



## Australian Government

### Department of the Environment and Water Resources

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The Hon Tim Mulherin MP  
Minister for Primary Industries and Fisheries  
GPO Box 46  
BRISBANE QLD 4001

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 Queensland (QLD) Mud Crab Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). An assessment of the QLD Mud Crab Fishery under the EPBC Act was completed in 2004. As a result of that assessment, the Delegate of the then Minister for the Environment and Heritage declared the QLD Mud Crab Fishery an approved Wildlife Trade Operation under Part 13A of the EPBC Act and included product from the fishery on the List of Exempt Native Specimens (LENS) until 31 August 2007. He also accredited the Queensland Mud Crab Fishery management regime in force under the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulations 1995* under the relevant protected species provisions of Part 13 of the EPBC Act.

In June 2007 the QLD Department of Primary Industries and Fisheries (DPI&F) submitted the 2005, 2006 and 2007 Annual Status Reports for the QLD Mud Crab Fishery for consideration of further export approval of product from the fishery. The DPI&F reports have been assessed for the purposes of the wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment also took account of measures that have been developed by DPI&F in response to recommendations made in the initial assessment of the QLD Mud Crab Fishery to improve the management of the fishery. I am pleased to advise that assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment and Water Resources 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 reported in the fishery, the management measures in place to minimise the risk of interactions and the implementation of an education program to support the protected species reporting mechanism, 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 for the purposes of the wildlife trade provisions in Part 13A of the EPBC Act, the management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the

QLD Mud Crab Fishery excluding specimens that are listed under Part 13 of the EPBC Act, for a period of five years. Such listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues not to involve the export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The management arrangements for the fishery meet the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. The QLD Mud Crab Fishery is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, data gathering, and nature of the fishery allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low bycatch levels, minimising interactions with protected species and managing impacts on the wider ecosystem.

While there are some environmental risks associated with this fishery, I believe that DPI&F 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. I understand that they have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next Australian Government review of the fishery. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the fishery and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. In order to ensure that these decisions remain valid, the Department of the Environment and Water Resources needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

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

Yours sincerely

[Signed]

Andrew McNee  
Delegate of the Minister for the Environment and Water Resources

21 August 2007

**Recommendations to the Queensland (QLD) Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the QLD Mud Crab Fishery**

The QLD Mud Crab Fishery is a well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include:

- a minimum legal size limit applied to commercial and recreational fishers;
- a prohibition on the take of all female mud crabs;
- gear restrictions;
- limited entry (C1 endorsement required);
- mandatory commercial catch logbooks; and
- spatial closures under the Commonwealth *Great Barrier Reef Marine Park Act 1975* and the QLD *Marine Parks Act 2004*.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation, DPI&F should action these recommendations before the next review of the fishery in 2012.

**Recommendations**

1. DPI&F to inform the Department of the Environment and Water Resources of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
2. DPI&F to continue to produce and present reports to the Department of the Environment and Water Resources annually. Reports to include:
  - i. Information sufficient to allow assessment of the progress of DPI&F in implementing the recommendations made in the Assessment of the QLD Mud Crab Fishery 2007; and
  - ii. A description of the fishery, management arrangements in place, recent catch data for all sectors of the fishery, status of target stock including performance of the fishery against objectives, performance indicators and measures, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and research and monitoring outcomes.

Information should only be provided on those aspects which are relevant to the fishery and that articulate 'changes' since the last annual report.

3. DPI&F to continue to actively pursue the development of collaborative research with other jurisdictions and agencies and ensure that management arrangements for the QLD mud crab fishery continue to take account of the results of research conducted.

4. By the end of 2008, DPI&F to review the Performance Measurement System for the QLD Mud Crab Fishery to ensure that indicators (including that for bycatch) are relevant and are targeted at achieving precautionary management outcomes. DPI&F to ensure that appropriate information is collected from the fishery to ensure that these indicators can be monitored effectively.
5. By the end of 2008, DPI&F to implement management responses for risks ranked as 'moderate' or above in the QLD Mud Crab Ecological Risk Assessment.
6. By the end of 2008, DPI&F to review the Performance Measurement System for the QLD Mud Crab Fishery to ensure that it incorporates a precautionary indicator/s to monitor activation of latent effort in the QLD Mud Crab Fishery on an annual basis. DPI&F to ensure that appropriate information is collected from the fishery to ensure that this indicator/s can be monitored effectively.