



Australian Government
Department of the Environment

Ref: 2010/21535

Senator the Hon Richard Colbeck
Parliamentary Secretary for Agriculture
Parliament House
Canberra ACT 2600

Dear Senator

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

In March 2014, the Australian Fisheries Management Authority (AFMA), on behalf of the Torres Strait Protected Zone Joint Authority (PZJA), provided an application to the Department of the Environment, seeking continued export approval for the Torres Strait Tropical 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 Protected Zone Joint Authority and the Australian Fisheries Management Authority in response to the conditions and recommendations made in the previous export assessment of the fishery under the EPBC Act.

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 the Environment's website at: <http://www.environment.gov.au/node/17066>.

The policy under the *Torres Strait Fisheries Act 1984* for the management of the Torres Strait Tropical Rock Lobster Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in January 2011. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the policy will adversely affect the conservation status of listed marine species, listed migratory species or cetaceans, or adversely affect the survival or recovery in nature of listed threatened species. I also consider that under the policy, operators are required to take all reasonable steps to avoid the killing or injuring of species protected under Part 13 of the EPBC Act.

I have therefore re-accredited the policy for the Torres Strait Tropical Rock Lobster Fishery, in force under the *Torres Strait Fisheries Act 1984*, under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the policy are not required to seek permits if they are at risk of killing or injuring protected species in Commonwealth waters.

I consider that the management arrangements for the Torres Strait Tropical Rock Lobster Fishery meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. Given the management arrangements for the fishery and the lack of bycatch and byproduct due to the hand collection methods used, I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

I am also satisfied that the operation of the fishery 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 in the next three years. Accordingly, I have decided to declare the operation of the Torres Strait Tropical Rock Lobster Fishery an approved wildlife trade operation until 4 May 2017. The declaration will be subject to the conditions at Attachment 1 which are specified in the instrument of declaration.

Officers from AFMA and the Department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with the Torres Strait Tropical Rock Lobster Fishery, I believe the PZJA and AFMA are committed to addressing these issues and have already taken proactive steps in some areas. Officers from AFMA and the Department have agreed to three additional recommendations (Attachment 2), focusing on:

- continuing to work towards improved estimates of all removals of tropical rock lobster
- implementing long term harvest management arrangements which ensure the sustainability of the tropical rock lobster stock
- continuing the development of a stock-wide resource assessment for tropical rock lobster including those components of the stock within and outside the Torres Strait.

I would like to thank you for the constructive way in which your officials have approached this assessment. I have written to Dr James Findlay, Chief Executive Officer of the Australian Fisheries Management Authority, in similar terms.

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

7 May 2014

**Conditions on the approved wildlife trade operation declaration for the
Torres Strait Tropical Rock Lobster Fishery – May 2014**

1. Operation of the Torres Strait Tropical Rock Lobster Fishery will be carried out in accordance with the management regime for the fishery made under the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations 1985*.
2. The Protected Zone Joint Authority to inform the Department of the Environment 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. The Protected Zone Joint Authority to produce and present reports to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations for the ecologically sustainable management of the
Eastern Tuna and Billfish Fishery – February 2014**

1. The Protected Zone Joint Authority to continue to develop and implement:
 - a. strategies to improve estimates of all commercial harvest from the Torres Strait Tropical Rock Lobster Fishery, and
 - b. appropriate strategies to obtain improved estimates of all removals from the total tropical rock lobster stock.
2. The Protected Zone Joint Authority to continue to work towards developing and implementing long term management arrangements for the Torres Strait Tropical Rock Lobster Fishery that adequately take account of all removals from the total tropical rock lobster stock.
3. The Protected Zone Joint Authority, in conjunction with the Torres Strait Tropical Rock Lobster Resource Assessment Group and 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 Torres Strait Tropical Rock Lobster Fishery, the Torres Strait Papua New Guinea Tropical Rock Lobster Fishery and the Queensland Commercial Crayfish and Rock Lobster Fishery.