



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 the Delegate of the Minister for Sustainability, Environment, Water, Population and Communities in relation to the reassessment of the Queensland East Coast Spanish Mackerel Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In May 2010, Fisheries Queensland provided an application to the Department of Sustainability, Environment, Water, Population and Communities seeking continued export approval for the East Coast Spanish Mackerel Fishery.

The Delegate of the Minister for Sustainability, Environment, Water, Population and Communities agreed to include product derived from the fishery in the list of exempt native specimens for successive periods, between October 2010 and July 2012. This was to allow export to continue while additional information on the status of the east coast Spanish mackerel stock was sought from Fisheries Queensland and to allow the department's assessment to include consideration of the revised performance measurement system for the fishery.

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 Fisheries Queensland in response to the conditions and recommendations made in the 2007 assessment of the fishery.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of Sustainability, Environment, Water, Population and Communities' website at: <http://www.environment.gov.au/coasts/fisheries/qld/east-coast-spanish-mackerel/index.html>.

The management regime for the East Coast Spanish Mackerel Fishery was first accredited under Part 13 of the EPBC Act, for interactions with protected species, in October 2004 and reaccredited in April 2008, following the replacement of the Queensland Fisheries Regulation 1995 with the Queensland Fisheries Regulation 2008.

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 East Coast Spanish Mackerel Fishery 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 listed species in Commonwealth waters.

I consider that the East Coast Spanish Mackerel Fishery operates in line with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.' Given the management arrangements and precautionary measures for the fishery including a revised performance measurement system, limited entry, area closures, gear and vessel restrictions, minimum size limits, an annual total allowable catch limit, an individual transferable quota system and recreational possession limits, I have decided to amend the list of exempt native specimens to allow export of product from the East Coast Spanish Mackerel Fishery for a period of five years, until 14 July 2017.

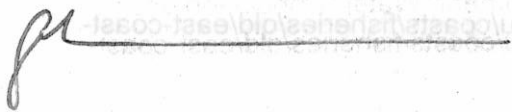
While there are some environmental risks associated with the East Coast Spanish Mackerel Fishery, I believe that Fisheries Queensland has in place measures to address these issues. Officers from Fisheries Queensland and this department have discussed and agreed to four recommendations focussing on ensuring the continuation of good management practices. These recommendations can be found at **Attachment A**.

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 the decisions remains valid, the Department of Sustainability, Environment, Water, Population and Communities 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 impact of the harvest in relation to target species, 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.

As the East Coast Spanish Mackerel Fishery operates within the Great Barrier Reef Marine Park, I have copied this letter to Dr Russell Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

Yours sincerely



Geoff Richardson

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities
18 July 2012

Recommendations to Fisheries Queensland on the ecologically sustainable management of the Queensland East Coast Spanish Mackerel Fishery, July 2012.

1. Operation of the Queensland East Coast Spanish Mackerel Fishery will be carried out in accordance with the management regime for the fishery made under the Queensland Fisheries Regulation 2008 in force under the Queensland *Fisheries Act 1994*.
2. Fisheries Queensland to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the Queensland East Coast Spanish Mackerel Fishery management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. Fisheries Queensland 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.'
4. Fisheries Queensland to ensure that:
 - a) future management arrangements for the East Coast Spanish Mackerel Fishery are developed transparently, and
 - b) relevant stakeholder views and scientific and management expertise inform the management arrangements for the fishery.

