



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2010/21535

Senator the Hon Joe Ludwig
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

Dear Minister

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

In October 2010, the Australian Fisheries Management Authority (AFMA) submitted the *Annual Status Report – Torres Strait Tropical Rock Lobster Fishery, September 2010*, for consideration of further export approval for the Torres Strait Tropical Rock Lobster Fishery.

The submission has been assessed for the purposes of Parts 13 and 13A of the EPBC Act. The assessment also took account of measures that have been developed by AFMA in response to recommendations made in the 2007 assessment of the fishery.

I am pleased to advise that assessment of the Torres Strait Tropical Rock Lobster Fishery is now complete. The assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/commonwealth/torres-strait-rock-lobster/index.html>

The policy for the Torres Strait Tropical Rock Lobster Fishery was first accredited under Part 13 of the EPBC Act in November 2007. 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.

I have therefore reaccredited the policy for the Torres Strait Tropical Rock Lobster Fishery 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.

Given the management arrangements in place for the fishery, the lack of bycatch and byproduct due to the hand collection methods used in the fishery and progress made towards developing a harvest strategy for the fishery, I am satisfied that the operation of the Torres Strait Tropical Rock Lobster Fishery remains 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 within the next three years.

Accordingly, I have decided to declare the Torres Strait Tropical Rock Lobster Fishery an approved wildlife trade operation until 23 November 2013. The declaration will be subject to the conditions at Attachment A.

Officers from AFMA and the department have discussed key areas requiring ongoing and increased attention. While there are some environmental risks associated with the Torres Strait Tropical Rock Lobster Fishery, I believe the Protected Zone Joint Authority (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 five additional recommendations (Attachment B), focusing on:

- obtaining improved estimates of all removals from the total tropical rock lobster stock;
- continuing the development and implementation of a stock-wide resource assessment for tropical rock lobster in conjunction with relevant agencies; and
- developing mechanisms relevant to the nature of this fishery to enable implementation of appropriate management responses if harvest is likely to exceed the overall estimated maximum sustainable levels.

Each of the recommendations are to be implemented before the next Australian Government assessment of the fishery.

I understand that AFMA officers will be liaising with officers of the PZJA in the coming months regarding the recommendations. I look forward to receiving the final PZJA response on these recommendations as soon as possible.

I have written to the Hon Michael Egan, Chairman of AFMA, in similar terms.

Yours sincerely



Nathan Hanna
Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

17 January 2011

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

1. Operation of the fishery will be carried out in accordance with the Torres Strait Tropical Rock Lobster Fishery management regime 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 Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Protected Zone Joint Authority on the ecologically sustainable management of the Torres Strait Tropical Rock Lobster Fishery

1. The Protected Zone Joint Authority to:
 - a) implement strategies to improve estimates of all commercial harvest from the Torres Strait Tropical Rock Lobster Fishery; and
 - b) develop and implement appropriate strategies to obtain improved estimates of all removals from the total tropical rock lobster stock.
2. The Protected Zone Joint Authority, in conjunction with Fisheries Queensland, the Torres Strait Tropical Rock Lobster Resource Assessment Group and other 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 Tropical Rock Lobster Fishery.
3. In the absence of a plan of management for the Torres Strait Tropical Rock Lobster Fishery, the Protected Zone Joint Authority to:
 - investigate mechanisms that would allow implementation of appropriate management responses to any indication of unsustainable fishing effort; and
 - report in the next annual status report on any management response adopted, including the reason for any nil management response.

The Protected Zone Joint Authority to continue to work towards developing and implementing long term management arrangements that adequately take account of all removals from the total tropical rock lobster stock.

4. In the absence of new management arrangements in the Torres Strait Tropical Rock Lobster Fishery, the Protected Zone Joint Authority to continue to monitor and actively manage the risks of illegal, unregulated and unreported fishing in the Torres Strait Tropical Rock Lobster Fishery.
5. The Protected Zone Joint Authority to undertake an appropriate compliance risk assessment of the Torres Strait Tropical Rock Lobster Fishery when new management arrangements in the fishery are put in place.

