



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Assessment of the
East Coast Spanish Mackerel Fishery

July 2012

© Commonwealth of Australia 2012

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth, available from the Department of Sustainability, Environment, Water, Population and Communities. Requests and inquiries concerning reproduction and rights should be addressed to:

Assistant Secretary
Marine Biodiversity Policy Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
Canberra ACT 2601

Disclaimer

This document is an assessment carried out by the Department of Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities or the Australian Government.

While reasonable efforts have been made to ensure that the contents of this report are factually correct, the Australian Government does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this report. You should not rely solely on the information presented in the report when making a commercial or other decision.

Contents

Table 1: Summary of the Queensland East Coast Spanish Mackerel Fishery 1

Table 1 contains a brief overview of the operation of the fishery including the gear used, species targeted, byproduct species, bycatch species, annual catch, management regime and ecosystem impacts.

Table 2: Progress in implementation of conditions and recommendations made in the 2007 assessment of the Queensland East Coast Spanish Mackerel Fishery 7

Table 2 contains an update on the progress that has been made by the fishery's management agency in implementing the conditions and recommendations that formed part of the fishery's previous approved wildlife trade operation declaration.

Table 3: The Department of Sustainability, Environment, Water, Population and Communities' assessment of the Queensland East Coast Spanish Mackerel Fishery against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A. 14

Table 3 contains the department's assessment of the East Coast Spanish Mackerel Fishery's management arrangements against all the relevant parts of the *Environment Protection and Biodiversity Conservation Act 1999* that the delegate must consider before making a decision.

The Department of Sustainability, Environment, Water, Population and Communities' final recommendations to Fisheries Queensland for the Queensland East Coast Spanish Mackerel Fishery 23

This section contains the department's assessment of the East Coast Spanish Mackerel Fishery performance against the Australian Government's 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' and outlines the reasons the department recommends that product derived from the fishery be included in the list of exempt native specimens.

Table 4: Queensland East Coast Spanish Mackerel Fishery Assessment – Summary of Issues and Recommendations – July 2012 25

Table 4 contains a description of the issues identified by the department with the current management regime for the East Coast Spanish Mackerel Fishery and outlines the proposed recommendations that would form part of the delegate's decision to include product from the fishery in the list of exempt native specimens.

References 27

Acronyms 27

Table 1: Summary of the Queensland East Coast Spanish Mackerel Fishery

Publicly available information relevant to the fishery	<ul style="list-style-type: none"> • Queensland <i>Fisheries Act 1994</i> • Queensland Fisheries Regulation 2008 • Commonwealth <i>Great Barrier Reef Marine Park Act 1975</i> • Queensland <i>Marine Parks Act 2004</i> • East Coast Spanish Mackerel Fishery 2011 – Progress against SEWPaC¹ conditions and recommendations • East Coast Spanish Mackerel Fishery 2010 – Progress against SEWPaC conditions and recommendations • East Coast Spanish Mackerel Fishery 2009 – Progress against DEWHA² conditions and recommendations • Annual Status Report 2011 – East Coast Spanish Mackerel Fishery • Annual Status Report 2010 – East Coast Spanish Mackerel Fishery • Annual Status Report 2009 – East Coast Spanish Mackerel Fishery • Annual Status Report 2008 – East Coast Spanish Mackerel Fishery • Performance Measurement System – East Coast Spanish Mackerel Fishery – Version 2 – February 2011 • Reef line and Spanish mackerel industry development plan 2011-2014 • Department of the Environment and Water Resources – Assessment of the Queensland East Coast Spanish Mackerel Fishery – October 2007 • Department of the Environment and Heritage – Assessment of the Queensland East Coast Spanish Mackerel Fishery – October 2004
Area	<p>The area of the East Coast Spanish Mackerel Fishery includes Queensland and Commonwealth waters adjacent to the Queensland east coast, to the outer edge of the Australian Exclusive Economic Zone. Much of the catch is taken from coral reefs off Ingham in the north of the state with a smaller concentration of catch occurring in south east Queensland.</p> <p>Under the Queensland Fisheries Regulation 2008, different endorsements on fishing licences are required to access different commercial fisheries in Queensland. An 'L' endorsement (L1, L2 or L3) defines an area of operation for line fisheries (Figure 1), while an 'SM' endorsement denotes that Spanish mackerel can be taken, provided the fisher also has the appropriate quota.</p> <p>While part of the fishery is in Commonwealth waters, the entire fishery is managed by Fisheries Queensland, under Queensland legislation, under an Offshore Constitutional Settlement agreement between the Australian Government and the Queensland Government.</p>

¹ (Department of) Sustainability, Environment, Water, Population and Communities

² Department of the Environment, Water, Heritage and the Arts

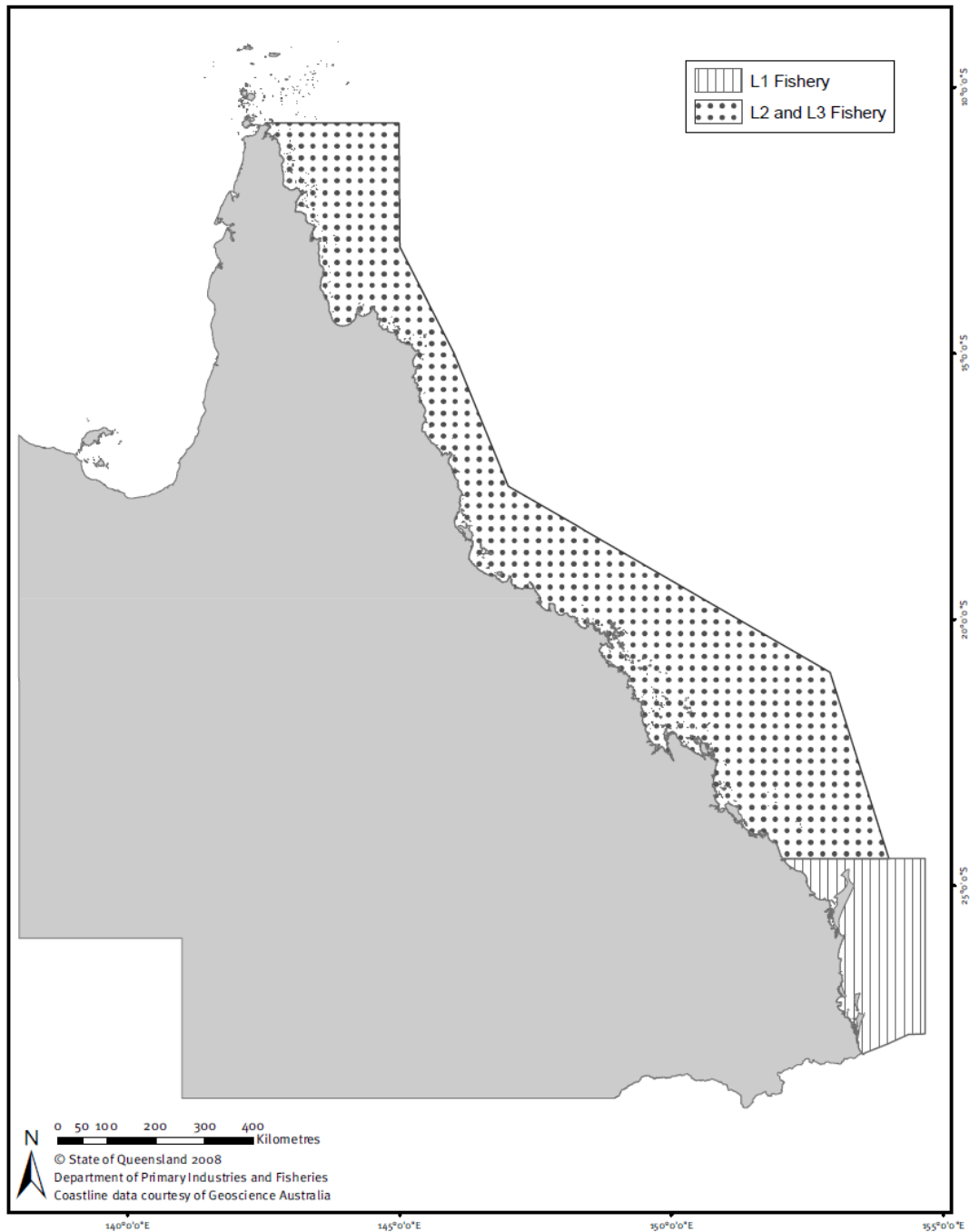


Figure 1. Area of the Queensland East Coast Spanish Mackerel Fishery
(Source: Fisheries Queensland)

Target Species	<p>Spanish mackerel – <i>Scomberomorus commerson</i>.</p> <p>Spanish mackerel are widespread across tropical and sub-tropical Australia. The east coast Spanish mackerel stock, extending from north Queensland to northern New South Wales, is considered to be a single genetic population (Campbell et al. 2011).</p> <p>Spanish mackerel are relatively fast growing, recruiting into the commercial fishery by their second year. Spanish mackerel are believed to have:</p> <ul style="list-style-type: none"> • high fecundity, with females spawning several times over the spawning season • rapid growth (females mature at 79 centimetres at around 2 years of age), and • moderate longevity of up to 16 years in the Queensland east coast population. <p>Spanish mackerel aggregate in large numbers to spawn. In the East Coast Spanish Mackerel Fishery, spawning is believed to be concentrated in reef areas east of Ingham (18-20 degree latitude) during October and November and it is during this period that a major proportion of the commercial harvest takes place.</p> <p>More information on the biology of this species can be found in the Department of the Environment, Water, Heritage and the Arts' 2004 assessment of the fishery at: http://www.environment.gov.au/coasts/fisheries/qld/east-coast-spanish-mackerel/report.html</p>
Byproduct Species	<p>The overall level of byproduct in the fishery is considered to be low. Fisheries Queensland reports that the results of a bycatch and byproduct risk assessment workshop with key stakeholders held in November 2005 indicated that the East Coast Spanish Mackerel Fishery posed only a low risk to the majority of the byproduct species identified.</p> <p>A large proportion of the other species caught whilst targeting Spanish mackerel are retained as byproduct for sale and consumption. The only no take fish species under the Spanish mackerel (SM) fishery symbol are billfish, northern blue fin tuna and southern blue fin tuna.</p>
Fishery status	<p>Based on the 2010 stock assessment (Campbell et al. 2011), Fisheries Queensland's annual stock status report for 2011 classifies the Queensland east coast stock of Spanish mackerel as sustainably fished. Fisheries Queensland has advised that east coast Spanish mackerel was again classified as sustainably fished in 2012.</p>
Gear	<p>The East Coast Spanish Mackerel Fishery is a line only fishery. Both commercial and recreational fishers are permitted to use a maximum of three lines and up to six hooks per line when targeting Spanish mackerel.</p>
Season	<p>All year (July - June). Fishing for Spanish mackerel occurs predominantly in late spring/early summer.</p>
Commercial harvest 2010/11	<p>278 tonnes.</p>

Value of commercial harvest 2010/11	Approximately \$1.9 million.
Take by other sectors	<p>In 2010/11, approximately 35 tonnes was taken by the charter sector.</p> <p>The annual recreational harvest in 2005 was estimated at approximately 415 tonnes (representing approximately 60% of the total harvest of 686 tonnes in 2005-06). Updated estimates of recreational harvest from the 2010 state wide recreational fishing survey will become available later in 2012. The recreational sector is managed by:</p> <ul style="list-style-type: none"> • a restriction on the number of fishing lines and hooks (maximum of three fishing lines and six hooks total) • a minimum size limit (75 centimetres), and • a possession limit (three fish). <p>Indigenous harvest of Spanish mackerel is considered to be negligible.</p>
Commercial licences issued	In 2010/11, there were 252 'SM' symbols of which approximately 170 were active in the East Coast Spanish Mackerel Fishery.
Management arrangements	<p>Management of the East Coast Spanish Mackerel Fishery is the responsibility of Fisheries Queensland. A range of input and output controls are set out in the Queensland Fisheries Regulation 2008 and are used to manage the harvest of Spanish mackerel. These controls include:</p> <ul style="list-style-type: none"> • limited entry • total closures to the take of Spanish mackerel in certain areas • a limit on permitted boat size in the commercial fishery • limits on the number of tender boats which can be used under commercial fishing boat licences • limits on the number of lines and hooks which can be used • a minimum size limit of 75 centimetres • an annual commercial catch limit (total allowable catch) for Spanish mackerel, shared through individual transferable quotas, and • a recreational possession limit for Spanish mackerel of three fish. <p>The 'Performance Measurement System - East Coast Spanish Mackerel Fishery - Version 2 – February 2011' contains objectives, performance indicators, performance measures and management responses for the fishery. The performance of the fishery is reviewed against the performance measures in the performance measurement system by Fisheries Queensland and reported in the annual status reports for the fishery.</p>
Export	Negligible – most product is sold domestically.
Bycatch	The level of bycatch in the East Coast Spanish Mackerel Fishery is considered to be low and mainly comprised of undersized Spanish mackerel. Fisheries Queensland reports that a bycatch and byproduct risk assessment workshop with key stakeholders was held in November 2005. The results indicated that the East Coast Spanish Mackerel Fishery poses only a low risk to the majority of the bycatch species identified.

Interaction with Protected Species³	<p>The risk of interactions with protected species in the East Coast Spanish Mackerel Fishery is considered to be low due to the targeted nature of the fishery, gear restrictions and the constant attendance of lines while fishing.</p> <p>Commercial fishers in Queensland managed fisheries are required to record interactions with protected species in the species of conservation interest (SOCI) logbook. No interactions have been recorded since the introduction of the SOCI logbook in late 2003.</p> <p>Under sections 199, 214, 232 and 256 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), persons who interact with a protected species must report that interaction within seven days of the incident occurring to the Department of Sustainability, Environment, Water, Population and Communities.</p> <p>A Memorandum of Understanding between Fisheries Queensland and the Department of Sustainability, Environment, Water, Population and Communities for the reporting of interactions was signed in 2005 to streamline reporting requirements for interactions with protected species, assisting fishers in meeting their requirements under the EPBC Act. The memorandum of understanding reduces the administrative reporting burden on individual fishers and provides for regular reporting of protected species interactions.</p>
Ecosystem Impacts	<p>It is unlikely that there is any significant physical impact on the ecosystem from the fishery due to the relatively benign line fishing method used.</p> <p>In addition, catch limits and the fishery's performance measurement system provide controls over total fishing related mortality of Spanish mackerel.</p>

³ 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.

<p>Impacts on the Great Barrier Reef Marine Park and World Heritage Area</p>	<p>The assessment also considered the possible impacts of the operation of the East Coast Spanish Mackerel Fishery on the Great Barrier Reef Marine Park and on the World Heritage values of the Great Barrier Reef World Heritage Area. About two-thirds of the area and about 90 per cent of the catch of the East Coast Spanish Mackerel Fishery is within the area of the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area. Under the EPBC Act, a person may not take an action that has, will have, or is likely to have a significant impact on the world heritage values of a declared World Heritage property or a significant impact on the Great Barrier Reef Marine Park.</p> <p>Given:</p> <ul style="list-style-type: none"> • marine park zoning arrangements which prohibit fishing in approximately 30 per cent of the area of the Great Barrier Reef Marine Park • the relatively benign line fishing method used • the management arrangements in place in the fishery, and • ongoing monitoring and research related to the health of the Spanish mackerel stock, <p>the department considers that the risk posed by the operation of the East Coast Spanish Mackerel Fishery to the Great Barrier Reef Marine Park or to the World Heritage values of the Great Barrier Reef World Heritage Area is likely to be low.</p> <p>On this basis the department considers that an action taken by an individual fisher, acting in accordance with the management regime for the East Coast Spanish Mackerel Fishery, would not be expected to have a significant impact on the Great Barrier Reef Marine Park or the World Heritage values of the Great Barrier Reef World Heritage Area.</p>
<p>Wetlands of International Importance</p>	<p>The area of the East Coast Spanish Mackerel Fishery includes the Moreton Bay, Great Sandy Strait, Shoalwater and Corio Bays and Bowling Green Bay Ramsar wetlands. The department's assessment considered the possible impacts of the operation of the fishery on the ecological character of these sites.</p> <p>As the fishery operates almost exclusively offshore, the department considers that the operation of the East Coast Spanish Mackerel Fishery is likely to have negligible impact on these sites. On this basis, the department considers that an action taken by an individual fisher, acting in accordance with the management regime for the East Coast Spanish Mackerel Fishery, would not be expected to have a significant impact on the ecological values of a Wetland of International Importance.</p>

Table 2: Progress in implementation of conditions and recommendations made in the 2007 assessment of the Queensland East Coast Spanish Mackerel Fishery

Condition	Progress	Recommended Action
1. Operation of the fishery will be carried out in accordance with the Queensland East Coast Spanish Mackerel Fishery management regime made under the Queensland Fisheries Regulations 1995 in force under the <i>Fisheries Act 1994</i> .	Fisheries Queensland report that the fishery has operated in accordance with the legislated management regime over the course of the current export approval.	The Department of Sustainability, Environment, Water, Population and Communities considers that this condition has been met.
2. Fisheries Queensland to inform the Department of the Environment, Water, Heritage and the Arts of any intended amendments to the management arrangements that may affect sustainability of the target species or negatively impact on bycatch, protected species or the ecosystem.	Fisheries Queensland reported that no changes to management arrangements were made that negatively impacted on resource sustainability.	The department considers that this condition has been met. The department recommends that Fisheries Queensland continue to inform the department of any intended amendments to the management arrangements that may affect sustainability of the target species or negatively impact on bycatch, protected species or the ecosystem (see Recommendation 2, Table 4).

Condition	Progress	Recommended Action
<p>3. Reports to be produced and presented to DEWHA annually, and to include:</p> <ul style="list-style-type: none"> • information sufficient to allow assessment of the progress of Fisheries Queensland in implementing the recommendations made in the <i>Assessment of the Queensland East Coast Spanish Mackerel Fishery 2004</i>; • a description of the status of the fishery and catch and effort information; • a statement of the performance of the fishery against objectives, performance indicators and measures once developed, and • research undertaken or completed relevant to the fishery. 	<p>Fisheries Queensland has produced and presented annual reports on the East Coast Spanish Mackerel Fishery to the department in a timely manner. The reports contain information on progress in implementing recommendations, catch and effort trends and research undertaken or completed relevant to the fishery.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that Fisheries Queensland continue to provide annual reports.</p>

Recommendation	Progress	Recommended Action
<p>1. Fisheries Queensland 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 assessment.</p>	<p>In the 'Annual Status Report 2008 – East Coast Spanish Mackerel Fishery,' Fisheries Queensland has reported that Queensland Boating and Fisheries Patrol District Operational Plans for 2008–09:</p> <ul style="list-style-type: none"> • had been finalised and implemented, and • included detailed strategies to address the priority compliance risks identified by the May 2007 East Coast Spanish Mackerel Compliance Risk Assessment . <p>Fisheries Queensland advises that annual operational plans, based on compliance risk assessment, are prepared and implemented by the Queensland Boating and Fisheries Patrol (the Queensland Government agency responsible for monitoring compliance with fisheries legislation).</p>	<p>The department considers that this recommendation has been met.</p>
<p>2. Fisheries Queensland 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, Fisheries Queensland 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, Fisheries Queensland to develop an appropriate management response.</p>	<p>In 2008 Fisheries Queensland implemented the 'Performance Measurement System - East Coast Spanish Mackerel Fishery - Version 1 – July 2008'. A report against the performance measures has been included in the 2008 annual status report for the fishery and in each subsequent annual status report.</p> <p>The performance measurement system was subsequently revised and is now in its second edition - the 'Performance Measurement System - East Coast Spanish Mackerel Fishery - Version 2 – February 2011.' Actions prescribed if a performance measure is triggered include that within three months of becoming aware that a performance measure has been triggered, Fisheries Queensland will finalise a clear timetable for implementation of the management response in consultation with fishery stakeholders.</p>	<p>The department considers that this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>3. Fisheries Queensland to consider undertaking a further assessment of the minimum level of observer coverage needed in the ECSMF.</p>	<p>Previous Australian Government assessments of the East Coast Spanish Mackerel Fishery identified a need to ensure adequate validation of catch and effort in the fishery. The department's 2007 assessment noted that Fisheries Queensland's state wide fishery observer program had provided little coverage of the East Coast Spanish Mackerel Fishery and a recommendation was made for Fisheries Queensland to consider undertaking a further assessment of the minimum level of observer coverage needed in the fishery.</p> <p>Fisheries Queensland has advised that it revised its Fisheries Observer Program across all fisheries in 2008, to better align data collection with management needs. At that time, Fisheries Queensland anticipated that observing all line fisheries in the same year would help to overcome the challenge to the observer program for the East Coast Spanish Mackerel Fishery. Most operators in the fishery also hold endorsements for other reef fish and the species targeted depends heavily on weather conditions during a fishing trip. This presented challenges in planning observer days for Spanish mackerel.</p> <p>Fisheries Queensland now reports that focussing the 2010-11 work plan for the Fisheries Observer Program on the east coast line fisheries resulted in 57 observer days undertaken for the East Coast Spanish Mackerel Fishery. Fisheries Queensland intends to assess the adequacy of observer coverage in the East Coast Spanish Mackerel Fishery following analysis and review of the 2010-11 data.</p> <p>The department also understands that planning is underway for staged validation of logbook data in all Queensland fisheries.</p>	<p>The department considers that this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>4. As part of the 2007 stock assessment, Fisheries Queensland to review the current Total Allowable Catch (TAC) for the ECSMF to ensure it is set at a sustainable level.</p>	<p>A Spanish mackerel stock assessment was completed in March 2008. The assessment, based on catch and biological data available up to June 2007, indicated that the east coast Spanish mackerel stock was fully fished. Following that stock assessment, Fisheries Queensland concluded that the total allowable commercial catch limit should be maintained at the current level.</p> <p>(The results of a subsequent stock assessment in 2010, using an updated stock model, [Campbell et al. 2011] led Fisheries Queensland to classify Spanish mackerel as sustainably fished in 2010 and 2011. Hence, no change to the total allowable commercial catch is proposed.)</p> <p>Fisheries Queensland continues to monitor the levels of catch and effort in the fishery through the performance measurement system and the annual stock status assessment process.</p>	<p>The department considers that this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>5. Fisheries Queensland 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.</p>	<p>The performance measurement system is the management tool by which Fisheries Queensland reviews the performance of the fishery annually against predetermined performance indicators and performance measures. Fisheries Queensland has recently revised the fishery's performance measurement system and the 'Performance Measurement System - East Coast Spanish Mackerel Fishery - Version 2 – February 2011' includes catch rates in specified spawning grids as a performance indicator for management of the target species.</p> <p>Research led by James Cook University is currently being undertaken into the effects of fishing on Spanish mackerel spawning aggregations. (Fisheries Research and Development Corporation project number 2010/007 - 'Utilising innovative technology to better understand Spanish mackerel spawning aggregations and the protection offered by marine protected areas').</p> <p>Fisheries Queensland performance measurement framework and annual stock status assessment process provide the means to incorporate research results into future management of the Spanish mackerel stock.</p>	<p>The department considers that this recommendation has been met.</p> <p>In relation to recommendation 4 (above) and recommendation 5, the department considers it important that Fisheries Queensland ensures opportunities exist for all relevant stakeholders to be consulted in development of future management arrangements for Spanish mackerel (see Recommendation 4, Table 2).</p>

Recommendation	Progress	Recommended Action
<p>6. Fisheries Queensland to provide reliable estimates of recreational take and factor this take into stock assessments and management controls, and to continue to investigate measures designed to control Spanish mackerel take by recreational fishers to ensure overall catch levels are sustainable.</p>	<p>Fisheries Queensland conducted a boat ramp survey in south east Queensland in 2007-08, which provided fine-scale catch information for the southern part of the state (Webley et al. 2009). Based on the survey results, the recreational catch conversion for Spanish mackerel was amended in 2008 from 12.2 kilograms/fish to 9.2 kilograms/fish. The new conversion factor was used to derive recreational catch estimates for input into the 2010 Spanish mackerel stock assessment (Campbell et al. 2011).</p> <p>Fisheries Queensland carried out a state-wide recreational fishing survey in 2010 and the department understands that updated estimates of recreational fishing participation, targeting of Spanish mackerel and catch levels were taken into account in the June 2012 annual stock status assessment.</p>	<p>The department considers that this recommendation has been met.</p>
<p>7. Fisheries Queensland 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 if necessary.</p>	<p>Fisheries Queensland's ongoing Long Term Monitoring Program monitors the size of Spanish mackerel caught in the commercial sector through catch sampling from fishers and fish processors. Fisheries Queensland's Fisheries Observer Program also undertakes regular measurement of Spanish mackerel at sea. Information collected from these programs informs the annual stock status assessment.</p>	<p>The department considers that this recommendation has been met.</p>

Table 3: The Department of Sustainability, Environment, Water, Population and Communities’ assessment of the Queensland East Coast Spanish Mackerel Fishery against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A.

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Parts 13 and 13A. A complete version of the EPBC Act can be found on the department’s website.

Part 13

Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes	The department’s assessment of the Queensland East Coast Spanish Mackerel Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy 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; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The East Coast Spanish Mackerel Fishery will be managed under the <i>Queensland Fisheries Act 1994</i> and the <i>Queensland Fisheries Regulation 2008</i>.</p> <p>The East Coast Spanish Mackerel Fishery management regime was first accredited in October 2004 and recredited in April 2008 following the replacement of the <i>Queensland Fisheries Regulation 1995</i> with the <i>Queensland Fisheries Regulation 2008</i>. The department considers that the management regime for the East Coast Spanish Mackerel Fishery still requires operators to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.</p> <p>Due to the targeted nature of the fishery, gear restrictions (maximum of three lines and up to six hooks per line) and the constant attendance of lines while fishing, the risk of interactions with listed threatened species is considered to be low. No protected species interactions have been reported from the fishery since species of conservation logbooks were introduced in the fishery in 2003.</p> <p>Therefore, the department considers that the current operation of the East Coast Spanish Mackerel Fishery is not likely to adversely affect the survival or recovery in nature of any listed threatened species.</p>

Part 13 (*cont.*)

Division 2 Migratory species Section 222A Minister may accredit plans or regimes	The department's assessment of the Queensland East Coast Spanish Mackerel Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The East Coast Spanish Mackerel Fishery will be managed under the <i>Queensland Fisheries Act 1994</i> and the <i>Queensland Fisheries Regulation 2008</i>.</p> <p>The East Coast Spanish Mackerel Fishery management regime was first accredited in October 2004 and reaccredited in April 2008 following the replacement of the <i>Queensland Fisheries Regulation 1995</i> with the <i>Queensland Fisheries Regulation 2008</i>. The department considers that the management regime for the East Coast Spanish Mackerel Fishery still requires operators to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of the fishing.</p> <p>Due to the targeted nature of the fishery, gear restrictions (maximum of three lines and up to six hooks per line) and the constant attendance of lines while fishing, the risk of interactions with listed migratory species is considered to be low. No protected species interactions have been reported from the fishery since species of conservation logbooks were introduced in the fishery in 2003.</p> <p>Therefore, the department considers that the current operation of the East Coast Spanish Mackerel Fishery is not likely to adversely affect the conservation status of a listed migratory species or a population of that species.</p>

Part 13 (cont.)

Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes	The department's assessment of the Queensland East Coast Spanish Mackerel Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The East Coast Spanish Mackerel Fishery will be managed under the Queensland <i>Fisheries Act 1994</i> and the Queensland Fisheries Regulation 2008.</p> <p>The East Coast Spanish Mackerel Fishery management regime was first accredited in October 2004 and reaccredited in April 2008 following the replacement of the Queensland Fisheries Regulation 1995 with the Queensland Fisheries Regulation 2008. The department considers that the management regime for the East Coast Spanish Mackerel Fishery still requires operators to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing.</p> <p>Due to the targeted nature of the fishery, gear restrictions (maximum of three lines and up to six hooks per line) and the constant attendance of lines while fishing, the risk of interactions with cetaceans is considered to be low. No protected species interactions have been reported from the fishery since species of conservation logbooks were introduced in the fishery in 2003.</p> <p>Therefore, the department considers that the current operation of the East Coast Spanish Mackerel Fishery is not likely to adversely affect the conservation status of any species of cetacean or a population of that species.</p>

Part 13 (*cont.*)

Division 4 Listed marine species Section 265 Minister may accredit plans or regimes	The department's assessment of the Queensland East Coast Spanish Mackerel Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>The East Coast Spanish Mackerel Fishery will be managed under the <i>Queensland Fisheries Act 1994</i> and the <i>Queensland Fisheries Regulation 2008</i>.</p> <p>The East Coast Spanish Mackerel Fishery management regime was first accredited in October 2004 and recredited in April 2008 following the replacement of the <i>Queensland Fisheries Regulation 1995</i> with the <i>Queensland Fisheries Regulation 2008</i>. The department considers that the management regime for the East Coast Spanish Mackerel Fishery still requires operators to take all reasonable steps to ensure that listed marine species are not killed or injured as a result of the fishing.</p> <p>Due to the targeted nature of the fishery, gear restrictions (maximum of three lines and up to six hooks per line) and the constant attendance of lines while fishing, the risk of interactions with listed marine species is considered to be low. No protected species interactions have been reported from the fishery since species of conservation logbooks were introduced in the fishery in 2003.</p> <p>Therefore, the department considers that the current operation of the East Coast Spanish Mackerel Fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>

Part 13 (*cont.*)

Section 303AA Conditions relating to accreditation of plans, regimes and policies	The department's assessment of the Queensland East Coast Spanish Mackerel Fishery
(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 East Coast Spanish Mackerel Fishery be accredited under sections 208A, 222A, 245 and 265.
(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: <ul style="list-style-type: none">(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 condition has been imposed on the accreditation of the East Coast Spanish Mackerel Fishery management regime under Part 13.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	

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 CITES⁴ 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.

⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora

Part 13A

Section 303DC Minister may amend list	The department's assessment of the Queensland East Coast Spanish Mackerel Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (a) including items in the list; (b) deleting items from the list; or (c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (d) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (e) correcting an inaccuracy or updating the name of a species. 	<p>The department recommends that product derived from the Queensland East Coast Spanish Mackerel Fishery be included in the list of exempt native specimens until 14 July 2017.</p>
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the East Coast Spanish Mackerel Fishery has been carried out under Part 10 of the EPBC Act.</p>

<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor. The department considers that the amendment of the list of exempt native specimens to include product taken in the East Coast Spanish Mackerel Fishery would be consistent with the provisions of Part 13A as:</p> <ul style="list-style-type: none"> ▪ the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1) ▪ the operation of the East Coast Spanish Mackerel Fishery during the period of the recommended inclusion is unlikely to be unsustainable and threaten biodiversity, and ▪ the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>The department considers that the consultation requirements have been met. The application from Fisheries Queensland was released for public comment from 22 June 2010 to 26 July 2010. The public comment period sought comment on:</p> <ul style="list-style-type: none"> ▪ the proposal to amend the list of exempt native specimens to include product derived from the East Coast Spanish Mackerel Fishery; and ▪ Fisheries Queensland's application. <p>No public comments were received.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the East Coast Spanish Mackerel Fishery made under section 303DC will be gazetted and made available on the</p>

	department's website.
--	-----------------------

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The department's assessment of the Queensland East Coast Spanish Mackerel Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The precautionary principle has been considered in the preparation of advice in relation to an amendment of the list of exempt native specimens under section 303DC.
(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.	

**The Department of Sustainability, Environment, Water, Population
and Communities' final recommendations to Fisheries Queensland for the
Queensland East Coast Spanish Mackerel Fishery**

The material submitted by Fisheries Queensland indicates that the East Coast Spanish Mackerel Fishery operates in accordance with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.'

Stock Status

Since the previous Australian Government assessment of the East Coast Spanish Mackerel Fishery, Fisheries Queensland has:

- finalised and implemented a performance measurement system for the fishery. The performance measurement system was revised in 2011, after two years of operation. The 'Performance Measurement System - East Coast Spanish Mackerel Fishery – Version 2 – February 2011' contains management objectives, performance indicators and performance measures for the fishery. The performance of the fishery against the measures is reviewed annually by Fisheries Queensland. For the target species, Spanish mackerel, the performance measurement system includes indicators related to:
 - total fishing mortality
 - trends in charter fishing catch of Spanish mackerel, and
 - standardised catch rates for important spawning areas and for the fishery as a whole.

The performance measurement system document indicates that Fisheries Queensland will review the performance measurement system at least every three to five years.

- implemented an annual stock status assessment program for all key fish stocks from 2010 onwards. In 2010 and 2011, the stock status of Spanish mackerel was classified as sustainably fished, and
- undertaken a quantitative stock assessment for Spanish mackerel during 2010. The 2010 stock assessment used a new age structured stock model, and incorporated new data obtained from Fisheries Queensland's Long Term Monitoring Program.

Management controls related to Spanish mackerel include:

- limited entry
- total closures to the take of Spanish mackerel in certain areas
- commercial vessel size restrictions
- limits on the number of tender boats which can be used under commercial fishing boat licences
- limits on the number of lines and hooks which can be used per person
- a minimum size limit of 75 cm (fork length)
- annual commercial catch limits, shared through individual transferable quotas, and
- a recreational possession limit of three fish.

The department considers that the range of management measures employed in the East Coast Spanish Mackerel Fishery are sufficient to ensure that the fishery is conducted in a manner that does not lead to over-fishing and that stocks are not currently overfished.

Ecosystem Impacts

Taking into account the management measures for Spanish mackerel and the minimal or lack of byproduct and bycatch, the department considers that fishing operations in the East Coast Spanish Mackerel Fishery are managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

Conclusion

The department believes that product taken in the East Coast Spanish Mackerel Fishery should be exempt from the export controls of Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*, with that exemption to be reviewed in five years. To contain and minimise the risks in the longer term the recommendations listed in Table 4 have been made.

Table 4: Queensland East Coast Spanish Mackerel Fishery Assessment – Summary of Issues and Recommendations – July 2012

	Issue	Recommendation
1	<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any changes that are made to the management regime 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 operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.</p>	<p>Recommendation 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 <i>Fisheries Act 1994</i>.</p> <p>Recommendation 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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>
2	<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the department annually in order for the performance of the fishery and progress in implementing the recommendations in this report and other managerial commitments to be monitored and assessed.</p> <p>Annual reports should include a description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and information outlining progress in implementing recommendations resulting from the previous accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the Australian Government's 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' available from the department's website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	<p>Recommendation 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.'</p>

3	<p><u>Complementary Management</u></p> <p>At the time of the 2007 Australian Government assessment of the East Coast Spanish Mackerel Fishery, there were seven fishery-specific management advisory committees in operation. Consultation for the East Coast Spanish Mackerel Fishery occurred through the Reef Fisheries Management Advisory Committee (ReefMAC). In 2010, the then Queensland Minister for Primary Industries, Fisheries and Rural and Regional Queensland announced that a single Queensland Fisheries Advisory Committee (QFAC) had been established. The aim of the QFAC was ‘to establish a single, open, transparent committee with a strong strategic focus on the management of all aspects of Queensland’s fisheries⁵’.</p> <p>Under the Australian Government ‘Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition,’ a fishery management regime should be developed through a consultative process providing opportunity to all interested and affected parties. A management regime should also ensure that appropriate expertise and community views are utilised in individual fishery management committees and during the stock assessment process.</p> <p>Much of the fishing effort in the East Coast Spanish Mackerel Fishery occurs within the Great Barrier Reef World Heritage Area and the Great Barrier Reef Marine Park. Therefore the department considers it necessary for Fisheries Queensland to maintain consultative arrangements with relevant stakeholders including commercial and recreational fishers, community groups, the Great Barrier Reef Marine Park Authority and conservation organisations on management arrangements for the fishery.</p> <p>The department considers it important that Fisheries Queensland facilitate consultative mechanisms which ensure that stakeholder views and relevant expertise are taken into account when developing management arrangements.</p>	<p>Recommendation 4: Fisheries Queensland to ensure that:</p> <ul style="list-style-type: none"> 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.
---	--	--

⁵ Queensland Government Ministerial Media Statements: <http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=71579> (Accessed 18 May 2012).

References

Campbell, AB, O'Neill, MF, Staunton-Smith, J, Atfield, J and Kirkwood, J (2011) Stock assessment of the Australian East Coast Spanish mackerel (*Scomberomorus commerson*) fishery. DEEDI, Brisbane.

Webley, J, Taylor, S, Mayer, D, Dew, K and Olyott, L (2009) Survey of marine boat-based recreational fishing in south-eastern Queensland (2007–08). Queensland Government.

Acronyms

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DEWHA	Department of the Environment, Water, Heritage and the Arts
ECSMF	East Coast Spanish Mackerel Fishery
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
SOCI	Species of Conservation Interest (logbook)
TAC	total allowable catch
TACC	total allowable commercial catch