



Australian Government

Department of the Environment

Ref: 2012/08815

The Hon John McVeigh MP
Minister for Agriculture, Fisheries and Forestry
GPO Box 46
Brisbane QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the reassessment of the Queensland East Coast Otter Trawl Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The East Coast Otter Trawl Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in November 2010. As a result of the 2010 assessment, the Delegate of the then Minister for Sustainability, Environment, Water, Population and Communities declared the East Coast Otter Trawl Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years, until 27 November 2013. This allowed export of product from the fishery to continue during the period of the declaration.

In August 2013, Fisheries Queensland provided an application to the Department of the Environment seeking continued export approval for the East Coast Otter Trawl Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by Fisheries Queensland in response to the conditions and recommendations made in the 2010 export assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:
<http://www.environment.gov.au/topics/marine/fisheries/qld/eco-trawl>

I consider that the management arrangements for the East Coast Otter Trawl Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Taking into account the management arrangements currently in place in the fishery, which include limited entry, tradable effort units, gear restrictions (net and boat), mandatory bycatch reduction devices and turtle excluder devices, spatial and temporal closures and a performance measurement system, I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

Accordingly, I have decided to declare the East Coast Otter Trawl Fishery an approved wildlife trade operation until 25 November 2016. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

Officers from Fisheries Queensland and the Department have discussed key areas requiring ongoing attention. 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.

Fisheries Queensland and the Department's officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The management regime for the East Coast Otter Trawl Fishery was most recently accredited under Part 13 of the EPBC Act for interactions with protected species in December 2010. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine 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 species listed under Part 13 of the EPBC Act.

I have therefore reaccredited the management regime for the East Coast Otter Trawl Fishery under Part 13 of the EPBC Act, subject to a condition at **Attachment 3**. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

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

As the East Coast Otter Trawl Fishery operates within the Great Barrier Reef Marine Park, I have copied this letter to Dr Russell Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

6 December 2013

**Conditions on the approved wildlife trade operation declaration for the
East Coast Otter Trawl Fishery – November 2013**

1. Operation of the fishery will be carried out in accordance with the Queensland Fisheries (East Coast Otter Trawl Fishery) Management Plan 2010 under the Queensland *Fisheries Act 1994*.
2. Fisheries Queensland to inform the Department of the Environment of any intended material changes to the Queensland East Coast Otter Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. Fisheries Queensland to produce and present reports to the Department of the Environment annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. Fisheries Queensland to:
 - a) continue to monitor and report on effort levels within each sector of the East Coast Otter Trawl Fishery, given fishing effort is a key driver of ecological risk, and
 - b) review total effort expended in the fishery, particularly effort in the Great Barrier Reef World Heritage Area, to ensure that it is ecologically sustainable.
5. Until the outcomes of the Trawl Plan Review are known, Fisheries Queensland to:
 - a) closely monitor effort in the fishery, and
 - b) should total effort exceed total effort levels expended in 2009,
 - review the relative changes in ecological risk attributable to the increased effort, and
 - determine an appropriate management response to ensure identified increases in ecological risk do not result in unsustainable outcomes.

Recommendations to Fisheries Queensland on the ecologically sustainable management of the East Coast Otter Trawl Fishery – November 2013

1. Fisheries Queensland to:
 - a) monitor changes to sea snake catch and catch-per-unit-effort, using the best information available, and
 - b) continue to support research where possible with the aim of understanding and reducing the ecological risk posed by the fishery to sea snakes.
2. Taking into account relevant research, Fisheries Queensland to:
 - a) continue to develop stock assessments for principal species, and
 - b) continue to improve knowledge of stock status for principal and permitted species including pipefish.
3. Fisheries Queensland to:
 - a) complete and publish the ecological risk assessment for the area of the fishery south of the Great Barrier Reef Marine Park
 - b) investigate measures to mitigate risks to species identified to be at probable high risk from the impacts of fishing in the risk assessments, and
 - c) continue to monitor and improve compliance with rules concerning turtle excluder devices and bycatch reduction devices.
4. Fisheries Queensland to continue to:
 - a) develop and implement measures to reduce bycatch in the East Coast Otter Trawl Fishery, and
 - b) develop a performance measure aimed at reducing bycatch levels in the fishery.

Conditions on the accreditation of the management regime for the East Coast Otter Trawl Fishery under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999*

1. Fisheries Queensland to work closely with the fishing industry to:
 - a) reduce the bycatch of sea snakes, including by methods such as trawl nets to be fitted with bycatch reduction devices that are demonstrably capable of minimising the bycatch, with a progress report to be provided by 1 December 2014
 - b) continue to monitor and report on the uptake and correct use of bycatch reduction devices to assist achieving reductions in sea snake bycatch
 - c) increase the accuracy of reporting of EPBC Act protected species interactions in fishers' log books, and
 - d) following the progress report outlined in a) above, obtain independent verification of the effectiveness of the bycatch reduction devices in minimising EPBC Act protected species bycatch.

