



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2008/23870

The Hon Norman Moore MLC
Minister for Mines and Petroleum, Fisheries and Electoral Affairs
4th Floor, London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister Moore

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Western Australian South Coast Crustacean Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In August 2011, the Western Australian Department of Fisheries submitted the *Application to the Department of Sustainability, Environment, Water, Population and Communities on the WA South Coast Crustacean Fishery Against the Guidelines for the Ecologically Sustainable Management of Fisheries 2011* for consideration of further export approval for the Western Australian South Coast Crustacean Fishery.

The submission has been assessed for the purposes of Parts 13 and 13A of the EPBC Act, taking into account measures that have been developed by the Western Australian Department of Fisheries in response to conditions and recommendations made in the previous assessment of the fishery.

I am pleased to advise that assessment of the Western Australian South Coast Crustacean Fishery is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at:

<http://www.environment.gov.au/coasts/fisheries/wa/south-coast-crustacean/index.html>

The management regime for the Western Australian South Coast Crustacean Fishery was first accredited under Part 13 of the EPBC Act in 2004. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regime 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 regime operators are required to take all reasonable steps to avoid the killing or injuring of protected species. Accordingly, it is my view that actions provided for and taken in accordance with the management regime would not be expected to contravene the protected species provisions of the EPBC Act.



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Although no interactions with Australian sea lions have been reported in this fishery, some fishing effort overlaps with the foraging range of Australian sea lion pups. In the new management arrangements soon to be implemented in the fishery, the Western Australian Department of Fisheries has proposed to not require sea lion excluder devices. This proposal was put forward prior to the publication of recent research, which suggests that sea lion pups may be susceptible to mortality from foraging in rock lobster pots.

To ensure the management arrangements continue to require fishers to take all reasonable steps to avoid the killing or injuring of these species, I have accredited the management arrangements under Part 13 of the EPBC Act and specified a condition (**Attachment A**) that the Western Australian Department of Fisheries should review, in consultation with relevant experts, the proposed arrangements for mitigation of Australian sea lion interactions in the fishery. 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.

I consider that the management arrangements for the Western Australian South Coast Crustacean Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act, given the low bycatch in the fishery due to species-specific targeting and gear used (lobster pots) and the management arrangements which include limited entry, seasonal closures, spatial restrictions, prohibition on take of berried and tarspot females, and minimum landing size restrictions for crabs and lobsters taken. I am also satisfied that the operation of the fishery over the period of the declaration as an approved wildlife trade operation 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.

Accordingly, I have decided to declare the Western Australian South Coast Crustacean Fishery an approved wildlife trade operation until 11 November 2014. The declaration will be subject to the conditions at **Attachment A**.

While there are some environmental risks associated with the Western Australian South Coast Crustacean Fishery, I believe the Western Australian Department of Fisheries is committed to addressing these issues and has already taken proactive steps in some areas. Officers from the Western Australian Department of Fisheries and the Department of Sustainability, Environment, Water, Population and Communities have agreed to two additional recommendations to be implemented before the next Australian Government assessment of the fishery (**Attachment B**). These recommendations are for the Western Australian Department of Fisheries to conduct an ecological risk assessment for the impacts of the fishery and to develop a research strategy for the South Coast Crustacean Fishery.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Joanne Nathan', with a stylized, flowing script.

Joanne Nathan

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

16 November 2011

Conditions on the Part 13 accreditation and approved wildlife trade operation declaration for the Western Australian South Coast Crustacean Fishery.

Part 13 Condition:

The Western Australian Department of Fisheries to, in consultation with relevant experts:

- a. review the proposed management arrangements for protecting Australian sea lions in the fishery; and
- b. as appropriate, ensure that appropriate mitigation strategies are in place under the new management arrangements for the fishery to minimise interactions with Australian sea lions and other protected species.

1. Operation of the fishery will be carried out in accordance with the legislated management regime and management arrangements made under the Western Australian *Fish Resources Management Act 1994*.
2. The Western Australian Department of Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the South Coast Crustacean Fishery's legislated management regime and management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Western Australian Department of Fisheries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Western Australian Department of Fisheries on the ecologically sustainable management of the Western Australian South Coast Crustacean Fishery.

1. Prior to the implementation of the proposed new management arrangements for the fishery, the Western Australian Department of Fisheries to:
 - (a) review risk levels for target species, byproduct, bycatch (including protected species) and impacts on the marine environment for the South Coast Crustacean Fishery, incorporating the proposed management arrangements into the review; and
 - (b) where appropriate, update or develop new objectives, performance measures, management responses and information requirements for target species, byproduct, bycatch (including protected species) and the marine environment.
2. Within twelve months of implementation of the proposed new management arrangements for the fishery, the Western Australian Department of Fisheries to develop a research strategy for the South Coast Crustacean Fishery, in order to identify and prioritise key research needs to meet the management, stock assessment and performance measurement needs of the fishery.