



Australian Government

Department of the Environment and Energy

Assessment of the
QUEENSLAND
EAST COAST SPANISH MACKEREL FISHERY

MARCH 2018

CONTENTS

Executive summary of the assessment of the Queensland East Coast Spanish Mackerel Fishery	3
Section 1: Assessment summary of the Queensland East Coast Spanish Mackerel Fishery against the <i>Guidelines for the Ecologically Sustainable Management of Fisheries (2nd Edition)</i> , consistent with the EPBC Act.....	4
Section 2: Detailed analysis of the Queensland East Coast Spanish Mackerel Fishery Against the <i>Guidelines for the Ecologically Sustainable Management of Fisheries (2nd Edition)</i>	7
Section 3: Assessment of the Queensland East Coast Spanish Mackerel Fishery against the requirements of the EPBC Act.....	12
References	15

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This report should be attributed as '*East Coast Spanish Mackerel Fishery March 2018*, Commonwealth of Australia 2018'.

Disclaimer

This document is an assessment carried out by the Department of the Environment and Energy of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for the Environment and Energy on the fishery in relation to decisions under Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment and Energy or the Australian Government.

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EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE QUEENSLAND EAST COAST SPANISH MACKEREL FISHERY

In March 2017, the Queensland Department of Agriculture and Fisheries submitted an application for the Queensland East Coast Spanish Mackerel Fishery to the Department of the Environment and Energy for assessment under the EPBC Act, against the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'. A public comment period was open from 6 April 2017 to 26 May 2017, one comment was received.

The fishery

The East Coast Spanish Mackerel Fishery operates in Queensland waters using trolling to catch Spanish mackerel (*Scomberomorus commerson*). The fishery is managed in accordance with the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008. Harvest is primarily managed through a total allowable catch and a real-time quota monitoring system. Spanish mackerel are harvested using rods and reel with no more than six hooks, which limits the level of take.

The implementation of the Queensland Sustainable Fisheries Strategy 2017-2027 (which sets out harvest strategies and sets sustainable catch limits) should further lower the risk of this fishery to the target species and surrounding ecosystem.

Target stocks

The target stock was assessed as sustainable by the 2016 Status of Australian Fish Stocks. There are concerns that targeted fishing of spawning aggregations of Spanish mackerel within the Great Barrier Reef Marine Park has caused some aggregations to become commercially unviable (Buckley et al, 2017 and Tobin et al, 2014). The impact of the loss of localised spawning aggregations on the east coast population of Spanish mackerel is currently unclear, therefore an ecological risk assessment addressing this is recommended.

Protected species and ecosystems

There have been no reported interactions with protected species and interactions are unlikely due to the method of harvesting. An ecological risk assessment has been conducted for bycatch and byproduct species with no concerns identified for byproduct, bycatch, protected species and the ecosystem due to the selectivity of the fishing method. However the risk assessment did not consider the localised depletion of spawning aggregations and the flow on impacts to the ecosystem.

Conclusion

Following assessment against the Guidelines at Section 2, the Queensland East Coast Spanish Mackerel Fishery has been found to meet the requirements of the EPBC Act. Product taken in this fishery is therefore recommended for inclusion in the list of exempt native specimens under Part 13A of the EPBC Act until 28 August 2025.

SECTION 1: ASSESSMENT SUMMARY OF THE QUEENSLAND EAST COAST SPANISH MACKEREL FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION), CONSISTENT WITH THE EPBC ACT

	Meets	Partially meets	Does not meet	Details
Guidelines				
Management regime	8 of 9	1 of 9		Robust management regime. Risks to some spawning aggregations have been identified
Principle 1 (target stocks)	8 of 11	1 of 11 (1.1.9)	2 n/a	Target stocks are assessed 'sustainable' in Status of Australian Fish Stocks report on a 'stock' basis. 1.1.9 - concerns some spawning aggregations may be commercially unviable due to overfishing, with others susceptible to localised depletion.
Principle 2 (bycatch and TEPS)	6 of 12	1 of 12 (2.1.1)	5 n/a	The risk to protected species is considered low due to fishing method used (trolling). No reported interactions since the last assessment. 2.1.1 - currently no requirements to record discarded bycatch species other than EPBC listed species. Bycatch and byproduct report does not provide detailed catch data.
Principle 2 (ecosystem impacts)	3 of 5	2 of 5 (2.3.1, 2.3.2)		Impacts on the ecosystem are considered low due to fishing method used however, 2.3.1 – no information collected on impact to ecosystem and foodchain.

				2.3.2 – ERA did not consider susceptibility of ecological communities, impacts of food changes and physical environment.
EPBC requirements				
Part 13	All met			Fishery considered low risk to protected species due to method used. Fishery takes all reasonable steps to avoid TEP interactions.
Part 13A	Met			Based on outcomes of Guidelines assessment, the Objects of Part 13A are met. Note some spawning aggregations may be at risk of localised depletion.
Part 12	Met			Fishery considered low risk to Marine Bioregion due to method used however, risk to harvesting of resources may be exacerbated by localised depletion of spawning aggregations.
Part 16	Met			Fishing method considered low impact (trolling).

Notes:

Assessment history:

1st assessment finalised in 2004 – WTO with three conditions and 14 recommendations

2nd assessment finalised in 2007 – WTO with three conditions and seven recommendation

3rd assessment finalised in 2012 – LENS with three recommendations

Ongoing issue with localised depletion of spawning aggregations since 2004.

Fishery reporting:

Annual report – last provided in 2016. Reports received by the Department each year since last assessment in 2013.

Protected species interactions – Provided to the Department on a quarterly basis through MOU. Annual Species of Conservation Interest (SOI) report provided in 2015 and 2016.

Report on the Bycatch and byproduct risk assessment for the East Coast Spanish Mackerel Fishery - https://www.daf.qld.gov.au/_data/assets/pdf_file/0020/55208/EcolRiskAssess-bycatch-ECSMF.pdf

Key links:

Fishery information:

Fishery information page on agency website - <https://www.daf.qld.gov.au/fisheries/monitoring-our-fisheries/data-reports/sustainability-reporting/queensland-fisheries-summary/east-coast-spanish-mackerel-fishery>

Enforcing legislation:

Queensland *Fisheries Act 1994* - <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/F/FisherA94.pdf>

Queensland Fisheries Regulation 2008 - https://www.legislation.qld.gov.au/LEGISLTN/SLS/RIS_EN/2008/08SL083E.pdf

Harvest Strategy:

Harvest Strategy Policy and Guidelines - <https://www.daf.qld.gov.au/fisheries/sustainable-fisheries-strategy/harvest-strategy>

Stock assessments:

Publicly available stock assessment - https://www.daf.qld.gov.au/_data/assets/pdf_file/0010/50320/SM-stock-assessment-summary.pdf

Status of Key Australian Fish Stocks <http://www.fish.gov.au/>

Other relevant documents:

Sustainable Fisheries Strategy - <https://www.daf.qld.gov.au/fisheries/consultations-and-legislation/sustainable-fisheries-strategy>

Key findings from recreational fishing survey <https://www.daf.qld.gov.au/fisheries/monitoring-our-fisheries/recreational-fisheries/statewide-and-regional-recreational-fishing-survey/key-findings>

Queensland Regulation Impact Statement guidelines: <https://www.treasury.qld.gov.au/publications-resources/ris-system-guidelines/ris-system-guidelines.pdf>

Business Queensland Industry Portal - <https://www.business.qld.gov.au/industries/farms-fishing-forestry/fisheries/fisheries-profiles/commercial-line-fisheries/licensing-management>

SECTION 2: DETAILED ANALYSIS OF THE QUEENSLAND EAST COAST SPANISH MACKEREL FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Fishery performance against Guidelines

Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition)	Comment
THE MANAGEMENT REGIME	
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:	
Be documented, publicly available and transparent	Meets The fishery is managed by the Queensland Department of Agriculture and Fisheries (QDAF) under the Queensland <i>Fisheries Act 1994</i> and the Fisheries Regulation 2008. Legislation can be found at www.legislation.qld.gov.au
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	Meets The original management arrangements were developed with industry and relevant stakeholders. There is a statutory process in place for public consultation and advisory committees. A Regulatory Impact Statement (RIS) process is used as the main mechanism for ongoing consultation. The Queensland RIS guidelines can be found on the Queensland Department of Treasury website (link above). The Queensland Sustainable Fisheries Strategy 2017-2027 (link above) sets out priorities for future engagement with stakeholders through working groups which will include membership from commercial, recreational, conservation and Indigenous representatives.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	Meets Consultation is completed through a formal RIS and/or show cause process under Section 63 of the Queensland <i>Fisheries Act 1994</i> . There is ongoing scientific research and management expertise within QDAF. A dedicated Line Fishery Working Group has been convened which includes a range of stakeholders and oversees management issues for the fishery.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	Meets Objectives and performance criteria are contained in the <i>Fisheries Act 1994</i> and the fishery Performance Measurement System. Stock status assessments of target stock provide a basis to measure the performance of the fishery. The Fisheries Research and Development Corporation's (FRDC) 'Status of Key Australian Fish Stocks' (SAFS) (link above) assessments consider Spanish mackerel at the whole of stock level which provides a means of measuring the performance of the fishery's management arrangements. Future performance monitoring will be integrated into the Harvest Strategy for this fishery as part of the Sustainable Fisheries Strategy.
Be capable of controlling the level of harvest in the fishery using input and/or output controls	Meets Total allowable commercial catch (TACs) control the level of harvest in the commercial sector. Real-time quota reporting for total catch is used via a telephone reporting system. Reporting of other catch information, such as location and effort etc., is completed in a paper based daily log book. Recreational catch is considered to be higher than commercial catch, and is controlled with bag limits.
Contain the means of enforcing critical aspects of the management arrangements	Meets The Queensland <i>Fisheries Act 1994</i> contains provisions for the enforcement of the management arrangements for the fishery. Compliance and enforcement activities are carried out by the Queensland Boating and Fisheries Patrol. Compliance capacity should increase in future, according to commitments made in the Sustainable Fisheries Strategy. Catch dockets are held for a five year period for auditing purposes.

Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	Meets The performance of the fishery is reviewed on an annual basis along with catch information of target (and some byproduct) stocks being included in the biennial FRDC SAFS assessments. The Queensland Harvest Strategy Policy and Guidelines (link above) state that all target species will be managed at biomass levels equivalent to Maximum Sustainable Yield (BMSY) by 2020, with a future target of 60 per cent of virgin biomass by 2027.
Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates	Meets A report on the bycatch and byproduct risk assessment for the East Coast Spanish Mackerel Fishery (links above) noted that risks to all byproduct and bycatch species were low, due to the method used in the fishery (trolling), which allows for quick release of any unwanted species.
Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy	Meets While the area of the fishery overlaps with the area of distribution for turtles, dugong, dolphins, crocodiles, grey nurse shark and sawfish the method used (trolling) is considered to pose a low risk to protected species.
PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.	
Objective 1 - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.	
Information requirements	
1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.	Meets Catch in the fishery is monitored in real time via the Quota Monitoring System and the Automated Integrated Voice Response (AIVR) system. Fishers are able to monitor their unused quota balance when reporting. Ongoing biological monitoring also occurs in the fishery. As part of the Sustainable Fisheries Strategy, all fisheries will have a Vessel Monitoring System in place by 2020.
Assessment	
1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.	Meets The target species is assessed on a biennial basis through the biennial SAFS assessments and through QDAF's stock assessment process. While the 2016 SAFS notes there may be some increased risk of fishing on spawning aggregations in the Great Barrier Reef Marine Park, it concluded that the east coast Spanish mackerel stock was 'sustainable' at the time this assessment was completed. While recent research (Buckley et al. 2017) has identified that some localised spawning aggregations have been depleted to the point where ongoing fishing is no longer commercially viable, this has not had a clearly discernible impact on the overall stock status. While the existing stock assessment is considered robust at the east coast population level, it is recommended that in light of this research, future assessments take account of potential loss of spawning aggregations.
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	Meets The distribution and spatial structure of the target stock has been established and the information is incorporated into abovementioned SAFS assessments.
1.1.4 There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.	Meets Commercial fishers are required to submit a landings report via the AIVR system to ensure quota is monitored in real-time. A daily paper logbook of catch, effort and location information must also be completed and submitted to QDAF at the end of the month. A Recreational Fishing Survey found that Spanish mackerel is an important species for recreational fishers and it is estimated that recreational catch is higher than commercial catch. Recreational catch is taken into account during stock assessment and setting of TACs. There are currently no estimates of Indigenous catch.
1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.	Meets Productivity has been calculated for the target species and some byproduct species with historical records. This data can be found in the SAFS 2016 report.

Management responses	
1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.	Meets Reference points are articulated through the SAFS process for Spanish mackerel, including the setting of limits. The Queensland Harvest Strategy Policy and Guidelines set out how future management will include suitable reference points, decision rules and performance indicators.
1.1.7 There are management strategies in place capable of controlling the level of take.	Meets Total allowable commercial catch levels and the fishing method used (trolling) control the level of take. While these strategies are effective at controlling the level of take across the fishery, further restrictions will be considered if the loss of localised spawning begins to impact the overall population.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	Meets There are no byproduct, species taken in the fishery due to the high selectivity of the fishing method used (trolling). Risks to incidental non target species caught accidentally are considered low, as unwanted catch can be released quickly.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Partially meets To date the fishery's management arrangements have maintained stocks within ecologically viable levels, however risks to some spawning aggregations have been identified and should be considered within the holistic management of the fishery to determine if the objective of maintaining ecological viability of the fishery will continue to be met into future.
If overfished, go to Objective 2:	
If not overfished, go to PRINCIPLE 2:	
Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
Management responses	
1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.	N/A While recent research (Buckley et al. 2017) has identified that some localised spawning aggregations have been depleted to the point where ongoing fishing is no longer commercially viable, this has not had a clearly discernible impact on the overall stock status.
1.2.2 If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.	N/A As above.
PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.	
Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.	
Information requirements	
2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.	Partially meets Reporting of catch in real-time (AIVR) and paper logbooks is required on commercial vessels, but there are currently no requirements to record discarded bycatch species other than EPBC Act protected species. Recording of all discards would be an improvement. The report on the bycatch and byproduct risk assessment for the East Coast Spanish Mackerel Fishery rated the impact on all listed species as low, but does not provide detailed catch data.

Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Meets The report on the bycatch and byproduct risk assessment for the East Coast Spanish Mackerel Fishery assessed the vulnerability to byproduct and bycatch species as low due to the fishing method (trolling).
Management responses	
2.1.3 Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	Meets Due to the nature of the gear used (trolling), the capture of bycatch is low. If unwanted species are caught, they can be quickly released.
2.1.4 An indicator group of bycatch species is monitored.	N/A Monitoring of an indicator group of bycatch species is not considered necessary due to the low risk posed by the gear used.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	N/A While there are no specific decision rules in place that trigger additional management measures, they are not considered necessary due to the low risk posed to bycatch species from the gear used.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The management arrangements are likely to have a high chance of achieving the objective of fishing being conducted in a manner that does not threaten bycatch.
Objective 2 - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
Information requirements	
2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.	Meets All operators are required to report any interactions with threatened, endangered and protected species and there are no threatened ecological communities in the area of the fishery. Species of Conservation Interest logbooks are considered reliable for this fishery due to the harvesting method (trolling) rarely catching protected species.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Meets The report on the bycatch and byproduct risk assessment for the East Coast Spanish Mackerel Fishery has assessed the vulnerability to byproduct and bycatch species. Due to the fishing method (trolling), the risk to bycatch and byproduct species is considered to be low.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	N/A There are no threatened ecological communities in the area of the fishery.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	N/A Because trolling is highly selective fishing method the risk of capturing of endangered, threatened or protected species is very low, therefore no specific measures are required.
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	N/A There are no threatened ecological communities in the area of the fishery.

2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The management arrangements are likely to have a high chance of achieving the objective of ensuring that fishing is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.
Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fishery's impact on the ecosystem and environment generally.	Partially meets No information is collected which covers the fishery's impact on the ecosystem and environment generally however, due to the method used (trolling), the impact on the ecosystem and environment is considered to be low.
Assessment	
2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery. 1. Impacts on ecological communities <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities 2. Impacts on food chains <ul style="list-style-type: none"> • Structure • Productivity/flows 3. Impacts on the physical environment <ul style="list-style-type: none"> • Physical habitat • Water quality 	Partially meets While an Ecological Risk Assessment (ERA) on bycatch and byproduct has been conducted, an ERA on the susceptibility of ecological communities, impacts on food chains and impacts on the physical environment has not been completed. Recent research (Buckley et al. 2017) has identified that some localised spawning aggregations within the Great Barrier Reef Marine Park have been depleted to the point where ongoing fishing is no longer commercially viable. While the SAFS considers the east coast stock of Spanish mackerel to be sustainable, an assessment into the potential loss of spawning aggregations would be beneficial. The Sustainable Fisheries Strategy commits to guidelines on assessing ecosystem impacts and ERAs for all fished stocks by 2027 (priority fisheries by 2020 and remaining fisheries thereafter).
Management responses	
2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.	Meets Stock assessment and subsequent TAC limits are in place to reduce the risk of adverse foodchain impacts on the ecosystem. Due to the fishing method used (trolling), it is unlikely that the fishery would have an adverse impact on the ecosystem.
2.3.4 There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.	Meets Stock assessments and subsequent TAC limits are in place to reduce the risk of adverse foodchain impacts on the ecosystem. The collection of data through logbooks, quota monitoring and validation enables QDAF to implement any appropriate management response, if a response was required. The Queensland Harvest Strategy Policy and Guidelines sets out how future management will include suitable reference points, decision rules and performance indicators.
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The management arrangements, considering any precautionary management actions, appear to have a high chance of achieving the objective of ensuring that the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.

SECTION 3: ASSESSMENT OF THE QUEENSLAND EAST COAST SPANISH MACKEREL FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a checklist of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13 and Part 13A.

Part 12

	Comment
Section 176 Bioregional Plans	
(5) Minister must have regard to relevant bioregional plans	<p>The Marine Bioregional Plan for the Temperate East Marine Region identifies a number of key ecological features present in the area of the fishery such as shelf rocky reefs, canyons on the eastern continental slope and an upwelling off Fraser Island. Due to the low impact harvesting method (trolling), the fishery is considered to present a low risk to the key ecological features present.</p> <p>The harvesting of living resources and bycatch are noted as pressures of concern in the Temperate East Marine Region. While research suggests risks to spawning aggregations of Spanish mackerel from overfishing within the Great Barrier Reef Marine Park, there are active management arrangements in place to reduce this risk, such as an annual total allowable catch and ongoing quota monitoring. The low impact harvesting method is also considered low risk to bycatch as any unwanted species can be returned to the water unharmed.</p>

Part 13

	Comment
Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	
s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	<p>Yes, there is an accreditable management regime.</p> <p>The Queensland East Coast Spanish Mackerel Fishery will be managed under the Queensland Fisheries Act 1994 and the Fisheries Regulation 2008. This regime was last accredited under Part 13 in 2012 and this accreditation remains valid and in place.</p>
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Yes , the management regime requires that all reasonable steps are taken to avoid interactions through gear limitations (maximum of 6 hooks) and any interactions with threatened species are reported to the Department.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species.	No . No interactions have been historically reported and the risk to listed threatened species is considered low due to the fishing method employed (trolling).
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	Yes , the management regime requires that all reasonable steps are taken to avoid interactions through gear limitations (maximum of 6 hooks) and any interactions are reported to the Department.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	No . No interactions have been historically reported and the risk to listed migratory species is considered low due to the fishing method employed (trolling).
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	

(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Yes , the management regime requires that all reasonable steps are taken to avoid interactions through gear limitations (maximum of 6 hooks) and any interactions are reported to the Department.
(g) And is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	No . No interactions have been historically reported and the risk to cetaceans is considered low due to the fishing method employed (trolling).
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	Yes , the management regime requires that all reasonable steps are taken to avoid interactions through gear limitations (maximum of 6 hooks) and any interactions are reported to the Department.
(g) And is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	No . No interactions have been historically reported and the risk to listed marine species is considered low due to the fishing method employed (trolling).
Section 303AA Conditions relating to accreditation of plans, regimes and policies	
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The Department recommends that the management regime for the Queensland East Coast Spanish Mackerel Fishery remains accredited under sections 208A, 222A, 245 and 265. Interactions with protected species are negligible under existing arrangements.
(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	No conditions required.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	N/A

Part 13A

Section 303BA Objects of Part 13A	
(1) The objects of this Part are as follows: (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention; (b) to protect wildlife that may be adversely affected by trade; (c) to promote the conservation of biodiversity in Australia and other countries; (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way; (e) to promote the humane treatment of wildlife; (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.	
	Comment
Section 303DC Minister may amend list (non CITES species)	

<p>(1) Minister may amend the List of Exempt Native Specimens (LENS) by:</p> <ul style="list-style-type: none"> (e) including items; (f) deleting items; or (g) imposing a condition or restriction to which the inclusion of a specimen is subject; or (h) varying or revoking a condition or restriction to which the inclusion of a specimen is subject. 	<p>The Department recommends that specimens derived from species harvested in the Queensland East Coast Spanish Mackerel Fishery, other than specimens that belong to species listed under Part 13 of the EPBC Act (other than a conservation dependent species), and specimens that belong to taxa listed under section 303CA (Australia's CITES list), be included in the list of exempt native specimens until 31 March 2028.</p>
<p>(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div 1 Or 2 assessment</p>	<p>N/A – not a Commonwealth fishery,</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets Through the above assessment at Section 2 against the Guidelines, the Department has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.</p>
<p>(3) Before amending LENS, Minister must consult:</p> <ul style="list-style-type: none"> (a) other Minister or Ministers as appropriate; and (b) other Minister or Ministers of each State and self-governing Territory as appropriate; and (c) other persons and organisations as appropriate. 	<p>Meets Submission was available on the Department's website from 6 April – 26 May 2017. One comment received from a non-government organisation consortium primarily about targeting of spawning aggregations. This issue was considered throughout the above assessment. While the potential for commercial extinction of some spawning aggregations in the GBRMP has been identified, there are management measures in place (TACs) to control the level of take and overall the target stock was assessed as sustainable by the 2016 Status of Australian Fish Stocks. At this stage, the loss of the spawning aggregations does not appear to be at risk of causing serious or irreversible damage. To further investigate the impact of the loss of localised spawning aggregations, an ecological risk assessment addressing this is recommended.</p>

Part 16

	Comment
Section 391 Minister must consider precautionary principle in making decisions	
<p>(1) Minister must take account of precautionary principle</p>	
<p>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.</p>	<p>Meets Given the controlled catch and effort in the fishery, the method of catch (trolling), the annual monitoring of stocks against historic catch and effort, and the use of real-time quota monitoring, precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery. While the potential for commercial extinction of some spawning aggregations in the GBRMP has been identified, there are management measures in place (TACs) to control the level of take. At this stage, the loss of the spawning aggregations does not appear to be at risk of causing serious or irreversible damage. The precautionary principle is identified in the <i>Queensland Fisheries Act 1994</i>.</p>

REFERENCES

A. Tobin, M. Heupel, C. Simpfendorfer, S. Buckley, R. Thurstan, J. Pandolfi (2014). Utilising innovative technology to better understand Spanish mackerel spawning aggregations and the protection offered by Marine Protected Areas. Centre for Sustainable Tropical Fisheries and Aquaculture, James Cook University, Townsville, pp 70.

Buckley, S. M., Thurstan, R. H., Tobin, A. and Pandolfi, J. M. (2017). Historical spatial reconstruction of a spawning aggregation fishery. Conservation Biology. <https://doi.org/10.1111/cobi.12940>.