



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Rory McEwen MP
Minister for Agriculture, Food and Fisheries
GPO Box 668
ADELAIDE SA 5001

Dear Minister

I am writing to you as the Delegate of the Minister for the Environment, Heritage and the Arts in relation to the reassessment of the South Australian Rock Lobster Fishery (RLF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An initial assessment of the RLF was completed in October 2003, resulting in the then Minister for the Environment and Heritage declaring the RLF exempt from the export controls under Part 13A of the EPBC Act and including product from the fishery on the List of Exempt Native Specimens (LENS) until 31 October 2008. He also accredited the management regime in force under the *South Australian Fisheries Act 1982* and the *Fisheries (General) Regulations 2000* under the relevant protected species provisions of Part 13 of the EPBC Act.

In August 2008, PIRSA submitted the *Ecological Assessment of the South Australian Rock Lobster (Jasus edwardsii) Fishery* for assessment under the EPBC Act for consideration of further export approval of the product of the RLF. The PIRSA submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by PIRSA in response to recommendations made in the initial assessment of the RLF to improve the management of the fishery. I am pleased to advise that assessment of the fishery is now complete. The new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no significant changes to the management arrangements for the RLF the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies. To ensure the timely implementation of appropriate protected species mitigation devices, the current Part 13 accreditation will be subject to a condition that PIRSA require the adoption of appropriate measures to mitigate interactions with protected species by the commencement of the 2010 fishing season (**Attachment A**).

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 RLF to be managed in an ecologically sustainable way. I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the RLF excluding specimens that are listed under

Part 13 of the EPBC Act, for a period of five years. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues to operate in accordance with the *South Australian Fisheries Management Act 2007* and *Fisheries Management (General) Regulations 2007* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.


The management arrangements for the RLF perform satisfactorily against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The RLF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial RLF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way.

While there are some environmental risks associated with this fishery, I believe that PIRSA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from DEWHA and PIRSA have discussed key areas requiring ongoing and increased attention, and have now agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next assessment of the RLF under the EPBC Act. These recommendations (**Attachment B**) have been an important factor in my decision to exempt the RLF and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that the decision remains valid, DEWHA needs to be advised of any intended changes that are made to the management regime 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 by-product, 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



Claire Howlett
Delegate of the Minister for the Environment, Heritage and the Arts

23 October 2008

Condition for the Purposes of Part 13 of the EPBC Act for the South Australian Rock Lobster Fishery.

Condition 1: By the commencement of the 2010 fishing season for the South Australian Rock Lobster Fishery, the Department of Primary Industries and Resources, South Australia to require the adoption of appropriate measures to mitigate interactions with protected species.

Recommendations to the Department of Primary Industries and Resources South Australia (PIRSA) on the ecologically sustainable management of the Rock Lobster Fishery (RLF).

1. Operation of the fishery will be carried out in accordance with the South Australian (SA) Rock Lobster Fishery management regime in force under the *SA Fisheries Management Act 2007*, *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* and the *Fisheries Management (General) Regulations 2007*.
2. The Department of Primary Industries and Resources South Australia to advise DEWHA of any intended amendments to the management arrangements that may affect the assessment of the fishery against the criteria on which the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. PIRSA to produce and present reports to DEWHA annually as per *Appendix B to the Guidelines for the Ecologically Sustainable management of Fisheries 2nd Edition*.
4. By December 2010 PIRSA to implement the new management plans, incorporating a review of the appropriateness of stock abundance triggers.
5. PIRSA to continue to work towards the implementation of a program to collect fishery-independent information, or test existing fishery-independent information, in the Northern Zone.
6. PIRSA to conduct an ERA prior to the implementation of the new management plans for the NZRLF and the SZRLF. In the development and implementation of the ERA, PIRSA to:
 - identify areas at risk of localised depletion and implement appropriate management measures to address the identified risks; and
 - implement appropriate measures to ensure risks identified in relation to bycatch and by-product are addressed and minimised.
7. PIRSA to develop and implement methods to reduce the capture and improve survivorship of juvenile rock lobster across all zones of the RLF.