



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

The Hon Norman Frederick Moore MLC  
Minister for Fisheries  
4<sup>th</sup> Floor, London House  
216 St Georges Terrace  
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the Wildlife Trade Operation (WTO) declaration for the South Coast Crustacean Fishery (SCCF) under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 25 November 2008 your Department wrote to the Department of the Environment, Water, Heritage and the Arts (DEWHA) outlining its progress towards meeting Condition 4 of the SCCF WTO declaration, highlighting delays in releasing the discussion paper on proposed management arrangements for the SCCF for public consultation.

Condition 4 requires:

*By 31 December 2008, DFWA to finalise management recommendations for improving the ecological sustainability of the SCCF. The management recommendations should continue to address, but not be limited to, the following issues:*

- *the removal of latent effort and reduction in actual effort;*
- *improved data collection on target, byproduct and bycatch species and protected species interactions including the enhancement of compulsory logbooks;*
- *consideration of increasing the legal minimum length for southern rock lobster;*
- *implementation of restrictions on the number of pots per vessel for targeting deep sea crabs;*
- *development of robust fishery specific objectives, performance measures, indicators and a management response framework for significant deviations to performance measures; and*
- *development of a research strategy.*

In an additional letter dated 4 December 2008, your Department requested an extension to the present WTO accreditation to give DFWA time to release and develop the outcomes of the discussion paper into a management plan for the fishery.

I acknowledge the difficulties faced by DFWA in attempting to meet the current Conditions of the SCCF WTO declaration and the progress to date. I have agreed to vary the conditions to allow additional time for DFWA to release the discussion paper for the SCCF prior to the reassessment of the fishery in February 2009 (**Attachment A**).

Your Department has advised DEWHA that the discussion paper will be released for public comment in January 2009 and that new management plan is likely to be implemented prior to the 2010 season. Progress towards the release of this discussion paper will be critical to my decision on whether to extend the export approval of the fishery beyond its current expiry date of 9 February 2009.

I am confident that you and your Department are committed to improving the ecologically sustainable management of the SCCF and that you understand the importance of meeting the conditions of the WTO declaration.

Under section 303FT (9) of the EPBC Act, if the Minister or Delegate is satisfied that a condition of the declaration has not been met, he is required to revoke the declaration, which will mean product from this fishery will no longer be able to be exported.

I understand officers from our Departments have already been in contact regarding these issues and I thank you for their contribution to the process. I look forward to receiving an update of the progress of the fishery's management arrangements in the new year, prior to the expiry date of the current WTO on 9 February 2009.

If you wish to discuss this matter, please contact Sean Lane, Director, Sustainable Fisheries Section on (02) 6274 1917.

Yours sincerely

Claire Howlett  
Delegate of the Minister for the Environment, Heritage and the Arts

December 2008

## **Attachment A**

### **Conditions on the Wildlife Trade Operation Approval for the Western Australian South Coast Crustacean Fishery (SCCF), December 2008**

1. Operation of the fishery will be carried out in accordance with the SCCF management regime in force under the *Fish Resources Management Act 1994*.
2. The Department of Fisheries, Western Australia (DFWA) to advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the SCCF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. By 9 February 2009, DFWA to release the SCCF Discussion Paper containing the new proposed management arrangements for public consultation.