



**Australian Government**

---

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

Assessment of the  
**Queensland Gulf of Carpentaria Line Fishery**

**August 2010**

© Commonwealth of Australia 2010

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 the Environment, Water, Heritage and the Arts. Requests and inquiries concerning reproduction and rights should be addressed to:

Assistant Secretary  
Marine Biodiversity Policy Branch  
Department of the Environment, Water, Heritage and the Arts  
GPO Box 787  
Canberra ACT 2601

#### **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 – 2<sup>nd</sup> Edition*. It forms part of the advice provided to the Minister for Environment Protection, 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 Environment Protection, Heritage and the Arts 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.

**Table 1: Summary of the Gulf of Carpentaria Line Fishery (GOCLF)**

<b>Fishery Description</b>	The Gulf of Carpentaria Line Fishery (GOCLF) is primarily a troll fishery for Spanish mackerel.
<b>Publicly available information relevant to the fishery</b>	<ul style="list-style-type: none"> <li>• Queensland <i>Fisheries Act 1994</i>.</li> <li>• Queensland <i>Fisheries Regulation 2008</i></li> <li>• 2010 Progress against DEWHA conditions and recommendations</li> <li>• 2009 Progress against DEWHA conditions and recommendations</li> <li>• Annual status report 2010 – Gulf of Carpentaria Line Fishery</li> <li>• Annual status report 2009 – Gulf of Carpentaria Line Fishery</li> <li>• Annual status report 2008 – Gulf of Carpentaria Line Fishery</li> <li>• Department of the Environment and Water Resources Assessment of the Gulf of Carpentaria Line Fishery – 2007</li> <li>• Annual status report 2007 - Gulf of Carpentaria Line Fishery</li> <li>• Annual status report 2006 - Gulf of Carpentaria Line Fishery</li> <li>• Annual status report 2005 - Gulf of Carpentaria Line Fishery</li> <li>• Department of the Environment and Heritage Assessment of the Gulf of Carpentaria Line Fishery - 2004</li> </ul>
<b>Area</b>	The GOCLF includes all Queensland and Commonwealth Gulf of Carpentaria waters east of the Queensland – Northern Territory border (Figure 1). The majority of fishing occurs adjacent to Mornington Island and north of Weipa.
<b>Fishery status</b>	In May 2010 the Gulf of Carpentaria Spanish mackerel stock status was assessed by Fisheries Queensland as ‘uncertain’.
<b>Target Species</b>	<p>Spanish mackerel (<i>Scomberomorus commerson</i>)</p> <p>Spanish mackerel are relatively fast growing, recruiting into the main commercial fishery by their second year. Spanish mackerel are believed to have high fecundity, with females spawning several times over the season, and rapid growth (females mature at around 79cm at approximately 2 years). Based on information from the Queensland East Coast population Spanish mackerel are thought to have moderate longevity to a maximum of 16 years.</p> <p>Further information on the biology of this species can be found in the Department of the Environment and Heritage (DEH)’s initial assessment of the fishery at:  <a href="http://www.environment.gov.au/coasts/fisheries/qld/line/report/pubs/qld-goc-line-assessment.pdf">http://www.environment.gov.au/coasts/fisheries/qld/line/report/pubs/qld-goc-line-assessment.pdf</a></p>
<b>Byproduct Species</b>	<p>Byproduct made up less than 1% of the total GOCLF commercial catch in 2008 and 2009. From 2007 – 2009, key byproduct species included:</p> <ul style="list-style-type: none"> <li>• red snapper;</li> <li>• grey mackerel;</li> <li>• coral trout; and</li> <li>• Moses perch.</li> </ul>

<b>Gear</b>	<p>The commercial line fishery operates as a small boat fishery, with a number of tender boats operating from a mother boat which is limited in size by regulation to less than 20m. Commercial operators use troll lines hauled by hand or by winch (electric or hydraulic), or heavy rod and reel lines depending on the target species and prevailing conditions. Combinations of these gears vary according to areas fished, weather conditions, frequency of catch and time of day.</p> <p>Recreational fishers primarily use hook and line gear. Spear fishing (without Self Contained Underwater Breathing Apparatus (SCUBA)) is also permitted.</p>
<b>Season</b>	<p>The fishery operates all year (January to December). The majority of fishing for Spanish mackerel occurs from August to November.</p>
<b>Commercial harvest</b>	<p>Commercial harvest of line caught Spanish mackerel in 2009 was approximately 185 tonnes (t). Further details of trends in catch and effort data can be found in the 2010 Annual Status Report (ASR).</p>
<b>Value of commercial harvest</b>	<p>\$1.3 million.</p>
<b>Take by other sectors</b>	<p>An estimated 44 t of reef-related species were harvested (retained) by the <b>recreational</b> sector when last surveyed in 2005. Mackerel species appeared to be a minor component of the total catch (approximately 0.2%), while demersal species such as tropical snappers, coral trout and cod appeared to be more important to recreational fishers, accounting for 15% of the total catch.</p> <p>Commercial <b>charter</b> tour operators retained an estimated 7.4 t of fish in 2009, with the major species retained being Spanish mackerel, coral trout and tuna.</p> <p>Harvest by <b>Indigenous</b> fishers specifically within the GOCLF has not been estimated. A survey of Indigenous fishing across northern Australia indicated that sea perch/snappers and emperors are the species most commonly targeted by this sector while mackerels represent only a minor component. Harvest by the Indigenous sector is considered likely to be small as Indigenous fishers tend not to target large pelagic fish such as Spanish mackerel (Henry &amp; Lyle 2003 cited in the 2010 ASR).</p> <p>In 2009, two percent of the total Spanish mackerel catch in the Gulf of Carpentaria was reported from <b>net fisheries</b>.</p>
<b>Commercial licences issued</b>	<ul style="list-style-type: none"> <li>- 47 commercial licenses (see Management arrangements below).</li> <li>- 24 commercial licences accessed the fishery in 2009, 29 in 2008.</li> </ul>

**Management arrangements**

The GOCLF is managed under the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 2008*. Day-to-day management of the GOCLF is undertaken by Fisheries Queensland on behalf of the Queensland Fisheries Joint Authority (QFJA). The QFJA, comprising the Australian Government Minister for Agriculture, Fisheries and Forestry and the Queensland Minister for Primary Industries, Fisheries and Rural and Regional Queensland, manages all targeted fishing for northern demersal and pelagic fin fish in waters adjacent to Queensland in the Gulf of Carpentaria.

*Changes to management arrangements in the GOCLF*

Fisheries Queensland has advised that to simplify the regulatory framework for the GOCLF a number of changes have been made. This involved the removal of latent licenses between 2004 and 2007, and the amalgamation of the inshore fishery (L5—out to 3 nm from the coast) with the offshore fishery (L4—out to 25 nm from the coast) under the L4 fishery symbol on 1 July 2006.

Fisheries Queensland advised that the final stage of the change process, the amalgamation of the QFJA line fishery (which operated beyond 25 nautical miles offshore) and the L4 fishery (which operated inside that line) was implemented in May 2009.

The completion of the change program resulted in a reduction in primary line fishing entitlements from 107 to 47.

Changes to Queensland Fisheries legislation in 2009 also resulted in the prohibition of the take of sawfish (any members of the Pristidae family) and spartooth shark (*Glyphis* sp.).

Adjustments made in 2009 to non-permitted species in the GOCLF included:

- allowing take of queenfish (*Scomberoides* sp.) other than giant queenfish (*Scomberoides commersonianus*);
- allowing take of barred javelin (*Pomadasys kaakan*); and
- prohibiting harvest of silver javelin (*Pomadasys argenteus*).

*Current management arrangements*

The GOCLF is managed through a series of input and output controls which vary between commercial, Indigenous and recreational fishers. An interim Performance Measurement System (PMS) for the GOCLF was implemented in 2008.

<p><b>Management arrangements</b> (<i>cont.</i>)</p>	<p><u>Commercial input controls:</u></p> <ul style="list-style-type: none"> <li>• limited entry;</li> <li>• closed area restrictions – South Mitchell River; and</li> <li>• gear restrictions – including restrictions of the type of apparatus that can be used (numbers of lines and hooks) and size of the boat and number of tenders that can be used in the fishery.</li> </ul> <p><u>Commercial output controls:</u></p> <ul style="list-style-type: none"> <li>• species specific size and number regulations – size limits and number of fish regulations apply to a range of in-possession species;</li> <li>• prohibition on retaining barramundi (<i>Lates calcarifer</i>);</li> <li>• prohibition on retaining black jewfish (<i>Protonibea diacanthus</i>);</li> <li>• prohibition on retaining blue threadfin (<i>Eleutheronema tetradactylum</i>) and king threadfin (<i>Polydactylus macrochir</i>);</li> <li>• prohibition on retaining scaly jewfish (<i>Nibea squamosa</i>);</li> <li>• prohibition on retaining giant queenfish; and</li> <li>• prohibition on retaining silver javelin.</li> </ul> <p><u>Indigenous:</u></p> <p>Possession and size limits do not apply to traditional and customary fishing, but the Indigenous sector is restricted to:</p> <ul style="list-style-type: none"> <li>• personal, domestic and non-commercial communal use; and</li> <li>• recreational fishing or prescribed traditional apparatus.</li> </ul> <p>An application can be made for a general fisheries permit to use restricted catch methods for cultural and ceremonial events.</p>
<p><b>Export</b></p>	<p>Product harvested from the GOCLF is sold predominantly on the Australian domestic market.</p>
<p><b>Bycatch</b></p>	<p>Bycatch in the commercial fishery is limited due to the precision methods used to target legal sized species. The majority (71%) of the bycatch is regulated (undersize or no take) species for this fishery, and the remainder is not marketable. Data from the fishery observer program confirms the small percentage of bycatch.</p> <p>The 2010 ASR indicates that recreational (including charter) fishers have relatively high levels of released fish due to catch-and-release to comply with legal size and bag limits. Little is known of the long-term survival of these released fish.</p>

<p><b>Interaction with Protected Species<sup>1</sup></b></p>	<p>Commercial fishers record interactions with protected species in their Species of Conservation Interest (SOCI) logbook. No interactions have been reported since the introduction of the SOCI logbook in the GOCLF in 2006. Further, no interactions with protected species were recorded by fisheries observers during 2009.</p> <p>The risk of interactions with protected species is considered to be low due to the targeted nature of the fishery and the constant attendance of lines while fishing.</p>
<p><b>Ecosystem Impacts</b></p>	<p>Line fishing is considered to be a relatively low impact harvesting method (Roelofs 2004 as cited in 2010 ASR) and therefore unlikely to cause significant impacts to the physical ecosystem.</p> <p>The ecological risk assessment for the GOCLF assessed impacts on the general ecosystem as low or negligible (Zeller and Snape 2006).</p>
<p><b>Impacts on CITES</b></p>	<p>No specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are currently permitted to be harvested in the fishery.</p>

---

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

**Table 2: Progress in implementation of conditions and recommendations made in the previous assessment of the Queensland Gulf of Carpentaria Line Fishery (GOCLF)**

<b>Condition</b>	<b>Progress</b>	<b>Recommended Action</b>
1. Operation of the fishery will be carried out in accordance with the GOCLF management regime in force under the Queensland <i>Fisheries Act 1995</i> and the Queensland <i>Fisheries Regulation 2008</i> .	Operation of the fishery in 2009 was carried out in accordance with the GOCLF management regime in force under the Queensland <i>Fisheries Act 1995</i> and the Queensland <i>Fisheries Regulation 2008</i> .	This condition is met and ongoing.  See Condition 1, Table 4.
2. Department of Primary Industries and Fisheries (DPI&F) 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 EPBC Act decisions are based.	The then DPI&F advised DEWHA prior to the implementation of the changes made to the management arrangements for the GOCLF.	This condition is met and ongoing.  See Condition 2, Table 4.
3. DPI&F 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> .	The ASRs for the 2007, 2008 and 2009 reporting years have been provided to DEWHA.	This condition has been met and will remain ongoing.  See Condition 3, Table 4.



Condition	Progress	Recommended Action
<p><u>Part 13 Condition 1:</u>  Fisheries Queensland to prohibit the retention of all EPBC Act listed Chondrichthyan species in the GOCLF as a priority, but by no later than 31 July 2009.</p>	<p>Amendments made to Queensland fisheries legislation, which took effect on 1 March 2009, prohibited the take of listed Chondrichthyan species with which the GOCLF might interact (sawfish (any members of the Pristidae family) and spartooth shark (<i>Glyphis</i> sp.).)</p>	<p>This condition has been met.</p>

Recommendation	Progress	Recommended Action
<p>1. Fisheries Queensland to prohibit the retention of all EPBC Act listed Chondrichthyan species in the GOCLF.</p>	<p>This recommendation has been addressed through the amendments made to the Queensland legislation as described above.</p>	<p>This recommendation has been met.</p>
<p>2. Fisheries Queensland to specifically consider the management of CITES listed species, in particular members of the Pristidae family, in the GOCLF.</p>	<p>Amendments made to Queensland fisheries legislation which took effect in March 2009 now prohibit the take of any members of the Pristidae family (sawfish).</p>	<p>This recommendation has been met.</p>

<b>Recommendation</b>	<b>Progress</b>	<b>Recommended Action</b>
<p>3. Fisheries Queensland to continue to improve estimates of recreational and Indigenous harvest. Once available, Fisheries Queensland to take estimates of Illegal, Unreported and Unregulated (IUU) fishing, recreational and Indigenous harvests into account in stock assessments and to introduce management arrangements to mitigate any risks identified.</p>	<p>Ongoing. Fisheries Queensland has advised that it conducts an ongoing state-wide recreational diary program which includes coverage of the Gulf of Carpentaria. Fisheries Queensland also advise that a further state-wide recreational fishing survey has commenced and that updated recreational catch statistics will be available by the end of 2011.</p> <p>Fisheries Queensland has advised that the number of IUU fishing vessel incursions detected in northern Australian waters has decreased since 2006, with only one apprehension by the Australian Fisheries Management Authority in the Gulf of Carpentaria in 2009 – fishing operations had not commenced.</p> <p>DEWHA acknowledges that Indigenous harvest is likely to be small as Indigenous fishers generally do not target large pelagic fish such as Spanish mackerel.</p>	<p>DEWHA understands that Fisheries Queensland’s stock status assessment framework provides for updated estimates of mortality to be included in future stock status assessments.</p>

Recommendation	Progress	Recommended Action
<p>4. As a part of the development of the PMS, Fisheries Queensland to include a reference point related to protected species interactions and to refine the current reference point for Spanish Mackerel.</p>	<p>Fisheries Queensland implemented an interim PMS review for the GOCLF in 2008.</p> <p>The interim PMS includes a reference point for protected species.</p> <p>While the interim PMS for the GOCLF includes a performance measure related to the sustainable yield of Spanish mackerel, estimates of the sustainable yield have not previously been available. An interim performance measure – total catch declines by 30% over the calendar year – was included in the 2008 PMS.</p> <p>In its 2007 assessment of the fishery, DEWHA recommended that the interim performance measure be refined by including catch rates. While catch rate is reported in the ASRs for the fishery, it does not form part of the interim performance measure for Spanish mackerel.</p> <p>Fisheries Queensland had previously advised that the PMS would be reviewed in 2009.</p> <p>Fisheries Queensland has now advised that they intend to review the GOCLF PMS commencing in late 2010. Following the review of the <i>East Coast Spanish Mackerel Fishery PMS</i>, Fisheries Queensland expects to be able to develop a sustainability measure for Spanish mackerel related to total mortality estimates, using data collected in the GOCLF since 2007 as part of the Long Term Monitoring Program (LTMP) for Spanish mackerel.</p>	<p>DEWHA considers this recommendation to be partially met.</p> <p>DEWHA notes that Fisheries Queensland will review the performance measure for Spanish mackerel in the upcoming review of the PMS and supports the approach taken by Fisheries Queensland.</p> <p>See Recommendation 1, Table 4.</p>

<b>Recommendation</b>	<b>Progress</b>	<b>Recommended Action</b>
<p>5. Fisheries Queensland to monitor the status of the fishery in relation to the PMS once finalised. Within 3 months of becoming aware that a performance measure has not been met, Fisheries Queensland to finalise a clear timetable for the implementation of appropriate management responses.</p>	<p>Fisheries Queensland advised that monitoring through compulsory daily fisher logbooks, fishery observers and a long-term biological monitoring program for the main target species occurs on an ongoing basis.</p> <p>The fishery has been measured against the indicators in the PMS and reported through the Annual Status Reports for the GOCLF.</p> <p>The interim PMS for the GOCLF implemented in 2008 did not incorporate a timetable for responding to review events. DEWHA notes that the interim PMS indicated that should the reference points be exceeded, the management arrangements for the fishery would be reviewed by the Gulf Management Advisory Committee (GulfMAC).</p> <p>Fisheries Queensland has advised that, following recent regulatory changes in Queensland, Queensland's seven fishery specific management advisory committees (MACs) have been abolished and have been replaced with a single Queensland Fisheries Advisory Committee (QFAC).</p> <p>Therefore, the current response to a reference point in the PMS for the GOCLF being exceeded is that within three months of the point being triggered, Fisheries Queensland would undertake a review of the likely causes of the review reference point being triggered and implications for the sustainable management of the fishery. Pending the outcome of the review, Fisheries Queensland will formalise a timetable for the implementation of appropriate management response.</p>	<p>DEWHA considers this recommendation partially met.</p> <p>DEWHA recommends that a timetable for responding to review events be included in the revised PMS for the GOCLF.</p> <p>See Recommendation 1, Table 4.</p>

**Table 3: The Department of the Environment, Water, Heritage and the Arts (DEWHA) assessment of the Queensland Gulf of Carpentaria Line Fishery (GOCLF) 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><b>Division 1 Listed threatened species</b>  <b>Section 208A Minister may accredit plans or regimes</b></p>	<p><b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b></p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p style="padding-left: 20px;">(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p style="padding-left: 40px;">i. made by a State or self-governing Territory; and</p> <p style="padding-left: 40px;">ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> that:</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(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 GOCLF will be managed under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>Changes to the Queensland <i>Fisheries Regulation 2008</i> which took effect in March 2009 prohibit the take of a number of listed threatened Chondrichthyan species. Given that the take of all listed threatened species with which the GOCLF may interact is now prohibited, DEWHA considers that the management regime for the GOCLF takes all reasonable steps to ensure that listed threatened species are not killed or injured.</p> <p>Due to the precise targeting methods (line fishing with limited number of lines and hooks) used in the fishery, the likelihood of interactions with listed threatened species is low. No interactions with listed threatened species have been reported in the GOCLF since the SOCI logbooks were introduced in 2006. Therefore, DEWHA considers the current operation of the GOCLF is not likely to adversely affect the</p>

	survival or recovery in nature of any listed threatened species.
<b>Part 13 (cont.)</b>	
<b>Division 2 Migratory species</b> <b>Section 222A Minister may accredit plans or regimes</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
<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"> <li>i. made by a State or self-governing Territory; and</li> <li>ii. in force under a law of the State or self-governing Territory;</li> </ul> <p>if <b>satisfied</b> 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 GOCLF will be managed under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>DEWHA considers that the management regime for the GOCLF takes all reasonable steps to ensure that listed migratory species are not killed or injured.</p> <p>Due to the precise targeting methods (line fishing with limited number of lines and hooks) used in the fishery, the likelihood of interactions with listed migratory species is very low. No interactions with listed migratory species have been reported in the GOCLF since the SOCI logbooks were introduced in 2006. Therefore, DEWHA considers the current operation of the GOCLF is not likely to adversely affect the conservation status of a listed migratory species or a population of that species.</p>

**Part 13 (cont.)**

<b>Division 3 Whales and other cetaceans</b> <b>Section 245 Minister may accredit plans or regimes</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"><li>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:<ul style="list-style-type: none"><li>i. made by a State or self-governing Territory; and</li><li>ii. in force under a law of the State or self-governing Territory;</li></ul></li></ul> <p>if <b>satisfied</b> that:</p> <ul style="list-style-type: none"><li>(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</li><li>(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.</li></ul>	<p>The GOCLF will be managed under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>DEWHA considers that the management regime for the GOCLF takes all reasonable steps to ensure that whales and other cetaceans are not killed or injured.</p> <p>Due to the precise targeting methods (line fishing with limited number of lines and hooks) used in the fishery, the likelihood of interactions with whales and other cetaceans is low. No interactions with whales and other cetaceans have been reported in the GOCLF since the SOCI logbooks were introduced in 2006. Therefore, DEWHA considers the current operation of the GOCLF is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>

**Part 13 (cont.)**

<b>Division 4 Listed marine species</b> <b>Section 265 Minister may accredit plans or regimes</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
<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"><li>i. made by a State or self-governing Territory; and</li><li>ii. in force under a law of the State or self-governing Territory;</li></ul> <p>if <b>satisfied</b> 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 GOCLF will be managed under the Queensland <i>Fisheries Act 1994</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p>DEWHA considers that the management regime for the GOCLF takes all reasonable steps to ensure that listed marine species are not killed or injured.</p> <p>Due to the precise targeting methods (line fishing with limited number of lines and hooks) used in the fishery, the likelihood of interactions with listed marine species is very low. No interactions with listed marine species have been reported in the GOCLF since the SOCI logbooks were introduced in 2006. Therefore, DEWHA considers the current operation of the GOCLF is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>



**Part 13** (cont.)

<b>Section 303AA Conditions relating to accreditation of plans, regimes and policies</b>	<b>DEWHA assessment of Gulf of Carpentaria Line Fishery (GOCLF)</b>
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	DEWHA recommends that GOCLF 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: (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 GOCLF to satisfy sections 208A, 222A, 245 and 265 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

<b>Section 303DC Minister may amend list</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
<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"> <li>(a) including items in the list;</li> <li>(b) deleting items from the list; or</li> <li>(c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(d) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or correcting an inaccuracy or updating the name of a species.</li> </ul>	<p>No amendment to the list of exempt native specimens (LENS) is required as product sourced from the GOCLF is already included in the LENS while covered by the declaration of an approved WTO.</p>

<b>Section 303FN Approved wildlife trade operation (WTO)</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
<p>(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>	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the operation is consistent with the objects of Part 13A of the Act; and</li> </ul>	<p>The GOCLF is consistent with the objects of Part 13A (listed after this table) as:</p> <ul style="list-style-type: none"> <li>▪ the fishery will not harvest any CITES listed species;</li> <li>▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1);</li> <li>▪ the operation of the GOCLF is unlikely to be unsustainable and threaten biodiversity within the next 3 years; and</li> <li>▪ the <i>EPBC Regulations 2000</i> do not specify fish as a class of animal in relation to the welfare of live specimens.</li> </ul>

<p>(b) the operation will not be detrimental to:</p> <ol style="list-style-type: none"> <li>i. the survival of a taxon to which the operation relates; or</li> <li>ii. the conservation status of a taxon to which the operation relates; and</li> </ol> <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>(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>DEWHA considers that the GOCLF will not be detrimental to the survival or conservation status of a taxon to which it relates within the next 3 years, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> <li>▪ limited entry;</li> <li>▪ area restrictions;</li> <li>▪ gear restrictions; and</li> <li>▪ restrictions on permitted species, fish size and number.</li> </ul> <p>DEWHA considers that the GOCLF will not threaten any relevant ecosystem within the next 3 years, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> <li>▪ limited entry;</li> <li>▪ area restrictions;</li> <li>▪ gear restrictions; and</li> <li>▪ restrictions on permitted species, fish size and number.</li> </ul> <p>The <i>EPBC Regulations 2000</i> 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 <i>EPBC Regulations 2000</i>.</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 GOCLF will not have a significant impact on any relevant ecosystem within the next 3 years, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> <li>▪ limited entry;</li> <li>▪ area restrictions;</li> <li>▪ gear restrictions; and</li> <li>▪ restrictions on permitted species, fish size and number.</li> </ul> <p>The management arrangements that will be employed for the GOCLF are likely to be effective.</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 GOCLF will be managed 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> apply throughout Queensland waters.</p> <p>The legislation that will be employed for the GOCLF is likely to be effective.</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 GOCLF is a commercial fishery.</p>

**Part 13A (cont.)**

<b>Section 303FR Public consultation</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <ul style="list-style-type: none"><li>(a) setting out the proposal to make the declaration; and</li><li>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</li><li>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</li></ul>	<p>DEWHA considers that the consultation requirements of the EPBC Act for declaring an approved WTO have been met. A public notice, which set out the proposal to declare the GOCLF an approved WTO and included the 2008, 2009 and 2010 Annual Status Reports for the fishery and 2009 and 2010 reports on progress against DEWHA conditions and recommendations, was released for public comment which closed on 9 July 2010 with one submission 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 GOCLF a WTO and included the 2008, 2009 and 2010 Annual Status Reports for the fishery and 2009 and 2010 reports on progress against DEWHA conditions and recommendations, was released for public comment on 8 June 2010 and closed on 9 July 2010, 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>The public comments received on the 2008, 2009 and 2010 Annual Status Reports for the fishery and 2009 and 2010 reports on progress against DEWHA conditions and recommendations are included at <u>Attachment C</u> of the brief. The DEWHA assessment has considered the public comments received on the submission.</p>

**Part 13A (cont.)**

<b>Section 303FT Additional provisions relating to declarations</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the GOCLF will be made under section 303FN.
(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: (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 declaration is to specify the period, circumstances or condition.	The standard conditions applied to commercial fishery WTOs include: <ul style="list-style-type: none"><li>• operation in accordance with the management regime;</li><li>• notifying DEWHA of changes to the management regime; and</li><li>• annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>.</li></ul> The WTO instrument for the GOCLF specifies the standard and any additional conditions applied.
(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 GOCLF made under section 303FN and the conditions under section 303FT will be gazetted and made available on the DEWHA website.

## Part 16

<b>Section 391 Minister must consider precautionary principle in making decisions</b>	<b>DEWHA assessment of the Gulf of Carpentaria Line Fishery (GOCLF)</b>
(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 declare the GOCLF an approved WTO.
(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 Fisheries Queensland for the Gulf of Carpentaria Line Fishery (GOCLF)**

The material submitted by Fisheries Queensland demonstrates that the management arrangements for the GOCLF meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*. The Department of the Environment, Water, Heritage and the Arts (DEWHA) recognises that limited entry, gear restrictions, restrictions on permitted species, fish size and number and a Performance Management System (PMS) render the fishery somewhat robust 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 over-fishing 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 need to develop an improved sustainability indicator for Spanish mackerel as part of Fisheries Queensland's review of the performance measurement system for the GOCLF.

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 term. Similarly, it is not likely to threaten any relevant ecosystem in the short term. To contain and minimise the risks in the longer term the conditions and recommendation listed have been made. The key challenge for this fishery will be the implementation of a revised PMS, in particular the development of a sustainable yield measure for Spanish mackerel based on estimates of total mortality. DEWHA considers that until it can be demonstrated that these issues have been adequately dealt with, a three year Wildlife Trade Operation (WTO) declaration is appropriate. The recommendation is to be addressed within the life of the WTO (three years). Note that a standard condition of a WTO is an annual reporting requirement.

The management regime for the GOCLF was first accredited in August 2004 and further accredited in August 2007 subject to a condition requiring Fisheries Queensland to prohibit the retention of all EPBC listed Chondrichthyan species in the GOCLF. Since the last assessment, changes to the management regime include prohibition of the take of listed Chondrichthyan species. Changes to the Queensland Fisheries legislation which took effect in March 2009 prohibited the take of a number of listed Chondrichthyan species and the take of all listed threatened species with which the GOCLF may interact is now prohibited.

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 regime operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and the level of interactions under current fishing operations is low.

Therefore, DEWHA believes it appropriate to accredit the management regime for the fishery under Part 13 of the EPBC Act.



**Table 4: Queensland Gulf of Carpentaria Line Fishery (GOCLF) Assessment – Summary of Issues, Conditions and Recommendations - August, 2010**

	<b>Issue</b>	<b>Condition</b>
1	<p><b><u>General Management</u></b></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 the Environment, Water, Heritage and the Arts (DEWHA) 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 by-product, bycatch, protected species or the ecosystem.</p>	<p><b>Condition 1:</b> Operation of the fishery will be carried out in accordance with the GOCLF management regime in force under the Queensland <i>Fisheries Act 1995</i> and the Queensland <i>Fisheries Regulation 2008</i>.</p> <p><b>Condition 2:</b> 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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) decisions are based.</p>

2	<p><b><u>Annual reporting:</u></b></p> <p>Reports must 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 follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> (the Guidelines) and 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 progress in implementing DEWHA conditions and recommendations.</p> <p>Electronic copies of the Guidelines are available from the DEWHA website at:  <a href="http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html">http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html</a></p>	<p><b>Condition 3:</b></p> <p>Fisheries Queensland 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>
---	---	--

	<b>Issue</b>	<b>Recommendation</b>
3	<p><b><u>Performance Measurement System (PMS):</u></b></p> <p>a) review of PMS</p> <p>In its 2004 assessment of the GOCLF, the then Department of the Environment and Heritage (DEH) recommended that the Department of Primary Industries and Fisheries (DPI&amp;F - now Fisheries Queensland) develop fishery-specific objectives linked to performance indicators and performance measures.</p> <p>At the time of the 2007 DEWHA assessment, a draft Performance Measurement System (PMS) containing objectives, performance measures and indicators had been developed.</p> <p>In its 2007 assessment, DEWHA recommended that, during the three year period of the 2007 approved Wildlife Trade Operation (WTO) declaration, Fisheries Queensland include a reference point related to protected species interactions and refine the draft reference point for Spanish mackerel.</p> <p>DEWHA also noted that the draft PMS did not incorporate a timetable for responding to review events in relation to the performance measures and recommended that within three months of becoming aware that a performance measures had not been met, Fisheries Queensland finalise a clear timetable for the implementation of an appropriate management response.</p> <p>Fisheries Queensland implemented an interim PMS for the GOCLF in 2008. Performance measures in the interim PMS have not been reviewed to date.</p> <p>Public comments received on Fisheries Queensland's submission noted that not all recommended changes to the draft PMS had been incorporated in the interim PMS and raised the desirability of reviewing the PMS to including reviews of:</p> <ul style="list-style-type: none"> <li>• the performance measure for Spanish mackerel;</li> <li>• the process and timetable for response to triggering of review events; and</li> <li>• the performance measure for protected species.</li> </ul> <p>Fisheries Queensland has now indicated that a review of the PMS for the GOCLF is</p>	<p><b>Recommendation 1:</b></p> <p>In reviewing the PMS for the GOCLF, Fisheries Queensland to give consideration to:</p> <ul style="list-style-type: none"> <li>a) development of an improved PMS measure for Spanish mackerel sustainability; and</li> <li>b) incorporation of timeframes for response to review events.</li> </ul> <p>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.</p>

Issue	Recommendation
<p>expected to commence in late 2010 following the updating of the East Coast Spanish Mackerel Fishery PMS, allowing experience gained in that review to be applied to the GOCLF. This will incorporate review of the performance measures, review events and management responses, including the requirements for data validation for Spanish mackerel and protected species in the GOCLF (refer to <i>Fisheries Queensland Interim Performance Measurement System - Gulf of Carpentaria Fin Fish Fisheries</i>).</p> <p>DEWHA supports this approach to reviewing the GOCLF PMS. In particular, the performance measure for Spanish mackerel is discussed further below.</p> <p><u><i>Performance measure for protected species</i></u></p> <p>The existing performance measure for protected species is that the level of interaction with protected species increases significantly. While recognising that the level of interactions with protected species in this fishery is likely to be very low, DEWHA recommends that Fisheries Queensland give consideration to a quantitative performance measure for protected species as part of the PMS review.</p> <p><u><i>Response to review events</i></u></p> <p>The interim PMS for the GOCLF indicated that where a reference point was exceeded, the Gulf Management Advisory Committee (GulfMAC) would make recommendations to Fisheries Queensland on an appropriate management response.</p> <p>Fisheries Queensland has advised that following recent regulatory changes in Queensland, Queensland's seven fishery specific management advisory committees (MACs) have been abolished and have been replaced with a single Queensland Fisheries Advisory Committee (QFAC).</p> <p>Therefore, the current response to a reference point in the PMS for the GOCLF being exceeded is that within three months of the point being triggered, Fisheries Queensland would undertake a review of the likely causes of the review reference point being triggered and its implications for the sustainable management of the fishery. Pending the outcome of the review, Fisheries Queensland will formalise a timetable for the implementation of an appropriate management response.</p> <p>DEWHA recommends that as part of the review of the PMS, Fisheries Queensland</p>	

Issue	Recommendation
<p>review and formalise a process and timeframe for responding to review events. DEWHA also recommends that where performance measures for the fishery are triggered, Fisheries Queensland report in the ASR on specific management measures implemented, including the rationale for any nil management response.</p> <p>b) sustainable yield estimate for Spanish mackerel</p> <p>In its 2004 assessment of the GOCLF, DEWHA recommended that DPI&amp;F continue to work towards developing sustainable yield estimates for Spanish mackerel.</p> <p>The 2008 interim PMS for the GOCLF included an interim performance measure for Spanish mackerel, however, a sustainable yield estimate for Spanish mackerel was not available.</p> <p>Fisheries Queensland advise that it was envisaged in the original PMS that a formal stock assessment would determine the sustainable yield estimate for Spanish mackerel.</p> <p>Fisheries Queensland now advise that in line with the Stock Status Assessment process and consistent with other fisheries, a PMS measure for Spanish mackerel sustainability that relates to total mortality estimates will be developed.</p> <p>Commercial and recreational data has been collected from the GOCLF since 2007 to develop and measure against this indicator. Fisheries Queensland anticipates that there will be sufficient data and analyses to measure fishery performance against this measure in 2011 and that future requirements for data collection and validation will be reviewed.</p> <p>DEWHA supports this approach.</p>	

## References

Zeller, B and Snape, N (2006) Ecological Risk Assessment of Queensland-managed Fisheries in the Gulf of Carpentaria. Department of Primary Industries and Fisheries.

## Acronyms

ASR	Annual Status Report
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DEH	Department of the Environment and Heritage
DEWR	Department of the Environment and Water Resources
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>
ERA	Ecological Risk Assessment
GOC	Gulf of Carpentaria
GOCLF	Gulf of Carpentaria Line Fishery
GulfMAC	Gulf Management Advisory Committee
IUU	Illegal, Unreported and Unregulated
LENS	List of Exempt Native Specimens
LTMP	Long Term Monitoring Program
MAC	Management Advisory Committee
PMS	Performance Measurement System
QFAC	Queensland Fisheries Advisory Committee
QFJA	Queensland Fisheries Joint Authority
SCUBA	Self Contained Underwater Breathing Apparatus
WTO	Wildlife Trade Operation