



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tim Mulherin MP
Minister for Primary Industries,
Fisheries, and Rural and Regional Queensland
GPO Box 46
BRISBANE QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the reassessment of the Queensland Coral Fishery (QCF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The QCF was first assessed by the Department of the Environment, Water, Heritage and the Arts (DEWHA – formerly the Department of the Environment and Heritage) in June 2006 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the Queensland Department of Primary Industries and Fisheries (now Queensland Primary Industries and Fisheries – QPIF). In light of a number of concerns that needed to be addressed to manage environmental risks in the longer term, the QCF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of two years.

On 28 May 2008, the QCF was granted a one year extension of the WTO declaration until 1 July 2009 to allow additional time for the completion of the Policy for the Management of the Coral Fishery. In the extension of the declaration all of the previous assessment conditions and recommendations remained in place.

In April 2009, QPIF submitted the 2007 and 2008 Annual Status Reports and the Policy for the Management of the Coral Fishery, along with additional reference material for the QCF, seeking ongoing export approval for the fishery. The submission has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise the assessment of the fishery is now complete. The new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/qld/coral/index.html>.

The management regime for the QCF was first accredited under Part 13 of the EPBC Act in June 2006, and was reaccredited following the replacement of the Queensland *Fisheries Regulation 1995* with the *Fisheries Regulation 2008* in April 2008. 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. I am satisfied that it is unlikely that fishing operations conducted in accordance with the new management arrangements will adversely affect the conservation status of protected species, or affect the survival and recovery of listed threatened species. Accordingly, it is my view that actions provided for, and taken in accordance with, the management arrangements would not be expected to contravene the protected species provisions of the EPBC Act. I have therefore accredited the new management arrangements under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the new management arrangements are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

In considering the current management arrangements, I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem over the next three years.

Performance against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* is adequate. Hence, I propose to declare the QCF an approved WTO under Part 13A of the EPBC Act, subject to the four conditions at **Attachment A**. This declaration would allow the export of product from the QCF for the next three years.

The assessment also considered the possible impacts on species harvested in the QCF which are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Subsequently, as many of the species collected in the QCF are listed under Appendix II of CITES, exporters are required to apply to DEWHA for CITES permits to export CITES species. Under the EPBC Act, for a CITES export permit to be issued for the export of CITES specimens from a commercial fishery, it is necessary that the export be in accordance with an approved WTO for the fishery.

I would like to acknowledge the quality of the management arrangements for this fishery, and the work that has been undertaken by officers of your Department, together with the fishing industry and the Great Barrier Reef Marine Park Authority, particularly in recent years. I consider the management arrangements for this fishery to be of a high standard.

While there remain some environmental risks associated with this fishery, I consider that QPIF is committed to addressing these issues and is already taking proactive steps in most areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions of the WTO declaration, I understand that they have agreed to recommendations focusing on addressing key issues for the QCF to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

I have copied this letter to Dr Russell Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority for his information.

Yours sincerely

[Signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts

29 June 2009

Conditions on the Wildlife Trade Operation for the Queensland Coral Fishery (QCF)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the QCF, made under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 2008*.

1. Operation of the fishery will be carried out in accordance with the Queensland Coral Fishery (QCF) management arrangements in force under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 2008*.
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 *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. QPIF to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition*.
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.

Recommendations to Queensland Primary Industries and Fisheries (QPIF) on the ecologically sustainable management of the Queensland Coral Fishery (QCF)

The QCF is a well managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: limited entry, a Total Allowable Catch (TAC) limit, and Performance Measurement System (PMS). DEWHA also recognises the implementation of the Coral Stress Response Plan for the Coral and Marine Aquarium Fish Fisheries, the voluntary industry code of conduct, and the recent Ecological Risk Assessment (ERA) for the Coral Fishery.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation, QPIF should action these recommendations before the next review of the fishery in 2012.

1. QPIF to:
 - 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.

2. QPIF to formalise a data sharing agreement with the Great Barrier Reef Marine Park Authority and Queensland Parks and Wildlife Service.