



Australian Government

Department of the Environment, Water, Heritage and the Arts

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 the Delegate of the Minister for the Environment, Heritage and the Arts in relation to the reassessment of the Queensland Eel Fishery (QEF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the QEF was completed in December 2004, resulting in the then Minister for the Environment and Heritage declaring the QEF exempt from the export controls under Part 13A of the EPBC Act and including product from the fishery on the List of Exempt Native Specimens (LENS) until 3 November 2009.

In July 2009, the Queensland Primary Industries and Fisheries (QPIF) submitted the following documents: the 2005, January 2007, 2007, 2008, and 2009 Annual Status Reports, Queensland Eel Fishery 2009 Progress against DEWHA conditions & recommendations, and Benefit-Cost Analysis for Proposed Juvenile Eel Recruitment Past Waterway Barriers for the QEF for assessment under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed by QPIF in response to recommendations made in the initial assessment of the QEF to improve the management 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 website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

I am satisfied that for the purposes of Part 13A of the EPBC Act, the management arrangements provide the basis for the QEF 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 QEF excluding specimens that are listed under Part 13 of the EPBC Act, for a period of four years, six months. 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 *Queensland 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.

The management arrangements for the QEF perform satisfactorily against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The QEF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial QEF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way.

While there are some environmental risks associated with this fishery, I believe that QPIF is committed to addressing these issues and is already taking proactive action. Officers from DEWHA and QPIF have discussed key areas requiring ongoing and increased attention, and have agreed to a number of recommended actions, focusing on addressing key issues, to be implemented before the next assessment of the QEF under the EPBC Act in 2014. These recommendations (**Attachment A**) have been an important factor in my decision to exempt the QEF 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 the decision remains valid, my Department 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 would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

[signed]

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

29/ 10 /2009

Recommendations to Queensland Primary Industries and Fisheries (QPIF), part of the Department of Employment, Economic Development and Innovation (DEEDI) on the ecologically sustainable management of the Queensland Eel Fishery (QEF)

The QEF 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, input controls, gear restrictions, minimum size limits, and spatial management.

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, QPIF should action these recommendations before the next review of the fishery in 2014.

1. Operation of the fishery will be carried out in accordance with the management regime in force under the *Queensland Fisheries Act 1994*, the *Queensland Fisheries Regulation 2008* and the *Fisheries (Freshwater) Management Plan 1999*.
2. QPIF to inform DEWHA of any intended amendments to the management arrangements that may affect the assessment of the QEF against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. QPIF 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. QPIF to collaborate with other jurisdictions in pursuing consistent and complementary research needs and management arrangements for target species.
5. By November 2010, QPIF to:
 - (a) develop and implement species specific reporting of interactions with protected species in the QEF, especially freshwater turtles; and
 - (b) in the event that a significant number of interactions with species protected under the EPBC Act becomes apparent, a clear timetable for the implementation of appropriate management responses to be made within 3 months.