



Australian Government

Department of the Environment, Water, Heritage and the Arts

Our reference: 2003/00867

The 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 Environment Protection, Heritage and the Arts in relation to the reassessment of the Queensland East Coast Trochus Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the East Coast Trochus Fishery was completed in May 2005, resulting in the Delegate of the then Minister for the Environment and Heritage declaring the East Coast Trochus Fishery exempt from the export controls under Part 13A of the EPBC Act and including product from the fishery in the List of Exempt Native Specimens (LENS) until 3 June 2010.

In February 2010, Fisheries Queensland submitted the following documents for assessment, seeking continued exemption for this fishery:

- East Coast Trochus Fishery 2009 Progress against DEWHA conditions and recommendations; and
- the 2006, 2007, 2008 and 2009 Annual Status Reports.

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 recommendations made in the 2005 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 of the Environment, Water, Heritage and the Arts (DEWHA) web site at <http://www.environment.gov.au/coasts/fisheries/qld/east-coast-trochus/index.html>.

The management regime for the East Coast Trochus Fishery was first accredited under the EPBC Act in June 2005 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 arrangements 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. I have therefore reaccredited the management arrangements under Part 13 of the EPBC Act. 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 East Coast Trochus Fishery meet the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

The East Coast Trochus Fishery is a low impact fishery that is suitably precautionary. The combination of management arrangements, the nature of the fishery and progress in implementing recommendations from the initial assessment allows confidence that the fishery managers will manage the fishery to maintain the absence of bycatch, minimise interactions with protected species and manage impacts on the wider ecosystem.

Therefore, I have decided to amend the LENS to include specimens that are, or are derived from, fish or invertebrates taken in the East Coast Trochus Fishery, excluding specimens listed under Part 13 of the EPBC Act, until 3 June 2015. Such a listing will serve to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues to operate in accordance with the Queensland *Fisheries Act 1994* and the *Fisheries Regulation 2008* and does not harvest and 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 DEWHA have discussed areas requiring ongoing attention and agreed to recommendations focussing on ensuring the continuation of good management practices. These recommendations (**Attachment A**) have been an important factor in my decision to continue to exempt the East Coast Trochus 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, DEWHA needs to be advised of any intended changes 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 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.

I have copied this letter to Dr Russel Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Nigel Routh', with a long horizontal flourish extending to the right.

Nigel Routh
Delegate of the Minister for Environment Protection, Heritage and the Arts

25 May 2010

Recommendations to Fisheries Queensland, a service of the Department of Employment, Economic Development and Innovation, on the ecologically sustainable management of the East Coast Trochus Fishery.

The East Coast Trochus Fishery (ECTF) 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 limited entry, harvesting and gear restrictions and a reviewable performance measurement system.

The following ongoing 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.

1. Operation of the fishery will be carried out in accordance with the management arrangements for the East Coast Trochus Fishery (ECTF) in force under the *Queensland Fisheries Act 1994* and the *Fisheries Regulation 2008*.
2. Fisheries Queensland to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the ECTF management arrangements that may affect the assessment of the ECTF against the criteria on which EPBC Act decisions are based.
3. Fisheries Queensland to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. Fisheries Queensland to continue to regularly review the Performance Measurement System for the ECTF, monitor the status of the fishery in relation to the performance measures and report annually against those measures, including any management actions implemented in response to performance triggers and the rationale for any nil management response.