



The Hon Tony Burke MP

Minister for Sustainability, Environment, Water, Population and Communities

B10/2333

Senator the Hon Joseph Ludwig
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

Dear Minister

17 NOV 2010

In August 2010 the Australian Fisheries Management Authority (AFMA) submitted the *Strategic Assessment Report September 2010 Coral Sea Fishery* for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This submission has been assessed under the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act. The assessment also took account of measures that have been developed and progressed by AFMA in response to conditions and recommendations made in the previous assessment.

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

I am satisfied that the operation of the Coral Sea Fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that the fishery 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 for the duration of my declaration.

Given the management measures in place, including input controls (limited number of permits and gear restrictions) and output controls (size limits, proportional and total catch limits), I have decided to declare the Coral Sea Fishery an approved Wildlife Trade Operation for three years, until 19 November 2013. I will make the declaration subject to the nine conditions at Attachment A.

There are a number of issues that need to be addressed to contain environmental risks in the longer term. To ensure that these issues are addressed and risks are minimised, I have made two recommendations to improve the environmental performance of the fishery. These are set out in Attachment B.

Officers from the Department and AFMA have discussed key areas requiring ongoing and increased attention. I understand that the recommendations in Attachment B have been agreed by officials in both agencies.

The management regime for the Coral Sea Fishery in force under the *Fisheries Management Act 1991* and the *Fisheries Management Regulations 1992* was previously accredited under Part 13 of the EPBC Act in November 2007.

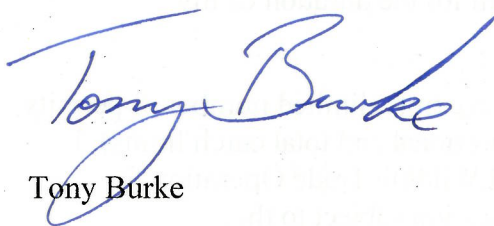
I consider that the current operation of the Coral Sea Fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. I also consider that under the current management regime for the fishery, operators are required to take all reasonable steps to avoid the killing or injuring of protected species (other than conservation dependent species). Accordingly, I have accredited the management regime for the Coral Sea Fishery, in force under the *Fisheries Management Act 1991* and the *Fisheries Management Regulations 1992*, under Part 13 of the EPBC Act.

The assessment also 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 listed species imports and exports as appropriate. CITES specimens taken from the wild or bred in captivity 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 (*Cheilinus undulatus*), a CITES listed species taken in the Coral Sea Fishery, must seek a permit prior to exporting.

I would like to thank you for the cooperation of your officials in this assessment and I look forward to receiving your assurance that the recommendations will be implemented.

I have written to the Hon Michael Egan, Chairman, AFMA, in similar terms.

Yours sincerely



Tony Burke

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Conditions on the approved Wildlife Trade Operation declaration for the Coral Sea Fishery

Condition 1

Operation of the 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*.

Condition 2

The Australian Fisheries Management Authority to inform the Department of Sustainability, Environment, Water, Population and Communities 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.

Condition 3

The Australian Fisheries Management Authority 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*.

Condition 4

The Australian Fisheries Management Authority to:

- a. by July 2011, convene a panel of experts to determine the risks to target, bycatch and discard species in the Coral Sea Fishery;
- b. by July 2011 address concerns raised by the *Independent Comment on the Methodology used for the Coral Sea Fishery qualitative risk analysis—Part 1* with particular considerations to the recommendations arising from this review; and
- c. develop and commence the implementation of appropriate risk mitigation strategies for high risks identified through the risk assessment processes for the Coral Sea Fishery.

Condition 5

The Australian Fisheries Management Authority to:

- a. implement species specific identification and reporting of chondrichthyan species taken in the Coral Sea Fishery;
- b. should species grouping be required, the Australian Fisheries Management Authority to provide scientific justification; and
- c. implement management measures that limit the take of chondrichthyans in the Coral Sea Fishery to levels that are sufficiently precautionary to assist the Australian Fisheries Management Authority in ensuring ecologically sustainable management of the take of chondrichthyans in the Coral Sea Fishery.

Condition 6

The Australian Fisheries Management Authority to manage the take of school shark (*Galeorhinus galeus*) and eastern gemfish (*Rexea solandri*) in the Coral Sea Fishery in a manner that is complementary to the management strategies outlined in the *School Shark Stock Rebuilding Strategy 2008* and *Eastern Gemfish Stock Rebuilding Strategy 2008*.

Condition 7

The Australian Fisheries Management Authority, in consultation with Australia's CITES¹ Scientific Authority, to develop and implement a long term monitoring program for humphead Maori wrasse (*Cheilinus undulates*) stocks related to the fishery. The monitoring program should be capable of identifying, at a minimum, species specific catch levels, size of specimens collected and any areas at risk of localised and/or serial depletion in the area of the fishery.

Condition 8

By 30 September 2011, the Australian Fisheries Management Authority to review the data validation program for the Coral Sea Fishery and consider an appropriate data validation system for the aquarium sector.

Condition 9

Consistent with the recommendations made in the Commonwealth Scientific and Industrial Research Organisation *Coral Sea Fishery – Review of harvest strategies 2009*, the Australian Fisheries Management Authority to:

- a) validate and justify the triggers contained in the harvest strategies for all sectors of the Coral Sea Fishery; and
- b) report annually on the analysis of catches against these triggers and any management responses implemented as a result.

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

Recommendations to the Australian Fisheries Management Authority on the ecologically sustainable management of the Coral Sea Fishery.

Recommendation 1

The Australian Fisheries Management Authority to:

- a) ensure catch reporting and monitoring in the Coral Sea Fishery, including species specific and spatial information is sufficient to monitor the performance of the fishery, especially the Aquarium sector; and
- b) actively respond to the finer scale information gathered in a) to inform the management of the fishery.

Recommendation 2

The Australian Fisheries Management Authority to continue to cooperate with other relevant jurisdictions to pursue complementary management and research for species harvested in the Coral Sea Fishery.

