



Australian Government

Department of the Environment, Water, Heritage and the Arts

Our reference: 2009/14257

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 assessment of changes to management arrangements for the Queensland East Coast Otter Trawl Fishery (ECOTF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 28 November 2007 the Delegate of the then Minister for the Environment and Water Resources declared the ECOTF an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act until 29 November 2010. The ECOTF was also accredited under Part 13 of the EPBC Act in relation to protected species interactions.

Export decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment. To ensure that the approved WTO declaration remains valid, the Department of the Environment, Water, Heritage and the Arts (DEWHA) 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.

In September 2009, Fisheries Queensland advised DEWHA of a series of intended changes to management arrangements of several Queensland managed fisheries, including the ECOTF. On 21 October 2009, Fisheries Queensland also advised that a review of the *Fisheries (East Coast Trawl) Management Plan 1999* (Trawl Plan) was imminent.

Changes to the management of the ECOTF have now 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 conditions and recommendations made in the 2007 assessment of the ECOTF to improve the management of the fishery.



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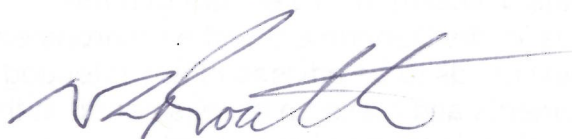
There remain a number of risks and uncertainties surrounding the management of byproduct species taken in the fishery that must be managed to ensure their impacts are minimised in the longer term. Recommendations to address these issues have been developed and agreed with Fisheries Queensland at officer level.

Considering the review of the Trawl Plan, which has now commenced, and taking into account that the fishery's current declaration under Part 13A of the EPBC Act will expire on 29 November 2010, I am satisfied that implementation of the additional recommendations will be sufficient for the fishery to continue to satisfy the requirements of the EPBC Act. These recommendations (**Attachment A**) have been an important factor in my decision to continue the approved WTO declaration for the ECOTF. I look forward to receiving your confirmation that the recommendations will be implemented.

The management regime for the ECOTF was accredited under Part 13 of the EPBC Act in November 2007, and was reaccredited in April 2008 following the replacement of the *Queensland Fisheries Regulation 1995* with the *Fisheries Regulation 2008*. I consider that the existing Part 13 accreditation for this fishery, in relation to protected species provisions under the EPBC Act, still applies.

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



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

27 May 2010

**Additional recommendations to Fisheries Queensland, a service of the
Department of Employment, Economic Development and Innovation on
the ecologically sustainable management of the Queensland
East Coast Otter Trawl Fishery**

The Queensland East Coast Otter Trawl Fishery (ECOTF) 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 minimum size limits, spatial closures, 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. These recommendations are in addition to the recommendations made to the management of this fishery in November 2007, when the fishery was last assessed.

1. Fisheries Queensland to review catch limits for slipper lobster, octopus, and blue swimmer crab and report the findings of the review in the Annual Status Report for the ECOTF including a management strategy for these species that will ensure harvest levels are sustainable.
2. By August 2010, Fisheries Queensland to identify priority research areas for byproduct species permitted in the ECOTF. Priority research should focus on those byproduct species that represent the most significant risk in the fishery based on:
 - a) catch levels and known biological characteristics; and
 - b) current availability of biological and ecological data.
3. Fisheries Queensland to demonstrate, through scientific analysis, that the management arrangements in place for Moreton Bay bugs are able to mitigate against any negative impact on the species resulting from the removal of the prohibition on the retention of egg bearing females.

Fisheries Queensland to report on this analysis in the annual report for the fishery and address any issues identified within an appropriate timeframe.



