



Australian Government
Department of the Environment

Ref: 14/004728

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 of the Environment in relation to the reassessment of the Queensland Gulf of Carpentaria Inshore Fin Fish Fishery (GOCIFFF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In March 2014 the Queensland Department of Agriculture, Fisheries and Forestry provided an application to the Department of the Environment seeking continued export approval for the GOCIFFF.

The application 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. The assessment took into account measures that have been developed by the Queensland Department of Agriculture, Fisheries and Forestry in response to the conditions and recommendations made during the previous 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 the Environment's website at:
<http://www.environment.gov.au/coasts/fisheries/qld/fin-fish/index.html>.

The assessment considered the possible impacts on species harvested in the fishery which are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Specimens of species listed under Appendix II of CITES may be exported commercially provided the CITES Scientific Authority of the country of export has found that the export will not be detrimental to the survival of the species (a non detriment finding).

I am advised by the Australian CITES Scientific Authority for Marine Species that based on available information it is possible to make a non detriment finding for the CITES Appendix II listed scalloped hammerhead shark (*Sphyrna lewini*) and great hammerhead shark (*S. mokarran*) harvested from the GOCIFFF during the period of the declaration of the fishery as an approved wildlife trade operation.

I consider that the management arrangements for the GOCIFFF meet most of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'. Taking into account the precautionary measures employed in the fishery including participation in the national stock status program, habitat based effort restrictions, spatial and temporal closures, size and possession limits and education provided to operators on the identification, safe handling and release of protected species, 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.

Accordingly, I have decided to declare the GOCIFFF an approved wildlife trade operation until 7 September 2017. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the Department of the Environment's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

Officers from the Department of Agriculture, Fisheries and Forestry and the Department of the Environment have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the Department of Agriculture, Fisheries and Forestry is committed to addressing these issues and has already taken proactive measures. The Queensland Department of Agriculture, Fisheries and Forestry and Department of the Environment officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

Please note that CITES Appendix II specimens may only be exported under a permit issued under section 303GC of the EPBC Act. Hence, any exporters of any specimens of scalloped hammerhead shark or great hammerhead shark from the GOCIFFF require CITES permits prior to exporting.

The management regime for the GOCIFFF was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in January 2012. 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 recredited the management regime for the GOCIFFF 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 EPBC Act protected species in Commonwealth waters.

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

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment

10 September 2014

**Conditions on the approved wildlife trade operation declaration for the
Queensland Gulf of Carpentaria Inshore Fin Fish Fishery—September 2014**

1. Operation of the fishery will be carried out in accordance with the management regime for the Gulf of Carpentaria Inshore Fin Fish Fishery in force under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.
2. The Queensland Department of Agriculture, Fisheries and Forestry to inform the Department of the Environment of any intended amendments to the management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Queensland Department of Agriculture, Fisheries and Forestry to produce and present reports to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. The Queensland Department of Agriculture, Fisheries and Forestry to:
 - a. taking into account the outcomes of recent research and in conjunction with the Department of the Environment, evaluate the effectiveness of the current management measures and operation of the Gulf of Carpentaria Inshore Fin Fish Fishery in minimising interactions with and mortality of speartooth sharks, to ensure the survival and recovery of important populations of the species. This may include consideration of, for example, habitats fished, specifications of the gear used, the timing of fishing operations (seasonal, monthly, daily, tidal), etc.
(Note: This evaluation may be undertaken as part of the ecological risk assessment update referred to in Recommendation 1.)
 - b. encourage further relevant research, for example, as indicated by the Australian Government *Multispecies Issues Paper for Sawfish and River Sharks* and any recovery plan for the speartooth shark, to assist in determining if Gulf of Carpentaria Inshore Fin Fish Fishery operations are affecting the survival or recovery of the speartooth shark.

Recommendations to the Queensland Department of Agriculture, Fisheries and Forestry on the ecologically sustainable management of the Queensland Gulf of Carpentaria Inshore Fin Fish Fishery—September 2014

1. The Queensland Department of Agriculture, Fisheries and Forestry to update the ecological risk assessment for the Gulf of Carpentaria Inshore Fin Fish Fishery in conjunction with relevant stakeholders, including the Department of the Environment, and make public the results of the risk assessment.
2. QDAFF to continue to encourage relevant research on shark species at risk from fishing in the Gulf of Carpentaria Inshore Fin Fish Fishery through consultation at appropriate intra- and inter-state forums and apply relevant research outcomes to the fishery as appropriate.
3. The Queensland Department of Agriculture, Fisheries and Forestry to:
 - a. report annually on the management and monitoring of all species listed on Appendix II of CITES which are permitted to be retained in the Gulf of Carpentaria Inshore Fin Fish Fishery
 - b. in consultation with the Department of the Environment and Australia's CITES Scientific Authority, annually evaluate the management arrangements for species listed on Appendix II of CITES which are permitted to be retained in the fishery, to ensure that CITES non detriment findings can continue to be made, and
 - c. continue and encourage further co-operation with relevant jurisdictions to pursue increased knowledge and complementary management of CITES listed species encountered in the fishery across fisheries and across jurisdictions.
4. Taking into account all available information and in collaboration with other relevant jurisdictions, the Queensland Department of Agriculture, Fisheries and Forestry to encourage research into alternate best practice compliance measures to deter illegal finning of sharks in the Gulf of Carpentaria Inshore Fin Fish Fishery.
5. By 31 December 2015, the Queensland Department of Agriculture, Fisheries and Forestry to analyse and report to the Department of the Environment the results of the past Fisheries Observer Program in the N3 (inshore) sector of the Gulf of Carpentaria Inshore Fin Fish Fishery for interactions with species protected under the Environment Protection and Biodiversity Conservation Act 1999.
6. By 30 November 2016, taking into account the outcomes of relevant research, the Queensland Department of Agriculture, Fisheries and Forestry to identify areas where fishing effort in the Gulf of Carpentaria Inshore Fin Fish Fishery overlaps with known and likely important habitats of inshore dolphin and sawfish species and seek to identify locations, areas or regions with higher or lower risk of interactions and/or mortalities occurring.
7. QDAFF to encourage relevant research into sawfish and inshore dolphin species found in the Gulf of Carpentaria Inshore Fin Fish Fishery to ensure that fishing operations do not affect the survival or recovery of sawfish species protected under the Environment Protection and Biodiversity Conservation Act 1999 or the conservation status of inshore dolphin species.

