



Ref: 2013/01040

The Hon Gail Gago MLC  
Minister for Agriculture, Food and Fisheries  
GPO Box 1671,  
ADELAIDE SA 5001

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment in relation to the reassessment of the South Australian Rock Lobster Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In August 2013, the Department of Primary Industries and Regions South Australia provided an application to the Department of the Environment seeking continued export approval for the South Australian Rock Lobster 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 took into account measures that have been developed by the Department of Primary Industries and Regions South Australia in response to the recommendations made in the 2008 assessment of the fishery.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:  
<http://www.environment.gov.au/coasts/fisheries/sa/rock-lobster/index.html>

The management regime for the South Australian Rock Lobster Fishery was previously accredited under Part 13 of the EPBC Act, for interactions with protected species, in October 2008. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or 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 continue to be 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 decided to reaccredit the management regime for the South Australian Rock 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.

I consider that the South Australian Rock Lobster Fishery operates in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition*. Given the management arrangements and precautionary measures for the fishery including new management plans, limited entry (restricted to 248 transferable licences), individual transferable quota for each licence, a total allowable commercial catch, minimum legal length, possession and size limits for recreational fishers and area closures, I have decided to amend the list of exempt native specimens to allow export of product from the South Australian Rock Lobster Fishery for a period of five years, until 26 October 2018.

While there are some environmental risks associated with the South Australian Rock Lobster Fishery, I believe that the Department of Primary Industries and Regions South Australia has in place measures to address these issues. Officers from the Department of Primary Industries and Regions South Australia and this Department have discussed and agreed to six recommendations focussing on ensuring the continuation of good management practices and monitoring of stock levels in particular management zones. These recommendations can be found at **Attachment 1**.

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

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

23 October 2013

**Recommendations to the Department of Primary Industries and Regions South Australia  
on the ecologically sustainable management of the South Australian Rock  
Lobster Fishery, October 2013**

**Recommendation 1:**

Operation of the South Australian (SA) Rock Lobster Fishery will be carried out in accordance with the management regime in force under the *SA Fisheries Management Act 2007*, *SA Fisheries Management (Rock Lobster Fisheries) Regulations 2006* and the *SA Fisheries Management (General) Regulations 2007*.

**Recommendation 2:**

The Department of Primary Industries and Regions South Australia (PIRSA) to continue to inform the Department of the Environment (the department) of any intended material changes to the SA Rock Lobster Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

**Recommendation 3:**

PIRSA to continue to produce and present reports to the department annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

**Recommendation 4:**

PIRSA to finalise the new management plan for the Northern Zone of the fishery by mid 2014.

**Recommendation 5:**

PIRSA to continue to work towards improved validation of fishery-dependent data in the Northern Zone.

**Recommendation 6:**

PIRSA to continue monitoring southern rock lobster stocks in the fishery and if stocks continue to decline, implement timely, appropriate management measures to recover the stocks to sustainable levels.