



The Hon John McVeigh MP
Minister for Agriculture, Fisheries and Forestry
GPO Box 46,
BRISBANE QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Queensland Coral Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Coral Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in June 2009. As Delegate of the then Minister for the Environment, Heritage and the Arts, I subsequently declared the Coral Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years, until 1 July 2012. This allowed export of product from the fishery to continue during the period of the declaration.

In March 2012, Fisheries Queensland provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Coral Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by Fisheries Queensland in response to the conditions and recommendations made in the 2009 export assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/qld/coral/index.html>.

I consider that the management arrangements for the Coral Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Taking into account:

- the management arrangements currently in place in the fishery, which include total allowable commercial catch limits for components of the coral harvest, gear restrictions, and ecological risk assessment and a performance measurement system, and
- the 'Non-Detriment Finding for the Export of CITES-Listed Coral Species Harvested from the Queensland Coral Fishery - June 2012' made by Australia's Scientific Authority for Marine Species for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),

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 the operation of the fishery over the period of the declaration as an approved wildlife trade operation is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, including any CITES listed taxon, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the Coral Fishery an approved wildlife trade operation until 26 June 2015. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the department's website, and will be subject to the conditions (**Attachment A**) specified in the instrument of declaration.

The assessment considered the possible impacts on coral taxa which are harvested in the Coral Fishery and which are listed in the Appendices to CITES. As a party to CITES, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Specimens of species listed in Appendix II or Appendix III of CITES may be exported commercially under a CITES export permit, if sourced from an approved wildlife trade operation and a non-detriment finding has been made by the exporting country's CITES Scientific Authority. Inclusion of CITES specimens in the list of exempt native specimens is not possible due to international obligations to monitor trade. Under the EPBC Act, individual exporters are required to apply for CITES export permits and export of CITES specimens may only occur where a permit has been issued by Australia's CITES Management Authority (Department of Sustainability, Environment, Water, Population and Communities).

There are a number of issues that need to be addressed to enable ongoing CITES non-detriment findings to be made for CITES listed coral taxa harvested from the Coral Fishery, thereby allowing ongoing export of these corals. To ensure that these issues are addressed, officers from Fisheries Queensland and the department have agreed to additional recommendations (**Attachment B**) to be implemented before the next Australian Government assessment of the fishery. The recommendations focus on incorporation of the conclusions of the 2012 non-detriment finding into the scheduled reviews of the fishery's ecological risk assessment and performance measurement system.

The management regime for the Coral Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in June 2009. I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.


I have therefore reaccredited the management regime for the Coral Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that my decisions under the EPBC Act relate to the management arrangements in force at the time of the assessment decision. To ensure that these decisions remain valid, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any intended changes to the management arrangements and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes legislated amendments and operational changes that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

I would like to thank you for the constructive way in which your officials have approached this assessment.

As the Coral Fishery operates within the Great Barrier Reef Marine Park, 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 'Nigel Routh', with a long horizontal flourish extending to the right.

Nigel Routh

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

27 June 2012

**Conditions on the approved wildlife trade operation declaration for the
Queensland Coral Fishery - June 2012**

1. Operation of the fishery will be carried out in accordance with the Queensland Coral Fishery management arrangements in force under the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 2008*.
2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements that may affect the assessment of the Queensland Coral Fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Fisheries Queensland to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. By 31 December 2012, Fisheries Queensland, in consultation with Australia's CITES¹ Scientific Authority for Marine Species (Department of Sustainability, Environment, Water, Population and Communities) to review and update the vulnerability assessment of coral taxa collected in the Queensland Coral Fishery to include new and emerging target species/species groups, with particular reference to taxa that are listed on Appendix II of CITES.
5. By 30 June 2013, Fisheries Queensland to conduct an updated ecological risk assessment for the Queensland Coral Fishery.
6. By 31 December 2013, Fisheries Queensland, in consultation with and for the approval of Australia's CITES Scientific Authority for marine species (Department of Sustainability, Environment, Water, Population and Communities) to review and update the performance measurement system for the Queensland Coral Fishery, with particular reference to performance measures and management responses relating to taxa listed on Appendix II of CITES.

¹ Convention on International Trade in Endangered Species of Wild Fauna and Flora

7. By 31 December each year, Fisheries Queensland to:

- a) review the harvest of CITES listed taxa in the Queensland Coral Fishery in the preceding fishing year
- b) report the results of the review to Australia's CITES Scientific Authority for Marine Species (Department of Sustainability, Environment, Water, Population and Communities). The report should include at a minimum:
 - analysis of harvest and harvest trends by species/species group
 - spatial analysis of harvest by species/species group, and
 - updated risk assessments for species/ groups, and
- c) revise management arrangements as appropriate following each review.

This condition applies until such time as the revised performance measurement system for the Coral Fishery, referred to in Condition 6 above, is implemented.

8. Fisheries Queensland to consult with the Department of Sustainability, Environment, Water, Population and Communities prior to any change to the management arrangements for a species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora being implemented in the Queensland Coral Fishery.

Recommendations to Fisheries Queensland on the ecologically sustainable management of the Queensland Coral Fishery - June 2012

1. The ecological risk assessment referred to in Condition 5 to:
 - a) include additional species based on current and predicted harvest patterns
 - b) document the methodology and justification for selecting species for inclusion in the risk assessment
 - c) consider any variation in risk attributable to harvest method in relation to the life history characteristics of the species in question (for example, removal of all or part of the colony, taking into consideration the reproductive traits of the species), and
 - d) account for potential future increases in harvest of individual target species/species groups that may result from changes in demand.
2. The review of the ecological risk assessment to be undertaken in conjunction with Australia's CITES Scientific Authority for marine species (Department of Sustainability, Environment, Water, Population and Communities), relevant scientific and management experts and other relevant stakeholders.
3. The review referred to in Condition 6 to include, but not be limited to:
 - a review of management responses for CITES listed species to include provision for the collection of additional data and information that would underpin ongoing CITES non detriment findings
 - a review of the units of measure for monitoring and reporting how much coral is removed at the point of collection
 - a review of the levels at which the review reference points for increases or decreases in harvest are currently set
 - a review of the management responses associated with spatial performance measures for individual species, and
 - the introduction of a species/species group level indicator/measure to identify harvest trends requiring additional data collection, analysis or management response, including, but not limited to:
 - slow but consistent increases in harvest over time, and/or
 - harvest increases above pre-defined thresholds.

