



## Australian Government

### Department of the Environment and Water Resources

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 re-assessment of the Queensland East Coast Otter Trawl Fishery (ECOTF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The ECOTF was first assessed by the Australian Government Department of the Environment and Water Resources (formerly the Department of the Environment and Heritage) in November 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the Queensland Department of Primary Industries and Fisheries (DPI&F). In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the ECOTF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years. The then Minister for the Environment and Heritage also accredited the ECOTF management regime in force under the *Queensland Fisheries Regulation 1995* and the *Queensland Fisheries (East Coast Trawl) Management Plan 1999* under Part 13 of the EPBC Act in relation to protected species interactions.

In September 2007, DPI&F submitted the 2005, 2006 and interim 2007 Annual Status Reports for the ECOTF for assessment under the EPBC Act to allow continued export approval for this fishery. 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.

I am pleased to advise that assessment of the fishery is now complete. The new assessment report will be available on the Department of the Environment and Water Resources (DEW) website at:  
<http://www.environment.gov.au/coasts/fisheries/index.html>.

There has not been an increase in the reported protected species interactions in the fishery since 2004. However, two changes have been made to the management regime for the ECOTF and a recommendation from the 2004 DEW assessment regarding amending the definition of turtle excluder devices (TEDs) in the *Fisheries*



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(East Coast Trawl) Management Plan 1999 remains outstanding. I understand that this modification is necessary to ensure the TEDs used in the ECOTF effectively exclude larger turtles from trawl nets and that DPI&F are well advanced in their preparations for effecting this change. Given the importance of this issue, I have re-accredited the ECOTF under Part 13 of the EPBC Act and included a condition requiring these TED amendments to take effect before 30 November 2008.

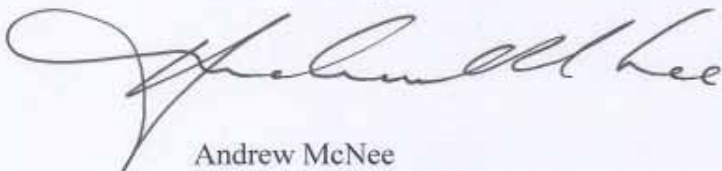
In considering the current management arrangements, I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem over the next three years.

Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the ECOTF an approved WTO under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years without export permits, with the exception of the two syngnathid species permitted to be retained. A separate WTO declaration will be issued to cover export of the two syngnathid species, however, as these are listed marine species under the EPBC Act, exporters will continue to require permits. I have made the declarations subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I consider 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 attention. In addition to the conditions to the WTO declarations, I understand that they have agreed to a number of recommended actions, focusing on addressing key issues outstanding from the last assessment, to be implemented before the next Australian Government review of the ECOTF. The recommendations at **Attachment B** have been an important factor in my decision to declare the ECOTF a WTO and I look forward to receiving your confirmation that they will be implemented.

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

Yours sincerely



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

28 November 2007



**Conditions on the Wildlife Trade Operation Declaration for the  
Queensland East Coast Otter Trawl Fishery (ECOTF)**

1. Operation of the ECOTF will be carried out in accordance with the *Queensland Fisheries Regulation 1995* and the *Queensland Fisheries (East Coast Trawl) Management Plan 1999* in force under the *Queensland Fisheries Act 1994*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment and Water Resources (DEW) 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. DPI&F to continue to produce and present reports to DEW annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendations to the Queensland Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the Queensland East Coast Otter Trawl Fishery (ECOTF)**

The ECOTF is a relatively 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, a fishery wide effort cap, a series of permanent and seasonal closures, in-possession limits for byproduct species, and gear and vessel restrictions.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the ECOTF and minimise environmental risks in the medium term. Unless a specific time frame is provided in the recommendation, each recommendation must be addressed before the next review of the ECOTF in 2010.

1. By 30 November 2008, DPI&F to implement an effort cap in the Great Barrier Reef World Heritage Area that takes account of effort units removed from the fishery by the Australian Government's 2004 Structural Adjustment Package and estimated effort creep since 2003. The effort cap should periodically change in line with the latest estimates of effort creep.
2. DPI&F to investigate options for incorporating finer scale spatial management in the ECOTF to ensure that all principal species are sustainably harvested.
3. DPI&F to undertake sufficient and effective compliance and enforcement activities to monitor compliance with the turtle excluder device and bycatch reduction device provisions of the Trawl Plan.
4. DPI&F to investigate options for detecting chemical scrubbing of egg-bearing bugs by 30 November 2008.
5. By 30 November 2008, DPI&F to finalise the draft Performance Measurement System in consultation with the Trawl Management Advisory Committee, ensuring that performance measures aiming for a reduction in bycatch levels, protected species interactions and ecosystem impacts are incorporated.
6. DPI&F to continue to pursue a reduction in the amount of bycatch taken in the ECOTF through the implementation of best practice bycatch mitigation technology and the promotion of associated research and development.
7. DPI&F to continue to take all reasonable steps to avoid interactions with protected species (including seasnakes, syngnathids and marine turtles), including the promotion of relevant research.
8. DPI&F to continue to validate Species of Conservation Interest (SOCI) logbook data and work to improve compliance with SOCI reporting requirements.