



Australian Government

Department of the Environment, Water, Heritage and the Arts

Our reference: 2009/28318

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 reassessment of the Queensland East Coast Pearl Fishery (ECPF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the ECPF was completed in February 2005, resulting in the then Minister for the Environment and Heritage declaring the ECPF 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 20 January 2010.

In December 2009, Fisheries Queensland submitted the following documents: "East Coast Pearl Fishery 2009 Progress against DEWHA conditions and recommendations", the 2006, 2007, 2008 and 2009 Annual Status Reports and "Performance Measurement System Queensland East Coast Pearl Fishery November 2008" for assessment under the EPBC Act seeking 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 Act. The assessment also took account of measures that have been developed by Fisheries Queensland in response to recommendations made in the initial assessment of the ECPF to improve the management of the fishery.

I am pleased to advise the assessment of the fishery is now complete. The new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/east-coast-pearl/index.html>.

The management regime for the ECPF was first accredited under Part 13 of the EPBC Act in February 2005, and was reaccredited in April 2008 following the replacement of the *Queensland Fisheries Regulation 1995* with the *Fisheries Regulation 2008*. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management arrangements will adversely affect the conservation status of protected species, or affect the survival and recovery of listed threatened species.



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Accordingly, it is my view that actions provided for, and taken in accordance with, the management arrangements would not be expected to contravene the protected species provisions of the EPBC Act. I have therefore recredited the management arrangements under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management arrangements are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

In considering the current management arrangements, 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. 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 five years.

I am satisfied that for the purposes of Part 13A of the EPBC Act, the management arrangements provide the basis for the ECPF to be managed in an ecologically sustainable way. The management arrangements for the ECPF perform satisfactorily against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. The ECPF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements and progress in implementing recommendations from the initial ECPF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way.

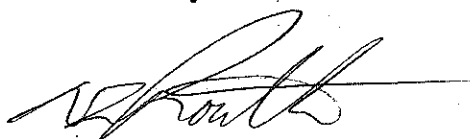
I therefore propose to amend the LENS, to include specimens that are, or are derived from, fish or invertebrates taken in the ECPF excluding specimens that are listed under Part 13 of the EPBC Act, until 20 January 2015. Such a listing will serve to exempt the fishery from the export controls of the 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.

While there are some potential environmental risks associated with this fishery, I believe that Fisheries Queensland is committed to addressing these issues and has already taken proactive action. Officers from Fisheries Queensland and DEWHA have discussed key areas requiring ongoing attention, and have agreed to a number of recommended ongoing actions, focusing on addressing key issues. These recommendations (**Attachment A**) have been an important factor in my decision to continue to exempt the ECPF. I look forward to receiving your confirmation that the recommendations will be implemented.

Please note that export decisions relate to the arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, DEWHA 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 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

A handwritten signature in black ink, appearing to read 'N. Routh', with a long horizontal flourish extending to the right.

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

// March 2010

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 Pearl Fishery

The Queensland East Coast Pearl Fishery (ECPF) 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, spatial closures, gear and harvesting restrictions and a reviewable Performance Measurement System (PMS).

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.

1. Operation of the East Coast Pearl Fishery be carried out in accordance with the management regime in force under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 2008*.
2. Fisheries Queensland to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which decisions under the *Environment Protection and Biodiversity Conservation Act 1999* are based.
3. Fisheries Queensland 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. Fisheries Queensland to continue to regularly review the Performance Measurement System for the East Coast Pearl Fishery, monitor the status of the fishery in relation to the performance measures and report against those measures, including any management actions implemented in response to performance triggers.

