



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

Our Reference: 2010/09997

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 Sustainability, Environment, Water, Population and Communities in relation to the commencement on 1 January 2011 of the *Queensland Fisheries (East Coast Trawl) Management Plan 2010*, replacing the *Fisheries (East Coast Trawl) Management Plan 1999*.

As you are aware, in November 2010 I declared the East Coast Otter Trawl Fishery, comprising the 'M1', 'M2', 'T1' and 'T2' areas of the 'east coast trawl fishery' as defined in the *Fisheries (East Coast Trawl) Management Plan 1999* in force under the *Queensland Fisheries Act 1994*, as an approved wildlife trade operation under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) until 27 November 2013, thereby allowing export from the fishery for a further three years.

In December 2010, Fisheries Queensland advised the Department of Sustainability, Environment, Water, Population and Communities that the *Fisheries (East Coast Trawl) Management Plan 1999* was being remade as the *Fisheries (East Coast Trawl) Management Plan 2010*.

Export decisions under the EPBC Act are made on the basis of the management arrangements in place at the time of those decisions. To allow export from the fishery to continue while the department assessed the impact of the new management plan on the previous EPBC Act decision, on 17 December 2010 the departmental delegate remade the instrument of declaration as an approved wildlife trade operation for the East Coast Otter Trawl Fishery to reference the *Fisheries (East Coast Trawl) Management Plan 2010*. The new instrument came into effect on commencement of the new plan.

I understand that the *Fisheries (East Coast Trawl) Management Plan 2010* closely reflects the provisions of the *Fisheries (East Coast Trawl) Management Plan 1999*.

I am advised that the Fisheries Queensland's *East Coast Trawl Industry Development Plan and Fishery Management Plan Review* remains ongoing. I also understand that the review is the means by which Fisheries Queensland intends to address a number of the recommendations I made as a result of the reassessment of the East Coast Otter Trawl Fishery in November 2010. I consider it essential that Fisheries Queensland completes the review.



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To ensure that the review is completed and that the outcomes are implemented in the East Coast Otter Trawl Fishery, officers from Fisheries Queensland and the department have developed and agreed an additional condition to the declaration of the fishery as an approved wildlife trade operation.

I am satisfied that the progress made by Fisheries Queensland in reviewing the trawl plan, in conjunction with the additional condition and the current management arrangements in the fishery, are sufficient for the operation of the East Coast Otter Trawl Fishery to satisfy the requirements of the EPBC Act. Accordingly, I have varied the declaration of the East Coast Otter Trawl Fishery as an approved wildlife trade operation by specifying that the declaration is subject to the additional condition at **Attachment A**. You will be able to find a copy of the variation on the department's website at <http://www.environment.gov.au/coasts/fisheries/qld/index.html>.

Please note that decisions made under the EPBC Act relate to the management arrangements in force at the time of the decision. To ensure that decisions remain 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

17 January 2011

**Conditions on the declaration of the Queensland East Coast Otter Trawl Fishery as an approved wildlife trade operation, January 2011**

Relating to the harvesting of specimens that are, or are derived from, fish or invertebrates, including the listed marine species *Solegnathus dunckeri* and *Solegnathus hardwickii* but excluding all other specimens of species listed under Part 13 of the EPBC Act, taken in the East Coast Otter Trawl Fishery:

1. Operation of the East Coast Otter Trawl Fishery will be carried out in accordance with the Queensland *Fisheries Act 1994*, *Fisheries Regulation 2008* and *Queensland Fisheries (East Coast Trawl) Management Plan 2010*.
2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements for the East Coast Otter Trawl Fishery 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 - 2<sup>nd</sup> Edition*.
4. Fisheries Queensland to complete the review of east coast trawl fishery management arrangements and implement the outcomes in the East Coast Otter Trawl Fishery.

