



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 Queensland East Coast Bêche-de-mer Fishery (ECBDMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The ECBDMF was first assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (formerly the Department of the Environment and Heritage) in December 2004 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 ECBDMF 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 ECBDMF management regime 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.

In October 2007, DPI&F submitted the 2005, 2006 and 2007 Annual Status Reports for the ECBDMF 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 that assessment of the fishery is now complete. The new assessment report will be available on the Department of the Environment, Water, Heritage and the Arts website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

Given there have been only minor changes to the management regime for the ECBDMF and there have not been any reported protected species interactions in the fishery since 2004, 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 regulations, 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 ECBDMF an approved WTO under Part 13A of the EPBC Act. This declaration would allow the export of product from the fishery for the next three years. I have made the declaration subject to the conditions at **Attachment A**.

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 they have agreed to a number of recommended actions, focusing on addressing key issues for the ECBDMF, 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.

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

Yours sincerely

[signed]

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

19 December 2007

**Conditions on the Wildlife Trade Operation Declaration for the
Queensland East Coast Bêche-de-mer Fishery (ECBDMF)**

1. Operation of the ECBDMF will be carried out in accordance with the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 1995*.
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 management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. DPI&F to continue to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Queensland Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the Queensland East Coast Bêche-de-mer Fishery (ECBDMF)

The ECBDMF is a relatively 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, a total allowable catch, area closures and minimum size limits. Under an Industry Memorandum of Understanding, a Rotational Zoning Scheme (RZS) also applies.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the ECBDMF and minimise environmental risks in the medium term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed before the next review of the ECBDMF in 2010.

1. DPI&F to review the effectiveness of the RZS and provide a report to DEWHA on the species composition of the RZS zones.
2. DPI&F to incorporate additional performance measures, relating to the outcomes of resource assessments for key target species, into the Performance Measurement System, with priority given to burrowing blackfish.
3. DPI&F to identify as a priority and support research into the basic biology and recruitment of key target species, including burrowing blackfish, and the ecological impact of sea cucumber harvest in the ECBDMF.