and recovery of listed threatened 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 protected species.

Accordingly, it is my view that actions provided for and taken in accordance with the management regime would not be expected to contravene the protected species provisions of the EPBC Act. I have therefore recredited the management regime 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.

I am satisfied that for the purposes of the wildlife-trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. The management arrangements for the Queensland Tropical Rock Lobster Fishery meet most of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

The Queensland Tropical Rock Lobster Fishery is a low impact fishery that is suitably precautionary. The combination of the nature of the fishery, management arrangements and progress in implementing conditions and recommendations from previous assessments allows confidence that the fishery will continue to be managed to minimise impacts on bycatch, interactions with protected species and the wider ecosystem.

Therefore, I have decided to amend the List of Exempt Native Specimens to include specimens that are, or are derived from, fish or invertebrates taken in the Queensland Tropical Rock Lobster Fishery, excluding specimens listed under Part 13 of the EPBC Act, until 17 December 2015. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, provided the fishery continues to operate in accordance with the Queensland *Fisheries Act 1994* and the *Fisheries Regulation 2008* and does not harvest or export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with this fishery, I believe that Fisheries Queensland is committed to addressing these issues and has already taken proactive measures. Officers from Fisheries Queensland and the department have discussed areas requiring ongoing attention and agreed to recommendations focussed on ensuring the continuation of good management practices. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the Queensland Tropical Rock Lobster Fishery and I look forward to receiving your confirmation that they will be implemented.



Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the department 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 decision. This includes legislated amendments and operational changes that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

I have copied this letter to Dr Russel Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

Yours sincerely



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

30 November 2010

**Recommendations to Fisheries Queensland on the ecologically sustainable management of the Queensland Tropical Rock Lobster Fishery**

1. Operation of the Queensland Tropical Rock Lobster Fishery will be carried out in accordance with the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 2008*.
2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities 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. Fisheries Queensland 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 - 2nd Edition*.
4. Fisheries Queensland, in conjunction with the Australian Fisheries Management Authority, the Torres Strait Tropical Rock Lobster Resource Assessment Group and other relevant agencies, to continue to work towards the development and implementation of a stock-wide resource assessment for tropical rock lobster incorporating stocks from the Queensland Tropical Rock Lobster Fishery and the Torres Strait Tropical Rock Lobster Fishery.
5. Fisheries Queensland to:
  - a) incorporate the results of the recreational survey into resource assessments to ensure that total harvest levels are sustainable; and
  - b) continue to improve estimates of Indigenous harvest of tropical rock lobster in the Queensland Tropical Rock Lobster Fishery.