



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tim Mulherin MP
Minister for Primary Industries and Fisheries
GPO Box 46
BRISBANE QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the River and Inshore Beam Trawl Fishery (RIBTF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The RIBTF was first assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) (formerly the Department of the Environment and Heritage) in February 2006 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the Queensland Department of Primary Industries and Fisheries (DPI&F).

In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the RIBTF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years. The Delegate also accredited the Queensland Fisheries (East Coast Trawl) Management Plan 1999 in force under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 1995 under Part 13 of the EPBC Act in relation to protected species interactions.

As you are aware on 1 April 2008, the Fisheries Regulation 1995 was replaced with the Queensland Fisheries Regulation 2008. Although the change in legislation did not affect the management of Queensland fisheries or the prior EPBC Act assessments, the Delegate was required to remake all Queensland fishery EPBC Act accreditations (Parts 13 and 13A) to ensure that they remained operable by referring to the current legislation. As part of this process the RIBTF Part 13 and 13A declarations were remade on 10 April 2008. In re-issuing these declarations all of the previous assessment conditions, recommendations and timeframes were upheld.

In December 2008, DPI&F submitted the 2006, 2007 and 2008 Annual Status Reports for the RIBTF for assessment under the EPBC Act to allow 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 EPBC Act.

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/qld/river-beam-trawl/index.html>.

Given there have been only minor changes to the management regime for the RIBTF and minimal reported protected species interactions in the fishery since 2006, I consider that the existing Part 13 accreditation for this fishery, in relation to protected species provisions under the EPBC Act, still applies.

In considering the current management arrangements, I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in 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 three years.

Performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the RIBTF a WTO under Part 13A of the EPBC Act, subject to the four conditions at **Attachment A**. This declaration would allow the export of product from the RIBTF for the next three years.

While there are some environmental risks associated with this fishery, I consider that DPI&F is committed to addressing these issues and is already taking proactive steps in most areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, I understand that DPI&F officials have agreed to a number of recommended actions, focusing on addressing key issues for the RIBTF, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

Yours sincerely

[signed]

Nigel Routh

Delegate of the Minister for the Environment, Heritage and the Arts

11 February 2009

**Conditions on the Wildlife Trade Operation for the Queensland River and
Inshore Beam Trawl Fishery (RIBTF)**

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the RIBTF as defined in the Fisheries (East Coast Trawl) Management Plan 1999, made under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.

1. Operation of the fishery will be carried out in accordance with the Fisheries (East Coast Trawl) Management Plan 1999 in force under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the RIBTF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.
3. DPI&F 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. By 1 July 2009 DPI&F to:
 - (a) finalise and implement the Performance Measurement System (PMS) for the East Coast Trawl Fishery in consultation with the Trawl Management Advisory Committee; and
 - (b) ensure that the PMS incorporates performance measures, triggers and reference points that relate specifically to the RIBTF.

Recommendations to the Queensland Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the River and Inshore Beam Trawl Fishery (RIBTF)

The RIBTF 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, gear restrictions, permanent area closures as well as the mandatory use of Bycatch Reduction Devices and Turtle Excluder Devices in areas other than a river or creek.

The following 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. Unless a specific time frame is provided in the recommendation, DPI&F should action these recommendations before the next review of the fishery in 2012.

1. DPI&F to implement:
 - (a) a system adequate to monitor interactions with protected species and other bycatch; and
 - (b) management measures if appropriate to reduce the capture and mortality of protected species and other bycatch in all areas of the RIBTF.
2. DPI&F to investigate the minimum level of observer coverage required to validate logbook data in the RIBTF. If coverage falls below this level DPI&F should increase the level of coverage or investigate alternative methodologies able to validate logbook data.
3. DPI&F to work with industry to determine species composition of “bay prawn” catch in the RIBTF.
4. DPI&F to implement the research priorities identified in the *East Coast Trawl Fishery Five Year Research Plan*, strategic and emergent issues as they relate to the RIBTF.
5. DPI&F to cooperate with other relevant jurisdictions to pursue complementary management and research priorities, which may impact on species harvested in the RIBTF.