



Australian Government

Department of the Environment and Water Resources

Senator the Hon Eric Abetz
Minister for Fisheries, Forestry and Conservation
Parliament House
CANBERRA ACT 2600

Dear Minister

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

The TSTRLF was strategically assessed under the EPBC Act in November 2004 and accredited under Part 13A and section 33 of the EPBC Act. The TSTRLF was declared a Wildlife Trade Operation (WTO) until 24 November 2007.

In August 2007, the Australian Fisheries Management Authority (AFMA) submitted the report, *Annual Status Report – Torres Strait Tropical Rock Lobster Fishery, August 2007* (the AFMA 2007 submission) for consideration of further export approval of product from the TSTRLF. The AFMA 2007 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 2004 assessment of the TSTRLF.

I am pleased to advise that assessment of the TSTRLF is now complete. The assessment report will be available on the Department of the Environment and Water Resources' (DEW) website at:

<http://www.environment.gov.au/coasts/fisheries/commonwealth/torres-strait-rock-lobster/index.html>

I am satisfied that the operation of the TSTRLF 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 in the short term.

Given the progress made towards developing a quota management system for the TSTRLF; the current development of a formal management plan; the lack of bycatch and byproduct due to the hand collection methods used; and the development of a Harvest Strategy for the TSTRLF with specific objectives linked to performance indicators and performance measures, I have decided to declare the TSTRLF a Wildlife Trade Operation (WTO) for three years, until 23 November 2010. The WTO declaration will be subject to the conditions at **Attachment A**.

While there are some environmental risks associated with the TSTRLF, I believe the Protected Zone Joint Authority (PZJA) and AFMA are committed to addressing these issues and are already taking proactive steps in some areas. Officers from AFMA and DEW have discussed key areas requiring ongoing and increased attention.

AFMA officers have agreed to five additional recommendations, focusing on addressing the finalization and development of a Harvest Strategy for the TSTRLF; ensuring complementary management arrangements between the Queensland Department of Primary Industries and Fisheries, the Papua New Guinea National Fisheries Agency and the PZJA; managing risk identified in the Ecological Risk Assessment; ensuring compliance risks in the TSTRLF are managed; and improving the current logbook data system in the TSTRLF, to be implemented before the next Australian Government review of the TSTRLF. These recommendations can be found at **Attachment B**. AFMA officers will be liaising with officers of the PZJA in the coming months regarding the recommendations for the TSTRLF.

The management regime for the TSTRLF was accredited under section 33 on 10 May 2005. The 2004 assessment report of the TSTRLF, reports that due to an oversight during the drafting of the EPBC Act, the accreditation under Part 13 of fisheries managed under the *Torres Strait Fisheries Act 1984* was not provided for. DEW contended that it was not the intention of the Parliament to treat Torres Strait fisheries differently from all other fisheries. Therefore, it was recommended that the then Minister for the Environment and Heritage, Ian Campbell, make a statement so that fishers may be given some level of assurance that actions provided for by and taken in accordance with the *Torres Strait Fisheries Act 1984* would not be expected to contravene the offence provisions of Part 13 of the EPBC Act.

The EPBC Act now allows for the accreditation under Part 13 of fisheries managed under the *Torres Strait Fisheries Act 1984*. The submission provided by AFMA, states that there have been no interactions with any listed or protected species in the TSTRLF. Therefore, DEW considers that the PZJA is managing the TSTRLF fishery in a manner that complies with the EPBC Act sufficient for the management regime to be accredited under Part 13 of the EPBC Act.

Please note that the decisions on this assessment are still contingent on receiving the formal agreement of the PZJA on the recommendations made to enhance the management of the fishery. I look forward to receiving the final PZJA response on these recommendations as soon as possible.

I have written to the AFMA Chairman, the Hon Tony Rundle in similar terms.

Yours sincerely

Andrew McNee

Delegate of the Minister for the Environment and Water Resources

22 November 2007

**Conditions on the Wildlife Trade Operation declaration for the
Torres Strait Tropical Rock Lobster Fishery (TSTRLF)**

1. Operation of the fishery will be carried out in accordance with the TSTRLF management regime made under the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations 1985*.
2. The Protected Zone Joint Authority (PZJA) 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 *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The PZJA 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 the Protected Zone Joint Authority (PZJA) on the ecologically sustainable management of the Torres Strait Tropical Rock Lobster Fishery (TSTRLF)

1. The PZJA to develop and finalise an initial Harvest Strategy, incorporating target and limit reference points for the TSTRLF, by 31 December 2008.

In the interim, the PZJA to closely monitor effort and catch levels in the TSTRLF until the Total Allowable Catch and Harvest Strategy are formally established. The PZJA to initiate a management response if total catch is likely to be higher than the estimated catch at Maximum Sustainable Yield.

2. The PZJA to continue to pursue complementary management arrangements with other jurisdictions responsible for managing shared rock lobster stocks to ensure that all removals and other relevant impacts on stock are properly accounted for in stock assessments.

In conjunction with the Queensland Department of Primary Industries and Fisheries, the Papua New Guinea National Fisheries Agency and other jurisdictions, the PZJA to continue to work towards developing a stock-wide resource assessment for the tropical rock lobster.

3. In the TSTRLF Ecological Risk Management Plan, AFMA to identify and implement appropriate management responses to address and mitigate risks and impacts identified in the Ecological Risk Assessment by 31 December 2008.
4. The PZJA to undertake a Compliance Risk Assessment of the TSTRLF, once the new TSTRLF Management Plan is in place. In the interim, the PZJA to continue to manage the risk of illegal, unregulated and unreported fishing.
5. With the introduction of a quota management system, the PZJA to investigate methods to improve the current logbook and docket book system. The PZJA to implement comprehensive data collection and validation mechanisms to ensure adequate and reliable data on catch, effort, stock structure and abundance is collected.