



**Australian Government**

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

Our reference: 2010/1898

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 Blue Swimmer Crab Fishery (BSCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the BSCF was completed in 2004. This resulted in the Delegate of the then Minister for the Environment and Heritage declaring the fishery an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act until 2007. In 2007 the BSCF was reassessed and the Delegate of the then Minister for the Environment and Water Resources declared the fishery an approved WTO under Part 13A of the EPBC Act until 19 October 2010.

In June 2010, Fisheries Queensland submitted the following documents to the then Department of the Environment, Water, Heritage and the Arts (DEWHA) for assessment, seeking continued export approval for this fishery:

- *Blue Swimmer Crab Fishery Progress against DEWHA Conditions and Recommendations 2009 & 2010.*
- *Annual Status Report Blue Swimmer Crab Fishery 2008, 2009, 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 (SEWPAC) web site at <http://www.environment.gov.au/coasts/fisheries/qld/blue-swimmer-crab/index.html>

The management regime for the BSCF was first accredited under Part 13 of the EPBC Act in 2004 and was reaccredited 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 arrangements 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 arrangements 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 regimes would not be expected to contravene the protected species provisions of the EPBC Act. I have therefore reaccredited the management arrangements under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management arrangements 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 BSCF meet most of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*.

The BSCF is a relatively 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 (LENS) to include specimens that are, or are derived from, fish or invertebrates taken in the BSCF, excluding specimens listed under Part 13 of the EPBC Act, until 14 October 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 Regulations 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 SEWPAC 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 BSCF 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, SEWPAC 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Routh', followed by a long horizontal line extending to the right.

Nigel Routh  
Delegate of the Minister for Sustainability, Environment, Water, Population  
and Communities

12 October 2010

**Attachment A**

**Recommendations to Fisheries Queensland on the ecologically sustainable management of the Blue Swimmer Crab Fishery**

1. Operation of the BSCF will be carried out in accordance with the *Queensland Fisheries Act 1994*, *Fisheries Regulation 2008*, and *Marine Parks Act 2004*.
2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. Fisheries Queensland to produce and present reports to SEWPAC annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2<sup>nd</sup> Edition*.
4. Fisheries Queensland to:
  - a) review management arrangements to further reduce ghost fishing within the BSCF; and
  - b) continue to develop and encourage the use of protected species friendly gear in the BSCF; and
  - c) report to SEWPAC, as part of the annual report, on the level of uptake of biodegradable materials and protected species friendly gear by fishers. If uptake is low then consideration to be given to introducing appropriate management actions.
5. Fisheries Queensland to continue to review mechanisms to validate commercial logbook data for blue swimmer crabs focusing on the logbook returns of the pot sector.
6. Fisheries Queensland to:
  - a) By September 2012 complete a survey of recreational fishers regarding blue swimmer crabs and incorporate the results into the management regime of the fishery.
  - b) By September 2013 undertake a risk analysis of Indigenous fishing to blue swimmer crab stocks. Should the analyses identify a risk, undertake a new survey of Indigenous fishing for blue swimmer crabs to quantify the level of take.