



Australian Government

Department of the Environment and Water Resources

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 and Water Resources in relation to the re-assessment of the Queensland East Coast Spanish Mackerel Fishery (ECSMF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The ECSMF was first assessed by the Australian Government Department of the Environment and Water Resources (formerly the Department of the Environment and Heritage) in October 2004 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). 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 ECSMF 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 ECSMF 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 July 2007, DPI&F submitted the 2005, 2006 and 2007 Annual Status Reports for the ECSMF 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 and Water Resources website at: <http://www.environment.gov.au/coasts/fisheries/index.html>.

Given there has been no substantive changes to the management regime for the ECSMF and there have not been any reported protected species interactions in the fishery since reporting began in the Species of Conservation Interest Logbook in late 2004, I consider that the existing Part 13 accreditation for this fishery, in relation to protected species provisions under the EPBC Act, still applies.

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. The fishery is relatively well managed and operates under an adaptable and precautionary regime capable of controlling, monitoring and enforcing the level of take from the fishery. 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 fishery 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 some 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 outstanding from the last assessment, 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

Claire Howlett
Delegate of the Minister for the Environment and Water Resources

30 October 2007

**Conditions on the Wildlife Trade Operation Declaration for the
Queensland East Coast Spanish Mackerel Fishery (ECSMF)**

1. Operation of the fishery will be carried out in accordance with the ECSMF management regime made under the Queensland *Fisheries Regulations 1995* and in force under the Queensland *Fisheries Act 1994*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. DPI&F to produce and present reports to DEW 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 Spanish Mackerel Fishery (ECSMF)

The ECSMF 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: a commercial Total Allowable Catch (TAC) shared through individual transferable quotas (ITQs); a minimum size limit of 75cm; a recreational in-possession limit of three fish; total closures to the take of Spanish mackerel in certain areas; and restrictions on the maximum boat size in the commercial fishery.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the ECSMF 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 ECSMF in 2010.

1. DPI&F to finalise and implement the annual district operational plans by June 2008, which incorporate and address the updated, compliance risks identified in the May 2007 Compliance Risk Assessment and future risk assessments.
2. DPI&F to finalise and implement the ECSMF Performance Measurement System (PMS) in sufficient time for the outcomes to be reported in the 2008 ASR. Once implemented, DPI&F to monitor the status of the ECSMF in relation to the PMS. Within three months of becoming aware of a performance measure not being met, DPI&F to develop an appropriate management response
3. DPI&F to consider undertaking a further assessment of the minimum level of observer coverage needed in the ECSMF.
4. As part of the 2007 stock assessment, QDPI&F to review the current Total Allowable Catch (TAC) for the ECSMF to ensure it is set at a sustainable level.
5. DPI&F will incorporate the issue of spawning aggregations into the process for review of the Spanish mackerel TAC, and investigate the need for an enhanced level of protection to aggregations if necessary
6. DPI&F to provide reliable estimates of recreational take and factor this take into stock assessments and management control, and to continue to investigate measures designed to control Spanish mackerel take by recreational fishers to ensure overall catch levels are sustainable.
7. DPI&F to continue monitoring the size composition of the retained commercial catch of Spanish mackerel and investigate options for protecting juvenile and large fish if identified as necessary.