



## Australian Government

### Department of the Environment and Water Resources

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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 and Water Resources in relation to the re-assessment of the Queensland (QLD) Blue Swimmer Crab Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The QLD Blue Swimmer Crab Fishery was first assessed by the Australian Government Department of the Environment and Water Resources (formerly the Department of the Environment and Heritage) in October 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). 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 QLD Blue Swimmer Crab Fishery 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.

In July 2007, DPI&F submitted the 2005, 2006 and 2007 Annual Status Reports for the QLD Blue Swimmer Crab Fishery 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 and Water Resources website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no management changes since the last assessment and noting the relatively low number of protected species interactions reported in the fishery, the management measures in place to minimise the risk of interactions and the implementation of an education program to support the protected species reporting mechanism, 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 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. The fishery is relatively well managed and operates under an adaptable and precautionary regime capable of controlling, monitoring and enforcing the level of take from the fishery. 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 will make the declaration subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I believe 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.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, the Department of the Environment and Water Resources needs to be advised of any 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 amendments that may affect sustainability of the target species or negatively impact on byproduct, 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

[signed]

Andrew McNee  
Delegate of the Minister for the Environment and Water Resources

19 October 2007

**Conditions on the Wildlife Trade Operation Declaration for the QLD Blue Swimmer Crab Fishery**

1. Operation of the QLD Blue Swimmer Crab Fishery will be carried out in accordance with the management regime in force under the *QLD Fisheries Regulation 1995* and the *QLD Fisheries Act 1994*.
2. The Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. DPI&F to produce and present reports to DEW annually as per Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.

**Recommendations to DPI&F on the ecologically sustainable management of the QLD Blue Swimmer Crab Fishery**

The QLD Blue Swimmer Crab Fishery 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: a prohibition on the take of all female blue swimmer crabs, gear restrictions, limited entry, minimum size limits and spatial closures.

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 term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next review of the fishery in 2010.

**Recommendations**

1. Should priority research on shared stocks be identified by fisheries managers, DPI&F to actively pursue the development of collaborative research with other jurisdictions and agencies and ensure that management arrangements for the QLD Blue Swimmer Crab Fishery continue to take account of the results of research conducted.
2. DPI&F to continue to review mechanisms to validate commercial logbooks in the QLD Blue Swimmer Crab Fishery.
3. Within three years, DPI&F to develop and implement a strategy that determines precautionary estimates of the resource status of blue swimmer crabs in all areas of the fishery, taking into account the overall take of blue swimmer crabs to ensure overall catch levels are sustainable.
4. By the end of 2008, DPI&F to review the Performance Measurement System for the QLD Blue Swimmer Crab Fishery to ensure that bycatch indicators are relevant and are targeted at achieving precautionary management outcomes. DPI&F to ensure that appropriate information is collected from the fishery to ensure that these indicators can be monitored effectively.
5. Within two years, DPI&F to update the Ecological Risk Assessment by including information on the impact on protected species from the commercial sector of the fishery, including the level and effects of ghost fishing by lost or discarded commercial and recreational crab apparatus on protected species. DPI&F to investigate measures to ensure that issues identified at risk are minimised.
6. Within two years, DPI&F to implement management responses for risks ranked as 'moderate' or above in the QLD Blue Swimmer Crab Ecological Risk Assessment.
7. DPI&F to actively develop a strategy to remove or substantially reduce the amount of latent effort in the fishery.