



**Australian Government**

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**Department of the Environment and Energy**

Assessment of the  
**Queensland Finfish (Stout Whiting) Trawl Fishery**

February 2017

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This report should be attributed as '*Assessment of the Queensland Finfish (Stout Whiting) Fishery* February 2017, Commonwealth of Australia 2017'.

## Disclaimer

This document is an assessment carried out by the Department of the Environment and Energy of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Delegate of the Minister for the Environment and Energy on the fishery in relation to decisions under Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment and Energy or the Australian Government.

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This section is a summary of the Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery's performance against the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition* and outlines the reasons the Department recommends that the fishery be declared an approved wildlife trade operation.

### **Table 1: Summary of the Queensland Finfish (Stout Whiting) Trawl Fishery. 5**

Table 1 contains a brief overview of the operation of the fishery, including: the gear used, species targeted, byproduct species, bycatch species, annual catch, management regime and ecosystem impacts.

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Table 4 contains a description of the issues identified by the Department with the current management regime for the fishery and outlines the proposed conditions that would form part of the delegate's decision to declare the fishery an approved wildlife trade operation.

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## **EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE QUEENSLAND FINFISH (STOUT WHITING) TRAWL FISHERY (THE FISHERY)**

The material submitted by the Queensland Department of Agriculture and Fisheries (QDAF) demonstrates that the management arrangements for the Finfish (Stout Whiting) Trawl Fishery continue to meet most of the requirements of the Australian Government '*Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*'.

### **Stock Status**

The Department considers that overall the management regime for the fishery aims to ensure that fishing is conducted in a manner that does not lead to overfishing. QDAF provides input into the Australian Government Fisheries Research and Development Corporation's Status of Australian Fish Stocks (SAFS) process on a biennial basis. The SAFS reports and QDAF's stock status assessment program do not consider any key target or byproduct species taken in the fishery to be overfished. Ongoing input by QDAF into the SAFS reports provides a means to identify some species at risk of overfishing, and reduce the level of uncertainty in the stock status of key species.

Management measures in place in the fishery include:

- limited entry
- gear restrictions
- size limits
- total allowable catch for quota species and some byproduct species
- in possession limits for other byproduct species
- limits on the species that can be retained, and
- turtle excluder devices.

### **Ecosystem Impacts**

Taking into account the management measures described above, the Department considers that the management regime for the fishery provides for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While the fishery is relatively well managed, the Department has identified some risks and uncertainties that must be managed to ensure that impacts are minimised, including:

- the development of a robust ecological risk assessment (ERA), and
- a need for ongoing collection and validation of data on target, bycatch and byproduct species.

The Department considers that, until it can be demonstrated that these issues have been adequately addressed, declaration of the harvest operations of the fishery as an approved wildlife trade operation for three years, until 14 February 2020, is appropriate. The Department considers that the declaration should be subject to the conditions listed in Table 4.

Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade operation declaration for the fishery.

**TABLE 1: SUMMARY OF THE QUEENSLAND FINFISH (STOUT WHITING) TRAWL FISHERY**

<p><b>Key documents relevant to the fishery</b></p>	<ul style="list-style-type: none"> <li>• Queensland <i>Fisheries Act 1994</i></li> <li>• Queensland Fisheries Regulation 2008</li> <li>• Queensland Fisheries (East Coast Trawl) Management Plan 2010</li> <li>• Submission for the reassessment of the Queensland Finfish (Stout Whiting) Fishery Wildlife Trade Operation approval 2015 - Department of Agriculture and Fisheries</li> <li>• Queensland Finfish (Stout Whiting Trawl Fishery, Statement of Management Arrangements, October 2013)</li> <li>• Marine bioregional plan for the Temperate East Marine Region 2012</li> <li>• Department of Sustainability, Environment, Water, Population and Communities - Assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery, August 2011</li> <li>• Ecological Assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery, December 2003 - Department of Primary Industries and Fisheries</li> </ul>
<p><b>Area</b></p>	<div data-bbox="491 779 1013 1505" data-label="Figure"> </div> <p>The Queensland Finfish (Stout Whiting) Trawl Fishery (the fishery) operates in Queensland and Commonwealth waters between the 36 and 90 metre (m) depth contours off southern Queensland (from Sandy Cape south to the New South Wales (NSW) border) (Figure 1).</p> <p><b>Figure 1.</b> Map of the Queensland Finfish (Stout Whiting) Trawl Fishery (Source: QDAF- Fishery Symbols<sup>1</sup>)</p>
<p><b>Target Species</b></p>	<p>The main target species is stout whiting (<i>Sillago robusta</i>) however, small amounts (approximately 1 per cent) of red spot whiting (<i>Sillago flindersi</i>) are also harvested in the fishery.</p>
<p><b>Fishery status</b></p>	<p>The stock status for both stout whiting and red spot whiting are considered to be sustainably fished (Fisheries Research and Development Corporation, 2016)</p>

<sup>1</sup> [https://www.daf.qld.gov.au/\\_data/assets/pdf\\_file/0008/75743/t4-fishery.pdf](https://www.daf.qld.gov.au/_data/assets/pdf_file/0008/75743/t4-fishery.pdf)

<b>Byproduct Species</b>	<p>Licence holders are required to hold a General Fisheries Permit to retain a specified amount of permitted byproduct species. Individual species limits are reviewed annually and the limits are included as conditions of the General Fisheries Permits.</p> <p>Permitted byproduct species include:</p> <p><u>Finfish</u>  Yellowtail scad (<i>Trachurus novaezelandiae</i>)  Goatfish (Family Mullidae)  Pinkies (Family Nemipteridae)</p> <p><u>Crustaceans</u>  Balmain bugs (<i>Ibacus</i> spp.)  Moreton Bay bugs (<i>Thenus</i> spp.)</p> <p><u>Molluscs</u>  Cuttlefish (<i>Sepia</i> spp.)  Squid (<i>Nototodarus</i> spp., <i>Photololigo</i> spp. and <i>Sepioteuthis</i> spp.)  Octopus (<i>Octopus</i> sp.)</p>
<b>Gear</b>	<p>Otter trawling with a single multi-filament otter trawl net is the permitted fishing method. Gear restrictions include:</p> <ul style="list-style-type: none"> <li>• a maximum total net length (combined head rope, bottom rope and all other rope attached to the net) of 88 m</li> <li>• maximum sweep length of 128 m each</li> <li>• minimum mesh size of 38 millimetres (mm)</li> <li>• maximum vessel length of 20 m</li> <li>• turtle excluder devices on all otter trawl nets</li> </ul> <p>Since 2006 a single operator within the fishery has been issued with an annual permit allowing the use of a Danish seine net. The Danish seine gear is similar to the traditional otter trawl configuration without the otter boards and with the addition of two long haul warps (approximately 2.5 kilometres each). Mesh size is also restricted to a minimum of 38 mm. The Danish seine method offers the advantages of shorter haul times and slower haul speeds, which reduces bycatch and disturbance of the seabed.</p>
<b>Season</b>	<p>The fishery is open to fishing year round however, for management purposes the fishing season is from 1 January to 31 December of each year.</p>
<b>Commercial harvest 2015</b>	<p>The total harvest for the fishery in 2015 was 786 tonnes (t) which comprised of 783 t of Stout Whiting and 3 t of byproduct species (cuttlefish, octopus, squid, Moreton Bay bug, threadfin bream, Balmain bug and yellowtail scad).</p>

<b>Take by other sectors</b>	Stout Whiting forms part of the catch in the NSW Ocean Trap and Line Fishery which accounts for approximately 20 per cent of the total catch of stout whiting on the east coast of Australia. Small amounts of stout whiting are also taken as byproduct in the NSW Ocean Prawn Trawl Fishery. QDAF advises that 80 per cent of national stout whiting harvest occurs along the Queensland coast.
<b>Commercial licences issued</b>	The total number of licences in the fishery is five. The total number of active licences in 2015 was two.
<b>Management arrangements</b>	<p>The following management arrangements are in place for the fishery:</p> <ul style="list-style-type: none"> <li>• 270,000 Individually Transferrable Quota (ITQ) units issued for each commercial stout whiting fishing symbol (T4) held (1,350,000 units in total)</li> <li>• a Total Allowable Catch (TAC) for stout whiting is set annually via declaration by the Chief Executive</li> <li>• 20 t non-transferable annual catch quotas for each of the main permitted byproduct species, i.e. yellowtail scad and goatfish</li> <li>• in-possession limits for other permitted byproduct species (260 kg for cuttlefish, squid and threadfin bream and 100 kg for octopus)</li> <li>• stout whiting fishers are required to provide prior and unload notices to Fisheries Queensland at completion of each fishing trip via the Automated Integrated Voice Response (AIVR) system. The AIVR system is used both for quota monitoring and for compliance checks</li> <li>• stout whiting fishers are authorised to attach multiple T4 symbols to an individual commercial fishing boat licence - to acquire additional ITQ units</li> <li>• mandatory use of bycatch reduction devices</li> <li>• mandatory Vessel Monitoring System</li> </ul>
<b>Export</b>	The majority of catch is exported to Thailand, China, Vietnam, Japan and Taiwan.
<b>Bycatch</b>	<p>In 2010, the fishery reported approximately 105 t of bycatch that was discarded. Since 2010, fishers are no longer required to report discarded bycatch and the fisheries observer program ceased in 2012.</p> <p>Bycatch consists mainly of finfish other than target species, juvenile stout whiting, sharks, crabs, cephalopods (squid, octopus and/or cuttlefish), and pipefish. The total amount of bycatch is variable due to changes in reporting requirements, trip limits, market prices and the natural variation in abundance of bycatch species within the fishery area. Based on recent annual status reports for the fishery, bycatch primarily consists of <i>Nemipterus</i> spp. (pinkies or threadfin bream).</p> <p>Turtle excluder devices (TEDs) have been mandatory for use in all otter trawl gear in the fishery since 2006. Since this time, no interactions with marine turtles have been recorded and there has been a substantial decrease in the recorded capture of large organisms.</p>

<b>Interaction with Protected Species<sup>2</sup></b>	<p>Interactions with protected species are required to be reported in logbooks by fishers and submitted to QDAF within a month of the cessation of fishing trips. Protected species that are known to inhabit the area of the fishery include white sharks, grey nurse sharks, seabirds, turtles, sea snakes, syngnathids, dugong, and dolphins. Of these species, all marine turtles, grey nurse sharks and white sharks are also listed as threatened species.</p> <p>While only a low level of interactions with EPBC Act protected species has been reported historically, there are concerns that interactions may be under-reported, based on interaction rates in similar fisheries in other jurisdictions. There have been no interactions reported to the Department since the most recent assessment in 2011.</p> <p>TEDs are mandatory for otter board trawling in the fishery however, they are not required on the Danish seine gear, which poses a lower risk to marine turtles.</p> <p>The marine bioregional plan for the Temperate East Marine Region identifies overlaps with biologically important areas (BIAs) for white sharks and the fishery. There have been no reported interactions with white sharks since the last assessment in 2011.</p> <p>The area of the fishery overlaps with the area of distribution (and known aggregation sites) of grey nurse sharks. Since 2003, fishing has been banned around all known aggregation sites and reports from four observer trips between 2006 and 2007 showed no interactions had occurred. There has also been no reported interactions with grey nurse sharks in fisher logbooks since 2011.</p> <p>While it is unlikely that this fishery is having an impact on the populations or conservation status of EPBC Act protected species, an ecological risk assessment (ERA) that determines the risk to protected species should be completed. To address this concern, a condition that requires QDAF to conduct an ERA is recommended at Table 4.</p>
<b>Ecosystem Impacts</b>	<p>Trawling activity in this fishery is heavily focused on areas of soft substrate (sand and silt) which contain minimal large sessile benthic organisms. As a result of gear restrictions and operators purposefully avoiding areas of hard substrate where higher biodiversity is found, it is unlikely that the operation of the fishery is having a significant impact on sea floor communities.</p> <p>The <i>Marine bioregional plan for the Temperate East Marine Region 2012</i> has identified that there are four key ecological features present in the area of the fishery. These are shelf rocky reefs, the canyons on the eastern continental slope, the Tasmantid seamount chain and the upwelling off Fraser Island. However, due to trawling occurring over soft substrate, impacts to the physical ecosystem such as the canyons, rocky reefs and the Tasmantid seamount chain are likely to be low.</p>

<sup>2</sup> 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and listed threatened, listed marine and listed migratory species.



**Table 2: Progress in implementation of conditions and recommendations made in previous assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery**

Condition	Progress	Recommended Action
<p>1. Operation of the Queensland Finfish (Stout Whiting) Trawl Fishery (the fishery) will be carried out in accordance with the management regime for the fishery in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland Fisheries Regulation 2008.</p>	<p>Operation of the fishery continues to be carried out in accordance with the management arrangements in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p>	<p>The Department of the Environment and Energy considers that this condition has been met.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the fishery specify a similar condition (see <b>Condition 1, Table 4</b>).</p>

Condition	Progress	Recommended Action
<p><b>2.</b> Condition 2: Queensland Department of Agriculture and Fisheries (QDAF) to inform the Department of the Environment of any intended amendments to the fishery's management arrangements that may affect the assessment of the fishery against the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>	<p>On 19 Dec 2014 QDAF wrote to the Department advising that in accordance with the condition of the fishery's Wildlife Trade Operation approval, amendments to the <i>Fisheries Regulation 2008</i> had been made which formalised Individually Transferrable Quota's (ITQs), and certain other management arrangements that were previously conditions of licences or permits.</p> <p>These changes to management took effect on 1 January 2015. Details can be found at the Queensland Government internet site <a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>.</p>	<p>The Department considers that this condition has been met.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the fishery specify a similar condition (see <b>Condition 2, Table 4</b>).</p>
<p><b>3.</b> QDAF to produce and present reports to the Department of the Environment annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>.</p>	<p>QDAF has provided annual reports for the fishery to the Department each year since 2011. Summaries of the reports have been made publicly available via the QDAF <a href="#">Queensland Fisheries Summary Report</a>.</p>	<p>The Department considers that this condition has been met.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the fishery specify a similar condition (see <b>Condition 3, Table 4</b>).</p>

Recommendation	Progress	Recommended Action
<p>1. QDAF to complete the review of future management directions for the Finfish (Stout Whiting) Trawl Fishery and ensure that appropriate measures to ensure sustainability of bycatch species are implemented.</p>	<p>QDAF has commenced a review into the sustainability of bycatch species in the fishery. The publications '<i>Estimating the Impacts of Management Changes on Bycatch Reduction and Sustainability of High-Risk bycatch species in the Queensland East Coast Otter Trawl Fishery</i>' and '<i>An Ecological Risk Assessment of the East Coast Otter Trawl Fishery in Southern Queensland Including the River and Inshore Beam Trawl Fishery</i>' give some consideration of impacts to bycatch in other trawl fisheries in Queensland that may be used to infer similar risks in this fishery.</p>	<p>The Department considers the issues covered by this recommendation to be partially met and ongoing.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the fishery specify a similar condition (see <b>Conditions 4 and 5, Table 4</b>).</p>
<p>2. QDAF to complete the review of future management directions for the fishery and develop and implement appropriate performance measures related to the minimisation of bycatch of species determined to be at risk of adverse impacts from fishing.</p>	<p>QDAF has advised that is awaiting further direction after it released the Green Paper into Fisheries Management in Queensland in 2016. Until this direction is given, QDAF is unable to implement further performance measures.</p>	<p>The Department considers the issues covered by this recommendation to not be met.</p> <p>The Department considers that the completion of <b>Condition 4, Table 4</b> will aid QDAF in developing appropriate performance measures.</p>

**Table 3: Assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition)***

Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition)	Comment
<b>THE MANAGEMENT REGIME</b>	
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:	
Be documented, publicly available and transparent	<b>Meets</b> The fishery is managed by QDAF under the Queensland <i>Fisheries Act 1994</i> , Fisheries Regulation 2008, and the Fisheries (East Coast Trawl) Management Plan 2010. Legislation can be found at <a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	<b>Meets</b> The original management arrangements were developed with industry and relevant stakeholders. There is a statutory process in place for public consultation and advisory committees. A Regulatory Impact Statement (RIS) process is used as the main mechanism for ongoing consultation. The Queensland RIS guidelines can be found on the Queensland Department of Treasury website <a href="https://www.treasury.qld.gov.au/publications-resources/ris-system-guidelines/ris-system-guidelines.pdf">https://www.treasury.qld.gov.au/publications-resources/ris-system-guidelines/ris-system-guidelines.pdf</a>
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	<b>Partially meets</b> Consultation is completed through a formal RIS and/or show cause process under Section 63 of the Queensland <i>Fisheries Act 1994</i> . There is ongoing scientific research and management expertise within the Queensland Department of Agriculture and Fisheries however, there appears to be limited community involvement in ongoing management decisions.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	<b>Meets</b> Objectives are contained in the <i>Fisheries Act 1994</i> . A total allowable catch (TAC) is in place for stout whiting and some byproduct species. The TACs are reviewed and altered on an annual basis. A <a href="#">Statement of Management Arrangements</a> sets out the gear restrictions, area restrictions, closures and the TAC setting process.
Be capable of controlling the level of harvest in the fishery using input and/or output controls	<b>Meets</b> The TACs in place control the level of harvest. Quota monitoring through logbooks is also in place.
Contain the means of enforcing critical aspects of the management arrangements	<b>Meets</b> The Queensland <i>Fisheries Act 1994</i> contains provisions for the enforcement of the management arrangements for the fishery. Compliance and enforcement activities are carried out by the Queensland Boating and Fisheries Patrol.
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	<b>Meets</b> The performance of the fishery is reviewed on an annual basis along with catch information of target (and some byproduct) stocks being included in the Fisheries Research and Development Corporation's <a href="#">Status of Key Australian Fish Stocks</a> (SAFS) process.
Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates	<b>Partially meets –condition recommended (see Condition 4, Table 4)</b> While ongoing biological monitoring occurs for the target species, an ecological risk assessment which assesses the fishery's impact on the ecosystem has not been completed, therefore QDAF only has a limited understanding of the impacts on the greater ecosystem.

Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy	<b>Partially meets –condition recommended (see Condition 5, Table 4)</b> The area of the fishery overlaps with the area of distribution for marine turtles, dolphins, dugong, sawfish, a number of seabirds and sea snakes. While a low number of interactions have been reported historically, the management arrangements don't explicitly require fishers to comply with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy. Currently there is no ecological risk assessment in place for the fishery.
<b>PRINCIPLE 1</b> - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.	
<b>Objective 1</b> - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.	
<b>Information requirements</b>	
<b>1.1.1</b> There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.	<b>Meets</b> Fishers are required to complete a logbook at the end of each fishing day and submit that to QDAF within 15 days of the end of each month. Ongoing biological monitoring also occurs in the fishery for the target species.
<b>Assessment</b>	
<b>1.1.2</b> There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.	<b>Meets</b> The target species (and some byproduct species) are assessed on a biennial basis through the SAFS. QDAF has advised that the target species in the fishery were most recently assessed in 2016. Stout whiting and red spot whiting are considered to be 'sustainable'.
<b>1.1.3</b> The distribution and spatial structure of the stock(s) has been established and factored into management responses.	<b>Meets</b> The distribution and spatial structure of the target stock has been established and the information is incorporated into stock modelling for TAC setting and SAFS assessments.
<b>1.1.4</b> There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.	<b>Meets</b> Estimates of removals are present for target species through logbooks and ongoing biological monitoring. QDAF considers recreational and indigenous harvest to be negligible as the stout whiting's preferred depth and distance from shore makes them accessible only by large fishing vessels.
<b>1.1.5</b> There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.	<b>Meets</b> Productivity has been calculated for target species and some byproduct species with historical records. This data can be found in the SAFS 2016 report.
<b>Management responses</b>	
<b>1.1.6</b> There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.	<b>Meets</b> Reference points are articulated through the SAFS process, including the setting of an upper limit. The TAC and stock assessment process also contains decision rules that trigger management responses. Given that two vessels (two of five licences) operate in the fishery and approximately only half of the TAC is harvested, it is unlikely that the upper limits of sustainable stock levels would be reached and/or exceeded.

1.1.7 There are management strategies in place capable of controlling the level of take.	<b>Meets</b> The level of take is controlled through annual quotas for target and some byproduct species and gear restrictions. The TAC is regulated by ITQ units and in 2015, was set at 1,106 tonnes (t).
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	<b>Meets</b> The take of some byproduct species in the fishery is controlled through annual quotas, the remaining byproduct species are monitored annually through trigger levels. The level of take of byproduct species is low (see Table 1), therefore impacts on byproduct are also considered to be low.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<b>Meets</b> The Department considers that the management arrangements have a high likelihood of achieving the objective of ensuring that fishing is conducted within ecologically sustainable levels.
<b>Objective 2</b> - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
<b>Management responses</b>	
1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.	<b>N/A</b> – Not required, as target species are not considered overfished.
1.2.2 If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.	<b>N/A</b> - No response is required at this time as target species are not considered overfished.

<b>PRINCIPLE 2</b> - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.	
<b>Objective 1</b> - The fishery is conducted in a manner that does not threaten bycatch species.	
<b>Information requirements</b>	
<b>2.1.1</b> Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.	<b>Partially meets – condition recommended (see Condition 6, Table 4)</b> There are currently no requirements to record discarded bycatch species in logbooks unless the species is listed as a protected species under the EPBC Act. Logbooks are available; however reporting of bycatch is not occurring.
<b>Assessments</b>	
<b>2.1.2</b> There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	<b>Does not meet – condition recommended (see Condition 4, Table 4)</b> A risk analysis has not been conducted on the vulnerability of bycatch to fishing. Independent monitoring would assist in the development of an appropriate risk assessment.
<b>Management responses</b>	
<b>2.1.3</b> Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	<b>Meets</b> TEDs have been mandatory in the fishery since 2004. QDAF has advised that since 2004, the use of TEDs has decreased the amount of bycatch being caught, including large bottom dwelling animals such as some sharks.
<b>2.1.4</b> An indicator group of bycatch species is monitored.	<b>Partially meets – condition recommended (see Condition 6, Table 4)</b> An indicator group of bycatch species is not monitored as there is currently no independent monitoring and discards are not required to be reported in logbooks. Some level of independent monitoring would help determine if an indicator species requires ongoing examination.
<b>2.1.5</b> There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	<b>N/A</b> As per 2.1.4, an indicator group of bycatch species is not currently monitored, therefore there are currently no decision rules in place that trigger additional management measures.
<b>2.1.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<b>Meets – With conditions (see Conditions 4, 5 and 6, Table 4)</b> The Department considers that the management arrangements are likely to have a high chance of achieving the objective of fishing being conducted in a manner that does not threaten bycatch, subject to the implementation of the conditions recommended in Table 4.
<b>Objective 2</b> - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
<b>Information requirements</b>	
<b>2.2.1</b> Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.	<b>Partially meets – condition recommended (see Condition 6, Table 4)</b> While operators are required to report all interactions with EPBC Act listed threatened, endangered and protected species, no interactions have been reported since the last assessment in 2011. Given the interaction rates recorded in similar fisheries in other jurisdictions, it is possible that interactions with protected species may be under reported.
<b>Assessments</b>	
<b>2.2.2</b> There is an assessment of the impact of the fishery on endangered, threatened or protected species.	<b>Does not meet – condition recommended (see Condition 4, Table 4)</b> There have been no interactions reported to the Department since the last assessment in 2011. While the likelihood of the fishery having an impact on the population or conservation status of EPBC Act protected species is considered to be low, there is currently no assessment of the impact of the fishery on endangered, threatened or protected species.

<b>2.2.3</b> There is an assessment of the impact of the fishery on threatened ecological communities.	<b>N/A</b> There are no threatened ecological communities within the area of the fishery.
<b>Management responses</b>	
<b>2.2.4</b> There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	<b>Meets</b> TEDs and bycatch reduction devices have been mandatory in the fishery since 2004. QDAF has advised that since 2004, the use of TEDs has decreased the amount of bycatch being caught which includes threatened, endangered and protected species such as marine turtles. Some level of independent monitoring would provide data to confirm that TEDs are aiding fishers to avoid capturing other protected species.
<b>2.2.5</b> There are measures in place to avoid impact on threatened ecological communities.	<b>N/A</b> There are no threatened ecological communities within the area of the fishery.
<b>2.2.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<b>Meets- With conditions (see Conditions 4, 5 and 6, Table 4)</b> The Department considers that the management arrangements are likely to have a high chance of achieving the objective of ensuring that fishing is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities, subject to the implementation of conditions recommended in Table 4.
<b>Objective 3</b> - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
<b>Information requirements</b>	
<b>2.3.1</b> Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.	<b>Partially meets – condition recommended (see Condition 6, Table 4)</b> Fishers are required to submit logbooks which detail the catch of target and byproduct species. Collection of data on the impacts on the ecosystem and environment generally through independent validation would increase the reliability of any future assessments.
<b>Assessment</b>	
<b>2.3.2</b> Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery. 1. Impacts on ecological communities <ul style="list-style-type: none"> <li>• Benthic communities</li> <li>• Ecologically related, associated or dependent species</li> <li>• Water column communities</li> </ul> 2. Impacts on food chains <ul style="list-style-type: none"> <li>• Structure</li> <li>• Productivity/flows</li> </ul> 3. Impacts on the physical environment <ul style="list-style-type: none"> <li>• Physical habitat</li> <li>• Water quality</li> </ul>	<b>Does not meet – condition recommended (see Condition 6, Table 4)</b> While fishers are required to submit logbooks and TACs control the level of take for target and some byproduct species, a risk analysis, appropriate to the scale of the fishery and its potential impacts, has not been conducted. While desktop analyses of the fishery's impact on the ecosystem suggest risks should be low, some level of independent monitoring would provide data for a risk assessment to be conducted at an appropriate scale.
<b>Management responses</b>	
<b>2.3.3</b> Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.	<b>Partially meets</b> There are currently no specific management actions in place to ensure significant damage to the ecosystem does not arise from fishing operations however, the management arrangements in place such as gear controls, total allowable catches and limited entry (five licences) as well as the low number of operators (two) assists in lessening impacts on the ecosystem. Given the areas fished, the fishery's impact on the ecosystem is predicted to be low, however some level of independent monitoring would provide data for an ecological risk assessment to determine any impacts the fishery may have on the ecosystem generally.



<p><b>2.3.4</b> There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.</p>	<p><b>Partially meets</b> There are currently no decision rules in place that trigger further management responses. The collection of data through logbooks and independent validation would enable QDAF to implement any appropriate management response, if a response was required.</p>
<p><b>2.3.5</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Partially Meets – With conditions (Conditions 4, 5 and 6 in Table 4, while specifically referring to bycatch and byproduct, will also assist managing risk ecosystems)</b> The Department considers that the management arrangements, considering uncertainties in the assessment and precautionary management actions, have a high chance of achieving the objective of ensuring that the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally, subject to the implementation of conditions recommended in Table 4.</p>

**Table 4: The Department of the Environment and Energy's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery against the requirements of the EPBC Act related to decisions made under Part 13 and 13A.**

**Please Note** – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13 and Part 13A. A complete version of the EPBC Act can be found at <http://www.comlaw.gov.au/>.

**Part 13**

<b>Division 1 Listed threatened species</b>  <b>Section 208A Minister may accredit plans or regimes</b>	<b>The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> <li>i. made by a State or self-governing Territory; and</li> <li>ii. in force under a law of the State or self-governing Territory;</li> </ul> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The fishery will be managed under the Fisheries Regulation 2008 and the Queensland Fisheries (East Coast Trawl) Management Plan 2010 in force under the Queensland <i>Fisheries Act 1994</i>.</p> <p>The management regime for the fishery was most recently accredited under section 208A for interactions with listed threatened species in April 2012. The management arrangements for the fishery have not significantly changed since this accreditation was granted. The Department therefore considers that the Queensland Fisheries (<i>East Coast Trawl</i>) Management Plan 2010 still requires persons engaged in fishing to take all reasonable steps to ensure that members of listed threatened species are not killed or injured.</p> <p>The area of the fishery overlaps with the area of distribution for a number of species listed as threatened under the EPBC Act, including green turtles (<i>Chelonia mydas</i>), hawksbill turtles (<i>Eretmochelys imbricata</i>), loggerhead turtles (<i>Caretta caretta</i>) and green sawfish</p>

	<p>(<i>Pristis zijsron</i>). Interactions with these species are recorded in logbooks and reported to the Department, along with the life status of each individual following the interaction. While current reports indicate that interactions with these species are minimal under the current management arrangements, records from similar fisheries in adjacent waters suggest that interaction rates could be higher than what is reported and that further investigation is appropriate.</p> <p>As part of the proposed wildlife trade operation approval under Part 13A of the EPBC Act, QDAF has agreed to a number of conditions to improve monitoring, reporting and management of bycatch species in the fishery. These proposed conditions, outlined in <b>Table 4</b>, will require QDAF to:</p> <ul style="list-style-type: none"> <li>• develop and implement a data collection and validation program to quantify interactions with bycatch species, and</li> <li>• conduct an ecological risk assessment that will determine the fishery's risk to bycatch species.</li> </ul> <p>While these conditions do not specifically relate to listed threatened species, they will improve the monitoring and management of interactions with all bycatch, including listed threatened species. Therefore, given the management measures already in place in the fishery outlined in <b>Table 1</b> and the future improvements to monitoring and risk assessment for bycatch species, the Department considers that the current operation of the fishery is not likely to adversely affect the survival or recovery in nature of any listed threatened species.</p>
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**Part 13 (cont.)**

<p><b>Division 2 Migratory species</b></p> <p><b>Section 222A Minister may accredit plans or regimes</b></p>	<p><b>The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery</b></p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> <li>i. made by a State or self-governing Territory; and</li> <li>ii. in force under a law of the State or self-governing Territory;</li> </ul> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The fishery will be managed under the Fisheries Regulation 2008 and the Queensland Fisheries (East Coast Trawl) Management Plan 2010 in force under the Queensland <i>Fisheries Act 1994</i>.</p> <p>The management regime for the fishery was most recently accredited under section 222A for interactions with listed migratory species in April 2012. The management arrangements for the fishery have not significantly changed since this accreditation was granted. The Department therefore considers that the Queensland Fisheries (<i>East Coast Trawl</i>) Management Plan 2010 continues to require fishers to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of fishing.</p> <p>The area of the fishery overlaps with the area of distribution for a number of species listed as migratory under the EPBC Act, including green turtles, hawksbill turtles, loggerhead turtles, green sawfish, Australian snubfin dolphin (<i>Orcaella heinsohni</i>), Indo-Pacific humpback dolphin (<i>Sousa chinensis</i>), crested tern (<i>Thalasseus bergii</i>), common tern (<i>Sterna hirundo</i>), little tern (<i>S. albigularis</i>), common noddy (<i>Anous stolidus</i>), least frigatebird (<i>Fregata ariel</i>), greater frigatebird (<i>F. minor</i>) and streaked shearwater (<i>Calonectris leucomelas</i>). Interactions with these species are recorded in logbooks and reported to the Department, along with the life status of each</p>

	<p>individual following the interaction. While current reports indicate that interactions with these species are minimal under the current management arrangements, records from similar fisheries in adjacent waters suggest that interaction rates could be higher than reported.</p> <p>As part of the proposed wildlife trade operation approval under Part 13A of the EPBC Act, QDAF has agreed to a number of conditions to improve monitoring, reporting and management of bycatch species in the fishery. These proposed conditions, outlined in <b>Table 4</b>, will require QDAF to:</p> <ul style="list-style-type: none"> <li>• develop and implement a data collection and validation program to quantify interactions with bycatch species, and</li> <li>• conduct an ecological risk assessment that will determine the fishery's risk to bycatch species.</li> </ul> <p>While these conditions do not specifically relate to listed migratory species, they will improve the monitoring and management of interactions with all bycatch, including listed migratory species. Therefore, given the management measures already in place in the fishery outlined in <b>Table 1</b> and the future improvements to monitoring and risk assessment for bycatch species, the Department considers that the current operation of the fishery is not likely to adversely affect the conservation status of a listed migratory species or a population of that species.</p>
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**Part 13 (cont.)**

<p><b>Division 3 Whales and other cetaceans</b></p> <p><b>Section 245 Minister may accredit plans or regimes</b></p>	<p><b>The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery</b></p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> <li>i. made by a State or self-governing Territory; and</li> <li>ii. in force under a law of the State or self-governing Territory;</li> </ul> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The fishery will be managed under the Fisheries Regulation 2008 and the Queensland Fisheries (East Coast Trawl) Management Plan 2010 in force under the Queensland <i>Fisheries Act 1994</i>.</p> <p>The management regime for the fishery was most recently accredited under section 245 for interactions with whales and cetaceans in April 2012. The management arrangements for the fishery have not significantly changed since this accreditation was granted. The Department therefore considers that the Queensland Fisheries (<i>East Coast Trawl</i>) Management Plan 2010 continues to require fishers to take all reasonable steps to ensure that whales and cetaceans are not killed or injured as a result of fishing.</p> <p>The area of the fishery overlaps with the area of distribution for Australian snubfin dolphin, Indo-Pacific humpback dolphin, common dolphin (<i>Delphinus delphis</i>), Risso's dolphin (<i>Grampus griseus</i>), bottlenose dolphin (<i>Tursiops truncatus</i>) and spotted bottlenose dolphin (<i>T. aduncus</i>). Interactions with these species are recorded in logbooks and reported to the Department, along with the life status of each individual following the interaction. While current reports indicate that interactions with these species are minimal under the current management arrangements, records from similar fisheries in adjacent waters suggest that interaction rates could be higher than reported.</p> <p>As part of the proposed wildlife trade operation approval under</p>

	<p>Part 13A of the EPBC Act, QDAF has agreed to a number of conditions to improve monitoring, reporting and management of bycatch species in the fishery. These proposed conditions, outlined in <b>Table 4</b>, will require QDAF to:</p> <ul style="list-style-type: none"> <li>• develop and implement a data collection and validation program to quantify interactions with bycatch species, and</li> <li>• conduct an ecological risk assessment that will determine the fishery's risk to bycatch species.</li> </ul> <p>While these conditions do not specifically relate to whales and cetaceans, they will improve the monitoring and management of interactions with all bycatch, including whales and cetaceans. Therefore, given the management measures already in place in the fishery outlined in <b>Table 1</b> and the future improvements to monitoring and risk assessment for bycatch species, the Department considers that the current operation of the fishery is not likely to adversely affect the conservation status of a whale or cetacean or a population of that species.</p>
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**Part 13 (cont.)**

<p><b>Division 4 Listed marine species</b></p> <p><b>Section 265 Minister may accredit plans or regimes</b></p>	<p><b>The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery</b></p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> <li>i. made by a State or self-governing Territory; and</li> <li>ii. in force under a law of the State or self-governing Territory;</li> </ul> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>The fishery will be managed under the Fisheries Regulation 2008 and the Queensland Fisheries (East Coast Trawl) Management Plan 2010 in force under the Queensland <i>Fisheries Act 1994</i>.</p> <p>The management regime for the fishery was most recently accredited under section 265 for interactions with listed marine species in April 2012. The management arrangements for the fishery have not significantly changed since this accreditation was granted. The Department therefore considers that the Queensland Fisheries (<i>East Coast Trawl</i>) Management Plan 2010 continues to require fishers to take all reasonable steps to ensure that listed marine species are not killed or injured as a result of fishing.</p> <p>The area of the fishery overlaps with the area of distribution for a number of listed marine species, including dugong (<i>Dugong dugon</i>), green turtles, hawksbill turtles, loggerhead turtles, green sawfish, crested terns, common terns, little terns, common noddies, least frigatebirds, greater frigatebirds, streaked shearwaters, sea snakes (Family: Hydrophiidae) and pipefish (Family: Syngnathidae). Interactions with these species are recorded in logbooks and reported to the Department, along with the life status of each individual following the interaction. While current reports indicate that</p>



	<p>interactions with these species are minimal under the current management arrangements, records from similar fisheries in adjacent waters suggest that interaction rates could be higher than reported.</p> <p>As part of the proposed wildlife trade operation approval under Part 13A of the EPBC Act, QDAF has agreed to a number of conditions to improve monitoring, reporting and management of bycatch species in the fishery. These proposed conditions, outlined in <b>Table 4</b>, will require QDAF to:</p> <ul style="list-style-type: none"> <li>• develop and implement a data collection and validation program to quantify interactions with bycatch species, and</li> <li>• conduct an ecological risk assessment that will determine the fishery's risk to bycatch species.</li> </ul> <p>While these conditions do not specifically relate to listed marine species, they will improve the monitoring and management of interactions with all bycatch, including listed marine species.</p> <p>Therefore, given the management measures already in place in the fishery outlined in <b>Table 1</b> and the future improvements to monitoring and risk assessment for bycatch species, the Department considers that the current operation of the fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>
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**Part 13 (cont.)**

Section 303AA Conditions relating to accreditation of plans, regimes and policies	The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The Department considers that the accreditation under section 208A, 222A, 245 or 265, signed by the Delegate of the then Minister for Sustainability, Environment, Water, Population and Communities on 16 August 2011 remains valid.
(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: <ul style="list-style-type: none"> <li>(a) during a particular period; or</li> <li>(b) while certain circumstances exist; or</li> <li>(c) while a certain condition is complied with.</li> </ul> In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	The Department considers that no conditions are required on the accreditation under Part 13 of the EPBC Act however, as part of the proposed wildlife trade operation approval under Part 13A of the EPBC Act, QDAF has agreed to a number of conditions to improve monitoring, reporting and management of bycatch species in the fishery. These proposed conditions, outlined in <b>Table 4</b> , will require QDAF to: <ul style="list-style-type: none"> <li>• develop and implement a data collection and validation program to quantify interactions with bycatch species, and</li> <li>• conduct an ecological risk assessment that will determine the fishery's risk to bycatch species.</li> </ul>
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	

## Part 13A

### Section 303BA Objects of Part 13A

(1) The objects of this Part are as follows:

- (a) to ensure that Australia complies with its obligations under CITES<sup>3</sup> and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and
- (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

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<sup>3</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora

## Part 13A

Section 303DC Minister may amend list	The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> <li>(a) including items in the list;</li> <li>(b) deleting items from the list; or</li> <li>(c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(d) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(e) correcting an inaccuracy or updating the name of a species.</li> </ul>	<p>The Department recommends that specimens derived from species harvested in the fishery, other than specimens that belong to species listed under Part 13 of the EPBC Act and other than specimens that belong to taxa listed under section 303CA of the EPBC Act (Part 13A), be included in the list of exempt native specimens while the fishery is subject to a declaration as an approved wildlife trade operation.</p> <p>The instrument amending the list of exempt native specimens will be registered as a legislative instrument and will be made available on the Department's web site.</p>
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the fishery has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor.</p> <p>The Department considers that the amendment of the list of exempt native specimens to include product taken in the Queensland Finfish</p>

	<p>(Stout Whiting) Trawl Fishery wildlife trade operation would be consistent with the provisions of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> <li>the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species</li> <li>there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see <b>Table 1</b>)</li> <li>the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next 3 years, and</li> <li>the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.</li> </ul>
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> <li>(a) must consult such other Minister or Ministers as the Minister considers appropriate; and</li> <li>(b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and</li> <li>(c) may consult such other persons and organisations as the Minister considers appropriate.</li> </ul>	<p>The Department considers that the consultation requirements have been met.</p> <p>On 10 August 2004, the then Minister for the Environment and Heritage wrote to all fisheries ministers seeking their views on inclusion of product derived from commercial fisheries in the list of exempt native specimens, while subject to declaration as approved wildlife trade operations. Responses in support of the proposal were received from all state and territory fisheries ministers and the Commonwealth minister.</p> <p>The application from QDAF was released for public comment from 14 July 2015 to 14 August 2015. The public comment notice sought comment on:</p> <ul style="list-style-type: none"> <li>the proposal to amend the list of exempt native specimens to include product derived from the fishery, and</li> <li>the QDAF application for the fishery.</li> </ul> <p>No comments were received.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the fishery made under section 303DC will be registered on the Federal Register of Legislative Instruments and</p>

	made available through the Department's website.
<b>Section 303FN Approved wildlife trade operation</b>	<b>The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery</b>
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <b>approved wildlife trade operation</b> for the purposes of this section.	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is <b>satisfied</b> that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p>i. the survival of a taxon to which the operation relates; or</p> <p>ii. the conservation status of a taxon to which the operation relates; and</p> <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p> <p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the</p>	<p>The Department considers that the operation of the fishery is consistent with the objects of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> <li>the fishery will not harvest any CITES listed species</li> <li>there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1)</li> <li>the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and</li> <li>the EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.</li> </ul> <p>The Department considers that the fishery will not be detrimental to the survival or conservation status of a taxon to which it relates and is not likely to threaten any relevant ecosystem within the next three years, given the management measures currently in place, which include limited entry, vessel and gear restrictions (including the mandatory use of turtle excluder devices in otter trawl gear), seasonal closures, a total allowable catch for stout whiting (set annually, based on the results of regular resource assessments) and possession limits for byproduct species.</p> <p>The EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.</p>

<p>conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have <b>regard</b> to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>The Department considers that the fishery will not have a significant impact on any relevant ecosystem within the next three years, given the management measures currently in place, which include limited entry, vessel and gear restrictions (including the mandatory use of turtle excluder devices in otter trawl gear), seasonal closures, a total allowable catch for stout whiting and possession limits for byproduct species.</p> <p>The management arrangements that will be employed for the fishery described above are likely to be effective. These management arrangements are included in the Queensland <i>Fisheries Act 1994</i> and the <i>Fisheries Regulation 2008</i>. QDAF reviews the performance of the fishery annually against a series of objectives, performance measures and performance indicators.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have <b>regard</b> to</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The Fishery will be managed under the Queensland <i>Fisheries Act 1994</i> and the Fisheries Regulation 2008.</p> <p>The Queensland <i>Fisheries Act 1994</i> and the <i>Fisheries Regulation 2008</i> apply throughout Queensland waters.</p> <p>The Department considers that the legislation is likely to be effective.</p>

<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The fishery is a commercial fishery.</p>

Section 303FR Public consultation	The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>The Department considers that the consultation requirements of the EPBC Act for declaring a fishery an approved wildlife trade operation have been met. A public notice, which set out the proposal to declare the fishery an approved wildlife trade operation and included the submission, was released for public comment which closed on 14 August 2015 with no public comments received.</p>
<p>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p>	<p>A public notice, which set out the proposal to declare the fishery an approved wildlife trade operation and included the submission was released for public comment on 14 July 2015 and closed on 14 August 2015, a total of 29 business days.</p>
<p>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p>No public comments about the proposal were received.</p>



Section 303FT Additional provisions relating to declarations	The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the fishery will be made under section 303FN.
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial fishery wildlife trade operations include:</p> <ul style="list-style-type: none"> <li>• operation in accordance with the management regime</li> <li>• notifying the Department of changes to the management regime, and</li> <li>• annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>.</li> </ul> <p>The wildlife trade operation instrument for the fishery specifies the standard and any additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the Internet.	The instrument for the fishery made under sections 303FN and the conditions under section 303FT will be registered on the Federal Register of Legislative Instruments and made available through the Department's website.

## Part 16

Section 391 Minister must consider precautionary principle in making decisions	The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The Department has accounted for the precautionary principle in the preparation of its advice. Recognising the potential risks to biodiversity from the operation of the fishery due to the harvest method (demersal otter trawl), QDAF has implemented precautionary management measures which reduce the risks of adverse impacts, for example, a total allowable catch for stout whiting, limited entry, gear restrictions and spatial closures. While the Department recommends QDAF develop an ecological risk assessment for the fishery, it considers the likely impacts of the fishery on the ecosystem to be low. The implementation of the conditions in <b>Table 4</b> will ensure that the fishery continues to be sustainable during the term of the wildlife trade operation.
(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.	

## Part 12

Section 176 Bioregional Plans	The Department's assessment of the Queensland Finfish (Stout Whiting) Trawl Fishery
(5) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.	The marine bioregional plan for the Temperate East Marine Region has been considered in the preparation of advice in relation to decisions under section 303DC and section 303FN. Extraction of living resources, bycatch and physical modification of habitat by trawling have been identified as pressures operating within this marine region in which the fishery operates. However, these pressures have been identified as being 'of potential concern' only. The plans also note that these assessments are conservative in the context of active fisheries management, particularly when fisheries are managed at an ecosystem level, such as this fishery.

**Table 4: Queensland Finfish (Stout Whiting) Trawl Fishery Assessment – Summary of Issues and Conditions February, 2017**

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment and Energy needs to be advised of any changes that are made 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 operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.</p>	<p><b>Condition 1:</b> Operation of the fishery will be carried out in accordance with the management regime under the Queensland <i>Fisheries Act 1994</i> and the Queensland Fisheries Regulation 2008.</p> <p><b>Condition 2:</b> The Queensland Department of Agriculture and Fisheries to inform the Department of the Environment and Energy of any intended material changes to the Queensland Finfish (Stout Whiting) Trawl Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p>
<p><u>Annual reporting</u></p> <p>It is important that reports be produced and presented to the Department annually in order for the performance of the fishery and progress in implementing the conditions in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration. Annual reports should follow Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' and include a description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with EPBC Act protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the Department's conditions. Electronic copies of the guidelines are available from the Department's website at <a href="http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries">http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries</a></p>	<p><b>Condition 3:</b> The Queensland Department of Agriculture and Fisheries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.</p>

Issue	Condition
<p><u>ERA Development and Publication</u></p> <p>The Department supports ecological risk assessments (ERA) as an important component of good fisheries management, as a tool for objectively assessing risks and prioritising management actions. In 2007, the Queensland Department of Agriculture and Fisheries (QDAF) provided to the Department a draft ERA for bycatch in the fishery. The draft ERA detailed the potential impacts of the fishery to target stocks, bycatch and byproduct but did not assess the impacts on the ecosystem. To the Department's knowledge, the ERA was never finalised and published. The Department considers that the ERA needs to be finalised and publicly released. Following its finalisation, the Department also considers it important for QDAF to implement actions to address any unacceptable risks arising from the ERA. Publicly releasing the ERA will ensure transparency in adopting appropriate management arrangements.</p>	<p><b>Condition 4:</b> The Queensland Department of Agriculture and Fisheries to develop, finalise and release publicly, an ecological risk assessment that examines the fishery's risk to target, byproduct and bycatch species and the ecosystem.</p> <p><b>Condition 5:</b> The Queensland Department of Agriculture and Fisheries to ensure that by mid 2019, any unacceptable risks to byproduct and bycatch species (including protected species) that are identified through the ecological risk assessment have been mitigated.</p>
<p><u>Reliable fisheries monitoring</u></p> <p>There is an ongoing need for QDAF to acquire information to support the ecologically sustainable management of the fishery. The Department acknowledges that biological information is collected and stock assessments are completed on an annual basis for target stocks. However, ongoing collection of reliable information is critical for understanding the impacts of the fishery on the ecosystem, fin fish, sharks and bycatch, including EPBC Act protected species.</p> <p>The Department considers it essential that QDAF develop, implement and maintain a statistically robust monitoring regime for the fishery which will allow:</p> <ul style="list-style-type: none"> <li>the development of an ERA for the harvest of fin fish and at-risk species (including EPBC Act protected species) (as per <b>Condition 4</b>), and</li> <li>consideration of any impacts the fishery may be having on the ecosystem (as per <b>Condition 4</b>)</li> </ul> <p>This program should provide data that is independent of (and complementary to) fisher logbook data, be risk based and designed in consultation with relevant experts. Fishery monitoring data should continue to be analysed and reported publicly, such as through</p>	<p><b>Condition 6:</b> The Queensland Department of Agriculture and Fisheries to work with industry to develop and implement a statistically robust validation program that will collect information on target, byproduct and bycatch species, including EPBC Act protected species.</p>

Issue	Condition
the annual reports for the fishery.	

## REFERENCES

Department of the Environment (2012) *Marine bioregional plan for the Temperate East Marine Region*

Fisheries Research and Development Corporation (2016). Status of Australian Fish Stocks Reports. Taken from [www.fish.gov.au](http://www.fish.gov.au) on 19 January 2017.