



Australian Government

Department of the Environment, Water, Heritage and the Arts

Our reference: 2010/9966

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 Environment Protection, Heritage and the Arts in relation to the reassessment of the Queensland Gulf of Carpentaria Line Fishery (GOCLF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An initial assessment of the Gulf of Carpentaria Line Fishery was completed in August 2004, resulting in the Delegate of the then Minister for the Environment and Heritage declaring the GOCLF to be an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act for three years. The Delegate also accredited the management regime for the GOCLF under Part 13 of the EPBC Act in relation to protected species interactions.

A second assessment of the fishery was carried out in August 2007, with the Delegate of the then Minister for the Environment and Water Resources declaring the GOCLF an approved WTO until 30 August 2010. At that time, the Delegate accredited the management regime for the GOCLF under Part 13 of the EPBC Act subject to a condition requiring Fisheries Queensland to prohibit the retention of all EPBC Act listed Chondrichthyan species (sharks and rays) by 31 July 2009.

In May 2010, Fisheries Queensland submitted the following documents for assessment, seeking further export approval for this fishery:

- *2010 Progress against DEWHA conditions and recommendations;*
- *2009 Progress against DEWHA conditions and recommendations;*
- *Annual status report 2010;*
- *Annual status report 2009; and*
- *Annual status report 2008*

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. The assessment also took account of measures that have been developed by Fisheries Queensland in response to conditions and recommendations made in the 2007 assessment of the fishery.

I am pleased to advise that the assessment of the fishery is now complete. The assessment report will be available on the Department of the Environment, Water, Heritage and the Arts (DEWHA) web site at <http://www.environment.gov.au/coasts/fisheries/qld/line/index.html>.

The management arrangements for the GOCLF meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. However, there remains a need to develop an improved sustainability indicator for Spanish mackerel in this fishery.

Given the management arrangements currently in place, which include limited entry, gear restrictions, restrictions on permitted species, fish size and numbers retained, and a performance measurement system, 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. 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.

Accordingly, I have decided to declare the GOCLF an approved WTO for three years, until 30 August 2013. The WTO declaration will be subject to the conditions at **Attachment A**.

Officers from Fisheries Queensland and DEWHA have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that Fisheries Queensland is committed to addressing these issues and has already taken proactive measures.

Fisheries Queensland and DEWHA officers have agreed to an additional recommendation (**Attachment B**) to be implemented before the next Australian Government assessment of the fishery, focussing on the review of the GOCLF performance measurement system, in particular the development of an improved sustainability measure for Spanish mackerel in the GOCLF.

The conditions and recommendation have been an important factor in my decision to declare the GOCLF an approved WTO and I look forward to receiving your confirmation that they will be implemented. I consider the development of a performance measure for Spanish mackerel which is related to sustainable yield estimates to be a key priority and I look forward to viewing the revised performance measurement system once it is completed.

The management regime for the Gulf of Carpentaria Line Fishery was first accredited under Part 13 of the EPBC Act in August 2004 and further accredited in 2007 with a condition to prohibit the retention of all EPBC Act listed threatened Chondrichthyan species by 31 July 2009. The management regime was reaccredited in April 2008, subject to the above condition, following the replacement of the Queensland *Fisheries Regulation 1995* with the *Fisheries Regulation 2008*.

As amendments to Queensland fisheries legislation which took effect in March 2009 now prohibit the take of all listed threatened species with which the GOCLF may interact, I am satisfied that it is unlikely that fishing operations conducted in accordance with the current management regime will adversely affect the conservation status of protected species or affect the survival and recovery of listed threatened species.

I also consider that under the current management arrangements operators are required to take all reasonable steps to avoid the killing or injuring of protected species.

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

Please note that export decisions relate to the management arrangements in force at the time of the assessment decision. To ensure that the decision remains valid, DEWHA needs to be advised of any intended changes 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 legislated amendments and operational changes that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Routh', with a long horizontal flourish extending to the right.

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

25 August 2010

Attachment A

Conditions on the Wildlife Trade Operation Declaration for the Queensland Gulf of Carpentaria Line Fishery

1. Operation of the fishery will be carried out in accordance with the Gulf of Carpentaria Line Fishery management regime in force under the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 2008*.
2. Fisheries Queensland to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended changes to management arrangements, that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. Fisheries Queensland to produce and present reports to DEWHA annually as per Appendix B to the Guidelines for the *Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Recommendations to Fisheries Queensland, a service of the Department of Employment, Economic Development and Innovation, on the ecologically sustainable management of the Gulf of Carpentaria Line Fishery.

The Gulf of Carpentaria Line Fishery (GOCLF) is a relatively 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, harvesting and gear restrictions, restrictions on permitted species, fish size and numbers retained, and a performance measurement system.

The following ongoing recommendation has been made to further strengthen the effectiveness of the management arrangements for the GOCLF and minimise environmental risks in the medium to longer term. This recommendation is to be addressed before the next Australian Government review of the GOCLF in 2012.

1. In reviewing the PMS for the GOCLF, Fisheries Queensland to give consideration to:
 - a) development of an improved PMS measure for Spanish mackerel sustainability; and
 - b) incorporation of timeframes for response to review events.

Fisheries Queensland to continue to monitor the status of the fishery in relation to the performance measures and report annually against those measures, including any management actions implemented in response to performance triggers and the rationale for any nil management response.

