



Australian Government

Department of the Environment, Water, Heritage and the Arts

Assessment of the
Queensland Coral Fishery

June 2009

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Disclaimer

This document is an assessment carried out by the Department of the Environment, Water, Heritage and the Arts 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 Delegate of the Minister for the Environment, Heritage and the Arts 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, Heritage and the Arts or the Australian Government.

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Table 1: Summary of the Queensland Coral Fishery (QCF)

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • Queensland <i>Fisheries Act 1994</i> • Queensland <i>Fisheries Regulation 2008</i> • <i>Great Barrier Reef Marine Park Act 1975</i> • Queensland <i>Marine Parks Act 1982</i> • Annual Status Report 2008 – Coral Fishery • Annual Status Report 2007 Coral Fishery • Policy for the Management of the Coral Fishery • Ecological Risk Assessment of the Queensland Coral Fishery (ERA) • A vulnerability assessment of coral taxa collected in the Queensland Coral Fishery • Performance Measurement System – Queensland Coral Fishery (PMS)
<p>Area</p>	<p>The QCF operates along the east coast of Queensland between 10°41'S and 24°30'S (not including areas closed through general fisheries closures or marine parks zoning under the Commonwealth <i>Great Barrier Reef Marine Park Act 1975</i> and the Queensland <i>Marine Parks Act 1982</i>). Two smaller collection areas exist south of 24°30'S however access to those areas is restricted through licence conditions.</p> <p>See map at Attachment A.</p>
<p>Fishery status</p>	<p>The fishery status is considered to be uncertain.</p>
<p>Target Species</p>	<p>Collection is based on a broad range of species from the classes Anthozoa and Hydrozoa with the key components being:</p> <ul style="list-style-type: none"> • Live corals (including anemones, soft and hard corals); • Ornamental (non living) corals; • Living rock (dead coral skeletons with algae and other organisms living on them); and • Coral rubble (coarsely broken up coral fragments). <p>When collecting live rock and coral rubble, coral sand is also harvested incidentally with a trip limit of five litres.</p>
<p>Byproduct Species</p>	<p>Due to the selective nature of the fishery there are no byproduct species.</p>
<p>Gear</p>	<p>Coral may only be taken by hand or by using hand-held non-mechanical devices, such as a hammer and chisel. Underwater breathing apparatus such as Self Contained Underwater Breathing Apparatus (SCUBA) and hookah may be used by licence holders.</p> <p>Recreational fishers are not permitted to use SCUBA or hookah.</p>
<p>Season</p>	<p>There is no defined fishing season for the QCF, and fishing occurs throughout the year.</p>
<p>Commercial harvest 2007-2008</p>	<p>Commercial harvest for the 2007-2008 period was approximately 105 tonnes (t) consisting of 67 t of live rock, 19 t live coral, 14 t ornamental coral and 5 t of coral rubble.</p>
<p>Value of commercial</p>	<p>There is currently no estimated value of commercial harvest available.</p>

harvest	
Take by other sectors	There is no estimate for take by other sectors although it is thought to be low.
Commercial licences issued	There are 59 commercial licences within the QCF.
Management arrangements	<p>The QCF is managed under the Policy for the Management of the Coral Fishery January 2009 in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p><u>Output controls</u></p> <ul style="list-style-type: none"> • Commercial Total Allowable Catch (TAC) of 200 t. • Catch limits of 140 t for live rock and 60 t for live coral. • Trigger limits for high use areas (Cairns and the Keppels). <ul style="list-style-type: none"> ○ Cairns area – trigger limits of 80 t, 13 t, and 5 t for live rock, live coral, and ornamental coral respectively ○ Keppel region – trigger limits of 24 t, 11 t, and 1 t for live rock, live coral, and ornamental coral respectively. <p><u>Input controls</u></p> <ul style="list-style-type: none"> • Limited entry. • Gear restrictions (hand collection with non mechanical devices). <p>A PMS has been implemented in the QCF, as well as a Bleach Watch program and a voluntary industry Code of Conduct. An ERA has also been undertaken for the QCF to inform management arrangements.</p>
Export	Small amounts of coral are exported world wide.
Bycatch	Due to the selective nature of the fishery, there is no bycatch.
Interaction with Protected Species¹	<p>Due to the selective nature of the fishery and the relatively benign harvesting methods used, it is unlikely that interactions with protected species will occur.</p> <p>To date, no interactions with protected species have been reported.</p>
Ecosystem Impacts	Due to the benign harvesting method used in the fishery (hand harvesting with handheld non mechanical devices), impacts to the physical ecosystem are negligible.
Impacts on Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed specimens	<p>The assessment considered the possible impacts on species harvested in the QCF which are listed under CITES (see Table 3). As a party to the Convention, Australia must apply all CITES provisions of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) to CITES imports and exports as appropriate.</p> <p>CITES species that are permitted to be harvested in the QCF include:</p> <ul style="list-style-type: none"> • Black Corals (<i>Antipatharia</i> spp.); • Red Corals (<i>Gorgonaceae</i> spp.);

¹ 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.

	<ul style="list-style-type: none"> • Blue Corals (<i>Helioporidae</i> spp.); • Stony Corals (<i>Scleractinia</i> spp.); • Organ Pipe Corals (<i>Tubiporidae</i> spp.); • Fire Corals (<i>Milleporidae</i> spp.); and • Lace Corals (<i>Stylasteridae</i> spp.). <p>As Part 13A of the EPBC Act incorporates the requirements of CITES, there are no changes to the criteria for export approval, aside from administrative changes to the permits issued. Specimens listed above taken from the wild still require a CITES export permit to export the specimens overseas.</p>
<p>Impacts on World Heritage property</p>	<p>The assessment also considered the possible impacts on the World Heritage values of the Great Barrier Reef World Heritage Area (GBRWHA). The Department of the Environment, Water, Heritage and the Arts (DEWHA) believes that the relatively benign method of harvest within the QCF and the comprehensive management arrangements in place, provide adequate protection for the World Heritage values of the GBRWHA.</p> <p>On this basis DEWHA considers that an action taken by an individual fisher, acting in accordance with the management regime for the QCF, would not be expected to have a significant impact on a matter protected by the EPBC Act.</p>

Table 2: Progress in implementation of conditions and recommendations made in initial assessment of the QCF

Condition	Progress	Recommended Action
<p>1. Operation of the fishery will be carried out in accordance with the Queensland Coral Fishery management regime in force under Queensland's <i>Fisheries Act 1994</i> and <i>Fisheries Regulation 2008</i>.</p>	<p><i>Met and ongoing.</i> The operations of the QCF have been carried out in accordance with the management regime in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 1995 and 2008</i>.</p>	<p>This condition has been met and will continue to apply under the new Wildlife Trade Operation (WTO) declaration for this fishery for the next three years.</p> <p>Refer to Condition 1, Table 4.</p>
<p>2. The Queensland Department of Primary Industries and Fisheries (DPI&F) will inform DEWHA 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.</p>	<p><i>Met and ongoing.</i> Queensland Primary Industries and Fisheries (QPIF – formerly DPI&F) has informed DEWHA of intended changes to the management arrangements for the QCF that have been made over the life of the WTO.</p> <p>The new Policy for the Management of the Coral Fishery will come into effect 1 July 2009.</p>	<p>This condition has been met and will continue to apply under the new WTO declaration for this fishery for the next three years.</p> <p>Refer to Condition 2, Table 4.</p>
<p>3. Reports to be produced and presented to DEWHA annually, and to include:</p> <ul style="list-style-type: none"> i. information sufficient to allow assessment of the progress of DPI&F in implementing the recommendations made in the 	<p><i>Met and ongoing.</i> Annual Status Reports (ASRs) for the QCF were prepared for 2007 and 2008 and are publicly available from the QPIF website. The reports provide progress on the implementation of recommendations, a description of the fishery, catch and effort trends, compliance reports and research undertaken or completed in the</p>	<p>This condition has been met and will continue to apply under the new WTO declaration for this fishery for the next three years.</p> <p>Refer to Condition 3, Table 4.</p>

<ul style="list-style-type: none"> ii. a description of the status of the fishery and catch and effort information; iii. a statement of the performance of the fishery against objectives, performance indicators and measures once developed; and iv. research undertaken or completed relevant to the fishery. 	<p>fishery.</p>	
Recommendation	Progress	Recommended Action
<p>1. DPI&F to inform DEWHA 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.</p>	<p><i>Met and ongoing.</i> Queensland Primary Industries and Fisheries (QPIF – formerly DPI&F) has informed DEWHA of intended changes to the management arrangements for the QCF that have been made over the life of the WTO.</p> <p>The new Policy for the Management of the Coral Fishery will come into effect 1 July 2009</p>	<p>This recommendation has been met and will continue to apply under the new WTO declaration for this fishery for the next three years.</p> <p>Refer to Condition 2, Table 4.</p>

<p>2. Within 18 months of the implementation of the Queensland Policy for the Management of the Coral Fishery DPI&F, in collaboration with relevant stakeholders, to develop fishery specific objectives linked to performance indicators and performance measures for target, bycatch, protected species and impacts on the ecosystem.</p>	<p><i>Met.</i> A draft PMS was developed by the Coral and Aquarium Working Group in March 2008. The PMS incorporated outcomes of the ERA of the QCF (December 2007) and the Coral Policy Review (February 2008) in the development of appropriate objectives and associated review reference points.</p> <p>Outputs from the ERA have provided a basis for developing performance indicators aimed at measuring management performance in maintaining ecological sustainability of the species supporting the QCF.</p> <p>The ERA report identified no harvested taxa as higher than low risk from this fishery. Species identified as low risk from the operation of the QCF, are monitored through the PMS. Formal implementation of the PMS is underway and will be completed before the commencement of fishing under the new Policy on 1 July 2009.</p>	<p>DEWHA commends QPIF on the implementation of the PMS for the QCF and considers this recommendation to be met. The review planned for the PMS will be considered during the next assessment of the QCF.</p>
<p>3. DPI&F, in collaboration with relevant stakeholders, to monitor the status of the</p>	<p><i>Met.</i> A PMS has been implemented and based on information gained as part of the</p>	<p>DEWHA commends QPIF on the implementation of the PMS for the QCF and considers this recommendation to be met. The review planned for the PMS will be considered during the</p>

	<p>ERA process. Performance measures will be regularly assessed and reported against in the timeframes specified within the PMS.</p>	<p>next assessment of the QCF.</p>
<p>4. Within 6 months of the Queensland Policy for the Management of the Coral Fishery being implemented, DPI&F, in collaboration with the Great Barrier Reef Marine Park Authority (GBRMPA) and Queensland Parks and Wildlife Service (QPWS), to conduct a compliance risk assessment for the QCF. DPI&F to develop and implement strategies to address all identified risks (other than risks categorised as low) within 3 months of their identification.</p>	<p><i>Met.</i> A Compliance Risk Assessment (CRA) was conducted for the QCF in October 2006. Strategies to address identified risks have been incorporated in Queensland Boating and Fisheries Patrol (QBFP) operational plans.</p> <p>The QBFP used the CRA outputs to plan operational activities associated with management of the fishery. Through identification and prioritisation of compliance risks associated with the fishery, planning and operational process in specific areas may be improved. QPIF has committed to reviewing and updating the CRA in late 2009.</p>	<p>DEWHA commends QPIF on the completion of the CRA for the QCF and encourages the review of the CRA planned for 2009. Recommendation 4 also required the CRA to be conducted six months after the implementation of the Queensland Policy for the Management of the Coral Fishery.</p> <p>QPIF has committed to reviewing and updating the CRA in late 2009. DEWHA expects that on completion of the review, QPIF will advise DEWHA of the outcomes.</p>

<p>5. DPI&F to implement data validation mechanisms for fishery dependent data for the QCF within 6 months.</p>	<p><i>Met.</i> Data validation procedures were implemented for the QCF on 1 July 2006 through prior reporting arrangements under the Coral Policy and via licence conditions. The arrangement now requires all coral harvesters to provide a report of their catch to QPIF via a 24 hour phone system before coming into port.</p> <p>Validation of logbook information provides confidence in the accuracy of reporting by commercial fishers. With greater reliance on logbook data for ecological assessments, there is a need for authentication of the information reported by fishers through the logbook program.</p>	<p>DEWHA considers the recommendation to be met.</p>
<p>6. DPI&F to finalise a data sharing agreement with GBRMPA and QPWS within six months of the start of the WTO.</p>	<p><i>Ongoing.</i> A formal data sharing arrangement is yet to be finalised for the QCF. However an informal arrangement is currently in place between the three agencies and provides the basis for a formal agreement.</p>	<p>DEWHA commends QPIF on the informal data sharing arrangements that are already in place, and considers the streamlining of the reporting process for fishers is providing a greater consistency in data received. The data is currently shared between agencies to inform management tools, and DEWHA considers that a formal arrangement will ensure a reliable information collection system into the future for the QCF.</p> <p>This recommendation has been partially met and will continue to apply under the new WTO declaration for this fishery.</p> <p>Refer to Recommendation 2, Table 4.</p>

<p>7. DPI&F to develop a research strategy for the QCF within 18 months. DPI&F will cooperate with other Australian jurisdictions with marine aquarium fisheries to facilitate research.</p>	<p><i>Met.</i> QPIF recently developed the <i>Harvest Fishery Research and Development Priorities (2008 – 2013)</i> document which aims to:</p> <ul style="list-style-type: none"> ○ Focus the development of research and development projects for the Queensland harvest fishery sectors; ○ Provide a publicly available document to disseminate research priorities as identified by the Harvest Fisheries Scientific Advisory Group and endorsed by the Harvest Management Advisory Committee to research providers and funding organisations; and ○ Provide a register of past and ongoing relevant research. <p>The development of research priorities and strategy within the document incorporated outcomes from the QCF ERA. Strategically focused research effort will benefit management of the QCF by ensuring information is being collected on priority research and management needs for the fishery.</p>	<p>DEWHA commends QPIF on the implementation of the <i>Harvest Fishery Research and Development Priorities (2008 – 2013)</i> and considers ongoing research and development to be an important factor in fisheries management. DEWHA will review this recommendation during the next assessment of the QCF in 2013 to ensure the document is updated and continues past 2013.</p>
<p>8. Within 3 months of the review of the Policy DPI&F, in collaboration with relevant stakeholders, will develop and</p>	<p><i>Met and ongoing.</i> In August 2007 the Coral Policy Review group identified that an ERA approach would best meet the requirement</p>	<p>DEWHA commends QPIF on the completion of the ERA to identify risks of localised depletion within the commercial sector of the QCF.</p>

	<p>to review the risk of unsustainable harvest levels in high use areas in the fishery, and to identify any harvest areas and species groups at risk of localised depletion.</p> <p>A Coral Fishery ERA Workshop involving industry members, research scientists, QPIF and GBRMPA was conducted in December 2007. The ERA report identified no harvested taxa as higher than low risk from this fishery. QPIF undertakes to review the outcomes of the ERA every three years.</p> <p>Outputs from the ERA indicate there is a negligible to low risk for local concentration of harvesting effort in the QCF that leads to localised and serial depletion of harvested species. Trigger reference points have also been included in the PMS for high use areas. Should they be triggered, management measures will be put in place to address this.</p>	<p>The PMS for the QCF also incorporates triggers and management measures to monitor collection of corals and identify increases in take in particular regions. DEWHA commends QPIF's use of spatial management to reduce the likelihood of localised depletion in high use areas, and the monitoring carried out through the PMS. DEWHA also notes that commercial operators are currently required to report the location of their catch by dive site and latitude and longitude, and that this data is available for analysis by QPIF when required. Public reporting of spatial information through the annual status reports and the PMS are conducted at the 6 nautical mile scale to protect operator confidentiality through the less than 5 boat agreement. If performance measures in the PMS are triggered, QPIF management can access and analyse the finer scale information. In order to assist in the management and reduction of any localised depletion that may occur, it is important that this practice continues and is documented. DEWHA therefore recommends that QPIF continues to investigate finer spatial scale analysis of data if PMS indicators are triggered.</p> <p>Refer to Recommendation 1, Table 4.</p>
<p>9. Within 18 months, DPI&F to develop a process to improve estimates of recreational and Indigenous take and factor these, along with permitted</p>	<p><i>Ongoing.</i> The QCF is considered to be a predominantly commercial fishery. Very little coral habitat is available outside of State Marine Parks and the Great Barrier Reef</p>	<p>Recreational take of corals is currently limited to areas outside of State Marine Parks and the GBRMP. While recreational take of corals is thought to be low due to the small amount of coral habitat available to recreational fishers, anecdotal reports suggest that recreational take could be greater than current</p>

	<p>Marine Park (GBRMP) where recreational collection is permitted. Although there are no quantitative data available, the recreational harvest of coral and coral related products is considered negligible. Collecting coral is not considered to be a part of traditional or customary fishing practice by Indigenous fishers.</p> <p>QPIF will continue to investigate methods for improving the estimates of recreational and Indigenous catch relevant to the QCF. The permitted take under research and other relevant permits will also be considered in fishery assessments and management controls.</p>	<p>estimates. DEWHA considers that these figures need to be taken into account when setting the TAC, to ensure catch is set at a sustainable level.</p> <p>Due to the limited areas available to recreational fishers, there is potential for localised depletion by this sector. If recreational take is found to be significant, or monitoring shows an increase in recreational take, DEWHA expects that QPIF will investigate the potential for localised depletion as a result of concentrated fishing in those areas available to recreational fishers.</p> <p>DEWHA considers this recommendation to be ongoing and will continue to apply under the new WTO declaration for this fishery.</p> <p>Refer to Recommendation 1, Table 4.</p>
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Table 3: The Department of the Environment, Water, Heritage and the Arts (DEWHA) assessment of the QCF 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 DEWHA website.

Part 13

<p>Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the QCF</p>
<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 QCF will be managed under the Policy for the Management of the Coral Fishery January 2009 in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>Since the previous Part 13 accreditation in 2008, significant improvements have been made to the management regime of the fishery. QPIF has developed a new policy for the management of the QCF, as well as a PMS, Coral Stress Response Plan and ERA. Given the limited entry provisions, the selective nature of the fishery and that no protected species interactions have been reported to date, DEWHA considers that all reasonable steps are being taken to prevent the killing or injuring of threatened species and that the QCF does not, and is not likely to, adversely affect the survival or recovery in nature of any listed threatened species.</p>

<p>Division 2 Migratory species Section 222A Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the QCF</p>
<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> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <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 QCF will be managed under the Policy for the Management of the Coral Fishery January 2009 in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>Since the previous Part 13 accreditation in 2008, significant improvements have been made to the management regime of the fishery. QPIF has developed a new policy for the management of the QCF, as well as a PMS, Coral Stress Response Plan and ERA. Given the limited entry provisions, the selective nature of the fishery and that no protected species interactions have been reported to date, DEWHA considers that all reasonable steps are being taken to prevent the killing or injuring of listed migratory species and that the QCF does not, and is not likely to, adversely affect the conservation status of any listed migratory species or a population of that species.</p>

<p>Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the QCF</p>
<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> <p>i. made by a State or self-governing Territory; and</p>	<p>The QCF will be managed under the Policy for the Management of the Coral Fishery January 2009 in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p>

<p>ii. in force under a law of the State or self-governing Territory;</p> <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>Since the previous Part 13 accreditation in 2008, significant improvements have been made to the management regime of the fishery. QPIF has developed a new policy for the management of the QCF, as well as a PMS, Coral Stress Response Plan and ERA. Given the limited entry provisions, the selective nature of the fishery and that no protected species interactions have been reported to date, DEWHA considers that all reasonable steps are being taken to prevent the killing or injuring of cetacean species and that the QCF does not, and is not likely to, adversely affect the conservation status of any cetacean species or a population of that species.</p>
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<p>Division 4 Listed marine species Section 265 Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the QCF</p>
<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> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <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>The QCF will be managed under the Policy for the Management of the Coral Fishery January 2009 in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>Since the previous Part 13 accreditation in 2008, significant improvements have been made to the management regime of the fishery. QPIF has developed a new policy for the management of the QCF, as well as a PMS, Coral Stress Response Plan and ERA. Given the limited entry provisions, the selective nature of the fishery and that</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>no protected species interactions have been reported to date, DEWHA considers that all reasonable steps are being taken to prevent the killing or injuring of listed marine species and that the QCF does not, and is not likely to, adversely affect the conservation status of any listed marine species or a population of that species.</p>
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Section 303AA Conditions relating to accreditation of plans, regimes and policies	DEWHA assessment of QCF
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	DEWHA recommends that the QCF be accredited under sections 208A, 222A, 245 and 265.
<p>(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:</p> <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. <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	No condition has been imposed on QCF 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 303 CG Minister may issue permits (CITES species)	DEWHA assessment of the QCF
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to: <ul style="list-style-type: none"> i. the survival of any taxon to which the specimen belongs; or 	<p>Given the fishery’s management arrangements in place to monitor and control the level of harvest of CITES species and noting the minimal level of CITES species being exported from the fishery, DEWHA considers that the QCF will not be detrimental to the survival of any taxon to which the CITES specimen belongs in the short to medium term. A condition on the WTO declaration for the QCF includes an</p>

<p>ii. the recovery in nature of any taxon to which the specimen belongs; or</p> <p>iii. any relevant ecosystem (for example, detriment to habitat or biodiversity).</p>	<p>annual reporting requirement, which will allow DEWHA to monitor the status of CITES specimens harvested in the fishery.</p> <p>The CITES specimens harvested from the fishery are not considered to be overfished within the QCF and managements arrangements in place including a TAC, PMS and trigger limits in high use areas assist in ensuring their ecologically sustainable harvest. CITES species harvested in the QCF include:</p> <ul style="list-style-type: none"> • Black Corals (<i>Antipatharia</i> spp.); • Red Corals (<i>Gorgonaceae</i> spp.); • Blue Corals (<i>Helioporidae</i> spp.); • Stony Corals (<i>Scleractinia</i> spp.); • Organ Pipe Corals (<i>Tubiporidae</i> spp.); • Fire Corals (<i>Milleporidae</i> spp.); and • Lace Corals (<i>Stylasteridae</i> spp.). <p>Recognising the nature of harvest and gear used in the fishery (hand collection with the use of hand-held non-mechanical apparatus), the potential for the QCF to impact unacceptably and unsustainably on any relevant ecosystem generally is considered low. DEWHA is satisfied that the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>
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Section 303DC Minister may amend list	DEWHA assessment of the QCF
<p>(1) Minister may, by instrument in 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 of revoking a condition or restriction to which the 	<p>No amendment to the List of Exempt Native Specimens (LENS) is required as product derived from the QCF approved WTO is already included on the LENS.</p>

(e) correcting an inaccuracy or updating the name of a species.	
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Section 303FN Approved wildlife trade operation	DEWHA assessment of the QCF
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <i>approved wildlife trade operation</i> for the purposes of this section.	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p>i. the survival of a taxon to which the operation relates; or</p> <p>ii. the conservation status of a taxon to which the operation relates; and</p> <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p>	<p>The QCF is consistent with the objects of Part 13A (listed after this table) as:</p> <ul style="list-style-type: none"> ▪ 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 QCF is unlikely to be unsustainable and threaten biodiversity within the next three years; and ▪ the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (EPBC Regulations) do not specify fish as a class of animal in relation to the welfare of live specimens. <p>DEWHA considers that the QCF will not be detrimental to the survival or conservation status of a taxon to which it relates within the next three years, given the management measures currently in place, which include gear restrictions, limited entry, TAC, trigger limits, and a PMS.</p> <p>DEWHA considers that the QCF will not threaten any relevant ecosystem within the next three years, given the management measures currently in place, which include gear restrictions, limited entry, a TAC limit and trigger limits, and PMS.</p>

<p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>The EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.</p> <p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>DEWHA considers that the QCF will not have a significant impact on any relevant ecosystem within the next three years, given the nature of harvest and gear used in the fishery (hand collection with the use of hand-held apparatus), limited entry and TAC limits in place.</p> <p>The management arrangements that will be employed for the QCF are likely to be effective including limited entry, TAC, PMS and trigger limits.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The QCF will be managed under the Policy for the Management of the Coral Fishery January 2009 in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>The Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i> applies throughout Queensland waters.</p> <p>The management arrangements that will be employed for the QCF are likely to be effective including the TAC, limited entry, PMS and nature of the harvest and gear used in the fishery (hand collection with the use of hand-held apparatus).</p>

<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The QCF is a commercial fishery.</p>
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Section 303FR Public consultation	DEWHA assessment of the QCF
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>DEWHA considers that consultation requirements of the EPBC Act for declaring a WTO have been met. A public notice, which set out the proposal to declare the QCF a WTO and included the Policy for the Management for the Coral Fishery, ASRs for 2007 and 2008 as well as additional reference material, was released for public comment which closed on 29 May 2009 with no submissions received.</p>
<p>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p>	<p>A public notice, which set out the proposal to declare the QCF a WTO and included the Policy for the Management for the Coral Fishery, ASRs for 2007 and 2008 as well as additional reference material was released for public comment on 29 April 2009 and closed on 29 May 2009, a total of 22 business days.</p>
<p>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p>No public comments about the proposal were received.</p>

Section 303FT Additional provisions relating to declarations	DEWHA assessment of the QCF
<p>(1) This section applies to a declaration made under section 303FN,</p>	<p>A declaration for the QCF will be made under section 303FN.</p>

303FO or 303FP.	
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial fishery WTOs include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime; • notifying DEWHA of changes to the management regime; • annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>; and • notifying DEWHA prior to any changes to management arrangements relating to CITES listed species. <p>The WTO instrument for the QCF specifies the standard and any additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the Internet.	The instrument for the QCF made under sections 303FN and the conditions under section 303FT will be gazetted and made available on the DEWHA website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	DEWHA assessment of the QCF
(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 when making a decision to include specimens on the LENS.
(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.	

Objects of Part 13A

- (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.

Final recommendations to QPIF for the QCF

The material submitted by QPIF demonstrates that the management arrangements for the QCF meet most of the requirements of the Australian Government *Guidelines for the ecologically sustainable management of fisheries 2nd edition*. DEWHA recognises the management arrangements in place, which include limited entry, a TAC limit and trigger limits, and a PMS. DEWHA also recognises the implementation of the Coral Stress Response Plan for the Coral and Marine Aquarium Fish Fisheries, the Industry Stewardship Action Plan, and the recent ERA for the Coral Fishery; and considers the management arrangements for the fishery render it somewhat resilient to fishing. As such, DEWHA considers that overall the management regime aims to ensure that fishing is conducted in a manner that does not lead to overfishing and for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While the fishery is relatively well managed, DEWHA has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised:

- the need to continue to consult with DEWHA prior to changes to management arrangements for CITES listed species;
- the need to investigate smaller spatial scale analysis of data in the QCF if a performance indicator is triggered; improve estimates of recreational take within the QCF; and to factor these estimates as well as permitted take under research and other relevant permits into fishery assessments and management controls; and
- the lack of formal data sharing arrangements between QPIF, GBRMPA and QPWS.

DEWHA is satisfied that the fishery will not be detrimental to the survival or conservation status of the taxon to which it relates in the short to medium term. Similarly, it is not likely to threaten any relevant ecosystem in the short to medium term. To contain and minimise the risks in the longer term the recommendations listed below have been made. The key challenges for this fishery will be investigating finer spatial scale analysis of data if performance indicators are triggered, improving estimates of take from the recreational sector, factoring these estimates as well as permitted take under research and other relevant permits into fishery assessments and management controls; and formalising the data sharing arrangements for the fishery. DEWHA considers that, until it can be demonstrated that these issues have been adequately dealt with, a three-year WTO declaration is appropriate.

DEWHA considers that the operation of the fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. DEWHA also considers that under the management plan operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and no interactions under current fishing operations have occurred.

Since the previous Part 13 accreditation in 2008, significant improvements have been made to the management regime for the QCF. However, the management arrangements for the QCF have changed significantly since this accreditation was granted. QPIF has

developed a new policy for the management of the QCF which will come into effect on 1 July 2009, as well as a Performance Measurement System and Coral Stress Response Plan. DEWHA considers the new arrangements represent an improvement to management and will continue to provide for the QCF to be managed in an ecologically sustainable way. Given the hand collection method used in the fishery and that no interactions with protected species have been recorded, DEWHA considers it appropriate to accredit the management regime for the fishery under Part 13 of the EPBC Act.

Unless a specific time frame is provided in the recommendation, each recommendation must be addressed within the life of the declaration (three years). Note that a standard condition of a WTO is an annual reporting requirement, the details of which are provided below.

Table 4: QCF Assessment– Summary of Issues, Conditions and Recommendations, June 2009

	Issue	Condition
1	<p><u>General Management</u> Export decisions relate to the arrangements in force at the time of the decision. In order to ensure that these decisions remain valid and export approval continues uninterrupted, DEWHA needs to be advised of any changes that are made 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 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>Condition 1: Operation of the fishery will be carried out in accordance with the Queensland Coral Fishery (QCF) management arrangements in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>Condition 2: Queensland Primary Industries and Fisheries (QPIF) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the assessment of the QCF against the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) decisions are based.</p>
2	<p><u>Annual Reporting</u> It is important that reports be produced and presented to DEWHA annually in order for the performance of the fishery and progress in implementing the conditions and recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</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 conditions and recommendations resulting from the previous</p>	<p>Condition 3: QPIF to produce and present reports to DEWHA annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition</i>.</p>

	<p>accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the Guidelines available from the DEWHA website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	
3	<p><u>Management arrangements for CITES listed species</u></p> <p>This assessment considered the possible impacts on species harvested in the QCF which are listed under CITES. As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate.</p> <p>DEWHA has assessed the possible impacts of fishing in the QCF on the following CITES species that have been identified by QPIF to be harvested in, and possibly exported from, the fishery:</p> <ul style="list-style-type: none"> • Black Corals (<i>Antipatharia</i> spp.); • Red Corals (<i>Gorgonaceae</i> spp.); • Blue Corals (<i>Helioporidae</i> spp.); • Stony Corals (<i>Scleractinia</i> spp.); • Organ Pipe Corals (<i>Tubiporidae</i> spp.); • Fire Corals (<i>Milleporidae</i> spp.); and • Lace Corals (<i>Stylasteridae</i> spp.). <p>To ensure that EPBC Act requirements are met in relation to CITES-listed species, QPIF will continue to advise DEWHA of any additional CITES species being, likely to be, or able to be harvested in the fishery, including the level of harvest.</p> <p>All CITES specimens listed above still require a CITES export permit to export the specimens.</p>	<p>Condition 4: QPIF to consult with DEWHA prior to implementing any changes to the management arrangements for a species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora or EPBC Act listed species.</p>
	Issue	Recommendation
4	<u>Improve and refine estimates of take from the QCF for incorporation into management</u>	Recommendation 1: QPIF to:

controls

The overall commercial TAC for the QCF of 200 t is split into two main categories being: live rock which includes ornamental coral (140 t) and live coral (60 t). Within the TAC of 200 t, smaller spatial catch limits also apply to the Cairns and Keppel regions, aimed at addressing localised concentration of commercial fishing effort. The Cairns area has trigger limits of 80 t, 13 t, and 5 t for live rock, live coral, and ornamental coral respectively and the Keppel region has trigger limits of 24 t, 11 t, and 1 t for live rock, live coral, and ornamental coral respectively.

The PMS for the QCF also incorporates triggers and management measures to monitor collection of corals and identify increases in take in particular regions. DEWHA commends QPIF's use of spatial management to reduce the likelihood of localised depletion in high use areas, and the monitoring carried out through the PMS. DEWHA also notes that commercial operators are currently required to report the location of their catch by dive site and latitude and longitude, and that this data is available for analysis by QPIF when required. Public reporting of spatial information through the annual status reports and the PMS are conducted at the 6 nautical mile scale to protect operator confidentiality through the less than 5 boat agreement. If performance measures in the PMS are triggered, QPIF management can access and analyse the finer scale information. In order to assist in the management and reduction of any localised depletion that may occur, it is important that this practice continues and is documented. DEWHA therefore recommends that QPIF continues to investigate finer spatial scale analysis of data if PMS indicators are triggered.

Additionally, in the 2006 EPBC Act assessment of the QCF, a recommendation was made to develop a process to improve the estimates of recreational and Indigenous take within the fishery, factoring these along with take under research permits into fishery assessments and management controls to ensure overall catch levels are sustainable.

- a) continue to investigate finer spatial scale analysis of data if PMS indicators are triggered;
- b) investigate methods to improve estimates of recreational take; and
- c) factor estimates of recreational take, as well as permitted take under research and other relevant permits, into fishery assessments and management controls to ensure overall catch levels are sustainable.

Recreational and Indigenous Fishing

Recreational take of corals is currently limited to areas outside of State Marine Parks and the GBRMP. While recreational take of corals is thought to be low due to the small amount of coral habitat available to recreational fishers, anecdotal reports suggest that recreational take could be greater than current estimates. DEWHA considers that these figures need to be taken into account when setting the TAC, to ensure catch is set at a sustainable level.

Due to the limited areas available to recreational fishers, there is potential for localised depletion by this sector. If recreational take is found to be significant, or monitoring shows an increase in recreational take, DEWHA expects that QPIF will investigate the potential for localised depletion as a result of concentrated fishing in those areas available to recreational fishers.

There are anecdotal reports of illegal fishing within the QCF – including the sale of coral that has not been collected under the appropriate authorities – particularly in the southern area of the fishery. QPIF advises that black marketing was investigated and assessed as low risk through the Compliance Risk Assessment for the QCF conducted in October 2006. Although assessed as low risk, Queensland Boating and Fisheries Patrol, upon receiving any intelligence/complaint of black marketing, investigates all cases. A new Compliance Risk Assessment for the fishery will be conducted in November 2009.

Collection of corals by Indigenous fishers has not been documented, but any participation in the fishery is considered likely to be minimal (McCormack 2006), and DEWHA considers that at this time it is not necessary for QPIF to further investigate the level of take by this sector. This will be reviewed during the next assessment of the fishery.

Research Permits

Coral may also be collected under research permits issued by GBRMPA. DEWHA

	<p>recommends that coral collected under research permits should be taken into account in assessments of the fishery to ensure that overall catch levels are maintained at sustainable levels and based on the best information available. Greater cross referencing of research permits with the management arrangements for the QCF should also be investigated by QPIF.</p> <p>DEWHA recommends that further investigation into methods available to allow a more accurate calculation of the amount of coral taken by recreational fishers in the QCF should be undertaken, and that these estimates, as well as permitted take under research and other relevant permits, should be factored into fishery assessments and management controls to ensure overall catch levels are sustainable.</p>	
5	<p><u>Formalise the data sharing agreement with GBRMPA and QPWS</u></p> <p>At present there is significant overlap in data reporting requirements for industry. In addition to filling in compulsory commercial daily catch logbooks required by QPIF, there has been a requirement under the conditions on the Great Barrier Reef Marine Park permits for authority holders to also provide catch and effort data to GBRMPA and QPWS if requested.</p> <p>In the 2006 EPBC Act assessment of the QCF, DEWHA recommended the formalisation of a data sharing agreement between QPIF, GBRMPA and QPWS. It is understood that data sharing between agencies is already occurring, and that a formal agreement is currently being developed between the agencies.</p> <p>DEWHA commends QPIF on the informal data sharing arrangements that are already in place, and considers the streamlining of the reporting process for fishers is providing a greater consistency in data received. The data is currently shared between agencies to inform management tools, and DEWHA considers that a formal arrangement will ensure a reliable information collection system into the future for the QCF.</p>	<p>Recommendation 2: QPIF to formalise a data sharing agreement with the Great Barrier Reef Marine Park Authority and Queensland Parks and Wildlife Service.</p>

References

McCormack, C. 2006. Ecological Assessment of the Queensland Coral Fishery. A report to the Australian Government Department of the Environment and Heritage on the ecologically sustainable management of the Queensland Coral Fishery. Queensland Primary Industries and Fisheries, Brisbane, Australia.

Acronyms

ASR	Annual Status Report
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CRA	Compliance Risk Assessment
DEWHA	Department of the Environment, Water, Heritage and the Arts
DPI&F	Department of Primary Industries and Fisheries
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Regulations	Environment Protection and Biodiversity Conservation Regulations 2000
ERA	Ecological Risk Assessment
GBRMP	Great Barrier Reef Marine Park
GBRMPA	Great Barrier Reef Marine Park Authority
GBRWHA	Great Barrier Reef World Heritage Area
LENS	List of Exempt Native Specimens
PMS	Performance Measurement System
QBFP	Queensland Boating and Fisheries Patrol
QCF	Queensland Coral Fishery
QPIF	Queensland Primary Industries and Fisheries
QPWS	Queensland Parks and Wildlife Service
SCUBA	Self Contained Underwater Breathing Apparatus
TAC	Total Allowable Catch
WTO	Wildlife Trade Operation

Attachment A

