



## Australian Government

### Department of the Environment and Water Resources

---

The Hon Jon Ford MLC  
Minister for Fisheries  
11<sup>th</sup> 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 and Water Resources in relation to the re-assessment of the Western Australian (WA) South Coast Crustacean (SCCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The SCCF was first assessed by the Australian Government Department of the Environment and Water Resources (DEW), formerly the Department of the Environment and Heritage, in September 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). This assessment was based on the submission provided by the Western Australian Department of Fisheries (DoF) in August 2004. In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the SCCF was declared an approved Wildlife Trade Operation (WTO), under Part 13A of the EPBC Act. This declaration allowed the export of product from the SCCF for three years.

In August 2007, DoF submitted the document entitled *Application to the Department of the Environment and Water Resources on the South Coast Crustacean Fishery* for assessment under the EPBC Act to allow continued export approval for this fishery. The submission 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.

I am pleased to advise that assessment of the SCCF is now complete. The new assessment report will be available on the DEW website at:  
<http://www.environment.gov.au/coasts/fisheries/index.html>.

As there have been no management changes since the last assessment and noting the relatively low number of protected species interactions in the SCCF, I consider that the existing Part 13 accreditation for this fishery in relation to protected species provisions under the EPBC Act still applies.

I am satisfied that the operation of the SCCF 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 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, I have decided to make this WTO declaration valid for a short term period expiring on 16 July 2008 to ensure DoF gives priority to further addressing the immediate risks with the SCCF. The WTO will therefore be subject to the conditions at **Attachment A**.

While there are some environmental risks associated with the SCCF, I believe that DoF is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing and increased attention and I trust this constructive dialogue will continue.

I would like to thank you for the cooperation of your officials on this assessment and look forward to your formal endorsement of the WTO conditions.

Yours sincerely

[Signed]

Claire Howlett

Delegate of the Minister for the Environment and Water Resources

9 November 2007

## **Attachment A**

### **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. DoF to advise DEW of any intended change to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. By 30 June 2008, DoF to publicly release a discussion paper on the proposed management arrangements for the SCCF, undertake broad stakeholder consultation on the paper and identify a way forward for improving the ecological sustainability of the fishery. The discussion paper should 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.
4. DoF to report on progress in implementing Condition 3 for the SCCF to DEW by 30 May 2008.