



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Hon Tim Mulherin MP
Minister for Primary Industries,
Fisheries and Rural and Regional Queensland
GPO Box 46
Brisbane QLD 4001

Dear Minister,

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery was completed in 2004. This resulted in the Delegate of the then Minister for the Environment and Heritage declaring the fishery an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act for three years. In November 2007 the Delegate of the then Minister for the Environment and Water Resources declared the fishery an approved WTO under Part 13A of the EPBC Act until 29 November 2010.

In August 2010, Fisheries Queensland submitted the following documents to the Department of Sustainability, Environment, Water, Population and Communities for assessment, seeking continued export approval for this fishery:

- *Progress against DEWHA Conditions and Recommendations - Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery - 2009 and 2010.*
- *Annual Status Report - Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery - 2008, 2009 and 2010.*

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. The assessment also took account of measures that have been developed by Fisheries Queensland in response to the conditions and recommendations made in the 2007 assessment of the fishery.

I am pleased to advise that the assessment of the fishery is now complete. The new assessment report will be available on the department's website at:
<http://www.environment.gov.au/coasts/fisheries/qld/finfish-trawl/index.html>.



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The management regime for the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery was first accredited under Part 13 of the EPBC Act in 2004 and was reaccredited in April 2008 following the replacement of the *Queensland Fisheries Regulation 1995* with the *Fisheries Regulation 2008*. 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.

However, measures to reduce the risk of turtle and sea snake interactions in the fishery are currently still being trialled. 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**) requiring Fisheries Queensland to implement an appropriate bycatch reduction device, taking into account the outcome of current trials, as an operational requirement 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 am satisfied that for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act, the current management arrangements provide the basis for the fishery to be managed in an ecologically sustainable way. The management arrangements for the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

The Gulf of Carpentaria Developmental Fin Fish Trawl Fishery is a relatively low impact fishery that is suitably precautionary. The combination of the nature of the fishery, management arrangements and progress in implementing conditions and recommendations from previous assessments allows confidence that the fishery will continue to be managed to minimise impacts on bycatch, interactions with protected species and the wider ecosystem.

Therefore, I have decided to amend the List of Exempt Native Specimens to include specimens that are, or are derived from, fish or invertebrates taken in the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery, excluding specimens listed under Part 13 of the EPBC Act, until 25 November 2015. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, provided the fishery continues to operate in accordance with the *Queensland Fisheries Act 1994* and the *Fisheries Regulations 2008* and does not harvest or export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While there are some environmental risks associated with this fishery, I believe that Fisheries Queensland is committed to addressing these issues and has already taken proactive measures. Officers from Fisheries Queensland and the department have discussed areas requiring ongoing attention and agreed to recommendations focussed on ensuring the continuation of good management practices.

The recommendations (**Attachment B**) have been an important factor in my decision to exempt the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery and I look forward to receiving your confirmation that they will be implemented.

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, the department needs to be advised of any intended changes to the management arrangements 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 legislated amendments and operational changes that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

Yours sincerely



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

25 November 2010

Condition on the accreditation of management arrangements under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* for the Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery

1. Fisheries Queensland, by September 2012, taking into consideration the results of bycatch reduction trials, to implement appropriate bycatch reduction devices as an operational requirement in the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery.

Recommendations to Fisheries Queensland on the ecologically sustainable management of the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery

1. Operation of the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery will be carried out in accordance with the Queensland *Fisheries Act 1994* and Queensland *Fisheries Regulation 2008*.
2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Fisheries Queensland to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. Fisheries Queensland to:
 - a) continue to implement measures to reduce bycatch; and
 - b) complete, by June 2012, a structured trial of bycatch reduction devices, including methodology to assess the effectiveness of devices trialled.
5. Fisheries Queensland to continue to cooperate with other relevant jurisdictions to pursue complementary research and management of shared stocks for target and byproduct species that may be affected by cross-jurisdictional issues.