



THE HON JOSH FRYDENBERG MP
MINISTER FOR THE ENVIRONMENT AND ENERGY

Ref: MS16-001505

14 SEP 2016

The Hon Leanne Donaldson MP
Queensland Minister for Agriculture and Fisheries
GPO Box 46,
BRISBANE QLD 4001

Dear Minister

I am writing to you as Minister for the Environment and Energy in relation to the reassessment of the Queensland East Coast Inshore Fin Fish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The East Coast Inshore Fin Fish Fishery was most recently assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in February 2012. As a result of the assessment, the then Minister for Sustainability, Environment, Water, Population and Communities declared the East Coast Inshore Fin Fish Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of 3 years, until 27 February 2015. This allowed export of product from the fishery to continue during the period of the declaration.

In September 2014, the Queensland Department of Agriculture and Fisheries provided an application to the Department of the Environment seeking continued export approval for the East Coast Inshore Fin Fish Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The assessment took into account measures that have been developed by the Queensland Department of Agriculture and Fisheries in response to the 2012 assessment under the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:

<http://www.environment.gov.au/marine/fisheries/qld/east-coast-fin-fish>

I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act. Taking into account:

- the management arrangements currently in place in the fishery, which include total allowable commercial catch limits for sharks and some fin fish species, gear restrictions, area and seasonal closures, and
- the *Non-Detriment Finding for the export of CITES-listed shark species harvested from Australian waters: *Sphyrna lewini* (scalloped hammerhead shark), *Sphyrna**

mokarran (great hammerhead shark), Sphyrna zygaena (smooth hammerhead shark), Lamna nasus (porbeagle shark), Carcharhinus longimanus (oceanic whitetip shark),

Accordingly, I have decided to vary the declaration as an approved wildlife trade operation for the East Coast Inshore Fin Fish Fishery until 28 September 2018. The variation includes new conditions that were agreed to by the Queensland Department of Agriculture and Fisheries and officers from the Department and will be available on the Department's website. I believe that the Queensland Department of Agriculture and Fisheries is committed to addressing the issues raised in the conditions and has already taken proactive measures.

The Queensland Department of Agriculture and Fisheries and officers from the Department have also agreed to an additional recommendation (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The management regime for the East Coast Inshore Fin Fish Fishery was most recently accredited under Part 13 of the EPBC Act, for interactions with protected species, in February 2012. While I am satisfied that the management regime continues to require operators to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act, I have decided to vary the conditions to which the accreditation is subject, by including a condition that requires the Queensland Department of Agriculture and Fisheries to work with relevant stakeholders to develop a monitoring regime that will inform and evaluate the fishery's risk to bycatch species. I am also satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will adversely affect the conservation status of protected species or affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species.

Accreditation under Part 13 of the EPBC Act will continue to ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

I would like to thank you for the constructive way in which your officials have approached this assessment.

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

Yours sincerely



JOSH FRYDENBERG

**Conditions on the approved wildlife trade operation declaration for the Queensland
East Coast Inshore Fin Fish Fishery – September 2016**

Condition 1:

Operation of the Queensland East Coast Inshore Fin Fish Fishery will be carried out in accordance with the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.

Condition 2:

The Queensland Department of Agriculture and Fisheries to inform the Department of the Environment and Energy of any intended material changes to the Queensland East Coast Inshore Fin Fish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Queensland Department of Agriculture and Fisheries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 4:

The Queensland Department of Agriculture and Fisheries to develop a strategy for the harvest of key fish and shark species taken in the Queensland East Coast Inshore Fin Fish Fishery in consultation with relevant experts and stakeholders. The strategy should include decision rules and reference points that trigger management actions to ensure catch limits remain ecologically sustainable.

Condition 5:

The Queensland Department of Agriculture and Fisheries to work with relevant stakeholders to determine an improved data collection and validation approach that can provide a robust monitoring regime to inform and allow evaluation of the strategy outlined in Condition 4, and the fishery's risk to bycatch species.

Condition 6:

The Queensland Department of Agriculture and Fisheries to:

- provide appropriate identification tools and education to assist fishers in providing accurate identification and recording of sharks at the species level.
- Commence consultation with stakeholders on alternate provisions for the processing of sharks at sea including; introducing a prohibition on the removal of fins and filleting sharks.

Condition 7:

The Queensland Department of Agriculture and Fisheries to continue work to improve understanding of stock status of identified recreationally and commercially important species which are currently classified as 'undefined' through:

- biological monitoring for these species, and
- publication of this information, along with catch and effort data, in stock status reports.

Condition 8:

Unless otherwise amended or revoked, this declaration is valid until 28 September 2018.

Recommendation to the Queensland Department of Agriculture and Fisheries on the ecologically sustainable management of the East Coast Inshore Fin Fish Fishery – September 2016

Recommendation 1:

The Queensland Department of Agriculture and Fisheries to work with industry and other jurisdictions to pursue and support the uptake of new and or existing monitoring technologies to better monitor fishing activity in the East Coast Inshore Fin Fish Fishery.

Part 13 Condition

Condition A:

The Queensland Department of Agriculture and Fisheries to:

- a) work with relevant stakeholders to determine an improved data collection and validation approach that can validate the number of interactions with all bycatch, which will include protected species, and
- b) implement appropriate mitigation measures to ensure interactions with protected species are kept to a minimum.