



Australian Government
Department of the Environment

Ref: 2013/09527

The Hon Michael Egan FAICD
Chairman
Australian Fisheries Management Authority Commission
PO Box 7051
CANBERRA BC ACT 2610

Dear Mr Egan

Michael

I am writing to you in relation to the reassessment of the Commonwealth Coral Sea Fishery, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Coral Sea Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in November 2010. The then Minister for Sustainability, Environment, Water, Population and Communities subsequently declared the fishery an approved wildlife trade operation under Part 13A of the EPBC Act until 19 November 2013. This allowed export of product from the fishery to continue during the period of the declaration.

In August 2013, the Australian Fisheries Management Authority provided an application to the then Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the Coral Sea 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 the Australian Fisheries Management Authority in response to the conditions and recommendations made in the previous export assessment under the EPBC Act.

I am pleased to advise that the assessment of the Coral Sea Fishery is now complete. The new assessment report will be available on the Department of the Environment's website at: <http://www.environment.gov.au/topics/marine/fisheries/commonwealth/coral-sea>.

The assessment considered the possible impacts on species harvested in the Coral Sea 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 humphead Maori wrasse (*Cheilinus undulatus*) harvested from the Coral Sea Fishery during the period of the declaration of the fishery as an approved wildlife trade operation.

Taking into account the management arrangements in place in the fishery, 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, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the operation of the Coral Sea Fishery an approved wildlife trade operation until 17 November 2016. The declaration will be subject to the conditions at **Attachment 1** which are specified in the instrument of declaration.

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

Note that CITES specimens listed under Appendix II or Appendix III may only be exported under a permit issued under section 303GC of the EPBC Act. Hence, any proposed export of specimens of humphead Maori wrasse or scalloped hammerhead shark from the Coral Sea Fishery must seek a permit prior to exporting.

The management regime for the Coral Sea Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in November 2007. I am satisfied that it continues to be unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the conservation status of listed marine species, listed migratory species or cetaceans, or adversely affect the survival or recovery in nature of listed threatened species. I also consider that under the management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species protected under Part 13 of the EPBC Act.

I have therefore accredited the management regime for the Coral Sea Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the management plan are not required to seek permits if they are at risk of killing or injuring protected 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 the Environment 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. I have written to Senator the Hon Richard Colbeck, Parliamentary Secretary for Agriculture, in similar terms.

Yours sincerely



Paul Murphy
Delegate of the Minister for the Environment

19 November 2013

**Conditions on the approved wildlife trade operation declaration for the
Coral Sea Fishery – November 2013**

1. Operation of the Coral Sea Fishery will be carried out in accordance with the management regime in force under the *Fisheries Management Act 1991* and the *Fisheries Management Regulations 1992*.
2. The Australian Fisheries Management Authority to inform the Department of the Environment of any intended amendments to Coral Sea Fishery 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 Australian Fisheries Management Authority 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 Australian Fisheries Management Authority to:
 - a. evaluate and document the risks to humphead Maori wrasse in the Coral Sea Fishery at the reef and sub-reef level
 - b. implement additional management measures, as appropriate, to mitigate the risks identified, as agreed with the Australian Scientific Authority for CITES¹, and
 - c. report annually on the management and monitoring of humphead Maori wrasse in the fishery to the Australian Scientific Authority for CITES, as part of the annual reporting referred to in Condition 3.

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

**Recommendations for the ecologically sustainable management of the
Coral Sea Fishery – November 2013**

1. The Australian Fisheries Management Authority to continue to pursue interim and long term consultative mechanisms for the Coral Sea Fishery, in particular ensuring that:
 - a. review, validation and justification of the harvest strategy triggers for all active sectors of the fishery can be completed
 - b. meaningful annual reviews of the active sectors can be undertaken and appropriate response to triggers implemented, and
 - c. work to progress ecological risk assessment reviews is undertaken where this is warranted.

Particular focus should be given to immediate interim consultative arrangements for the aquarium and sea cucumber sectors and the harvest strategy, monitoring strategy and data validation for the Aquarium Sector, including for the CITES¹ listed humphead Maori wrasse.

2. The Australian Fisheries Management Authority to continue and encourage further co-operation with relevant jurisdictions to pursue increased knowledge and complementary management of sea cucumber resources across fisheries and across jurisdictions.
3.
 - a. As part of developing long term management arrangements for the various sectors of the Coral Sea Fishery, in consultation with the Department of the Environment and the Australian CITES¹ Scientific Authority, the Australian Fisheries Management Authority to determine the extent of the impact of fishing in the line and trap and trawl and trap sectors on shark species, including to:
 - i. identify the species impacted, and
 - ii. develop, document and implement appropriate management measures to mitigate impacts on shark species identified through:
 - ecological risk assessment processes
 - protected species listing processes, and
 - CITES non detriment finding processes, and
 - b. the Australian Fisheries Management Authority to continue and encourage further co-operation with relevant jurisdictions to pursue increased knowledge and complementary management across fisheries and across jurisdictions of shark species identified through the above processes.

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