



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Jon Ford MLC
Minister for Fisheries
11th Floor Dumas House
2 Havelock St
WEST PERTH WA 6005

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Western Australian (WA) South Coast Crustacean Fishery (SCCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). On 9 November 2007 the SCCF was declared an approved Wildlife Trade Operation (WTO) for an eight month period, subject to a number of conditions. This declaration expired on 16 July 2008.

Given the need to take immediate action to address the more prominent risks in the fishery including declining catches and the need for further precautionary management arrangements in the fishery, the Delegate of the then Minister for the Environment and Water Resources was not in a position to make a long term decision in relation to the SCCF as it was currently managed. Two additional conditions were placed on the 2007 short term WTO declaration for the Department of Fisheries, Western Australia (DFWA) to develop, publicly release and consult on a discussion paper on the new precautionary management arrangements for the fishery (Condition 3); and to report to the Department of the Environment, Water, Heritage and the Arts (DEWHA) on progress against this condition (Condition 4).

I understand that a report was received by DEWHA on 30 May 2008 outlining that a discussion paper on proposed management arrangements for the SCCF would not be publicly released within the nominated timeframe (by 30 June 2008). While fishing effort is currently low, this condition addresses specific issues which must be managed to ensure that their impacts are minimised.

While DEWHA is concerned with the delay in finalising and publicly releasing the discussion paper, I understand that DFWA is committed to addressing this Condition and is already taking proactive steps in some areas. The discussion paper is well advanced and a preliminary draft has been completed. I have been advised that the discussion paper will be finalised and released for public comment in August/September 2008, however new management arrangements are unlikely to be implemented until the 2009/10 season.

On balance, I am satisfied that the fishery will not be detrimental to the survival or conservation status of the taxon to which it relates in the short term. Similarly, it is not



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likely to threaten any relevant ecosystem in the short term. I am therefore prepared to extend the current WTO declaration for the SCCF for a further seven months, until 9 February 2009. Such a declaration would enable DFWA to continue to address the priority actions identified and commit to finalising the management recommendations to improve the ecological sustainability of the SCCF.

A key condition (condition 4) of this WTO approval will be finalising management recommendations for improving the ecological sustainability of the SCCF. A copy of all the conditions that will be attached to this declaration is provided at Attachment A.

Please note that if any condition is not met, the Minister is compelled under the EPBC Act to revoke the declaration. These conditions have been an important factor in my decision to extend the WTO declaration for the fishery and I look forward to receiving your confirmation that they will be implemented.

I would like to thank you for the cooperation of your officials on this assessment.

Yours sincerely

Pieta-Rae Laut
Pieta-Rae Laut

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

11 July 2008

Conditions on the Wildlife Trade Operation Declaration for the Western Australian South Coast Crustacean Fishery (SCCF)

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 November 2008, DFWA to produce and present a report to DEWHA as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. 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.
5. By 9 November 2008, DFWA to report on progress in implementing Condition 4 for the SCCF to DEWHA.