



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION –
QUEENSLAND EAST COAST OTTER TRAWL FISHERY, MARCH 2018**

I, PAUL MURPHY, Assistant Secretary, Wildlife Trade and Biosecurity Branch, as Delegate of the Minister for the Environment and Energy, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Queensland Department of Agriculture and Fisheries, public comments on the proposal as required under section 303FR and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operation that is specified in column 1 of Table 1, to be an approved Wildlife Trade Operation in accordance with subsection 303FN(2) and paragraph 303FN(10)(d), for the purposes of the EPBC Act, but only to the extent the operation relates to the class of specimens specified in column 2 of Table 1.

Table 1

| Operation | Class of Specimens |
|--|--|
| Queensland East Coast Otter Trawl Fishery as defined in the <i>Fisheries (East Coast Trawl) Management Plan 2010</i> in force under the <i>Queensland Fisheries Act 1994</i> . | Specimens that are, or are derived from, fish or invertebrates, including the listed marine species <i>Solegnathus dunckeri</i> and <i>Solegnathus hardwickii</i> , but not including: a) any other specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, and b) specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list). |

Unless amended or revoked, this declaration:

- a) is valid until 13 November 2020 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 26th day of March 2018

Delegate of the Minister for the Environment and Energy

A person whose interests are affected by this declaration may, within 28 days, make an application in writing to the Department of the Environment and Energy for the reasons for the decision.

An application for independent review of the decision (under section 303GJ(1) of the *Environment Protection and Biodiversity Conservation Act 1999*) may be made to the Administrative Appeals Tribunal (AAT), on payment of the relevant fee by the applicant, either within 28 days of receipt of the reasons for the decision, or within 28 days of this declaration if reasons for the decision are not sought. Applications should be made to the Deputy Registrar, AAT in your Capital City. Please visit the AAT's website at <http://www.aat.gov.au/> for further information.

You may make an application under the *Freedom of Information Act 1982* (Cth) to access documents relevant to this decision. For further information, please visit <http://www.environment.gov.au/foi/index.html>.

Further enquiries should be directed to the Director, Sustainable Fisheries Section, Department of the Environment and Energy, Telephone: (02) 6274 1917 Email: sustainablefisheries@environment.gov.au.

SCHEDULE

Declaration of the Harvest Operations of the Queensland East Coast Otter Trawl Fishery as an approved wildlife trade operation, March 2018

ADDITIONAL PROVISIONS (section 303FT)

1. Operation of the Queensland East Coast Otter Trawl Fishery will be carried out in accordance with the Queensland Fisheries (East Coast Otter Trawl Fishery) Management Plan 2010 under the Queensland *Fisheries Act 1994*.
2. The Queensland Department of Agriculture and Fisheries (QDAF) to inform the Department of the Environment and Energy (the Department) of any intended material changes to the East Coast Otter Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. QDAF to produce and present reports to the Department annually as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.
4. QDAF to:
 - a. complete and publish the ecological risk assessment for the area of the fishery south of the Great Barrier Reef Marine Park, and
 - b. address risk to species and habitats identified as being at or above intermediate risk from the impacts of fishing in the risk assessments (areas south of the Great Barrier Reef and within the Great Barrier Reef Marine Park) according to protocols described in the Fisheries Queensland Ecological Risk Assessment Guideline and encourage additional research through the Fisheries Queensland Monitoring and Research Plan.
5. QDAF to:
 - a. build stock resilience by working towards maximum sustainable yield in the short term and building to maximum economic yield for all fished stocks
 - b. implement management measures to support the recovery of saucer scallops to ecologically sustainable levels and prevent future overfishing
 - c. develop and implement finer scale management tools to improve spatial control of effort across all sectors of the fishery
 - d. ensure that total effort in the Great Barrier Reef World Heritage Area does not increase above the historic proportion of total fishing effort in the East Coast Otter Trawl Fishery
6. In consultation with relevant stakeholders, QDAF to develop and implement a statistically robust monitoring regime with appropriate levels of fisheries independent data to inform the introduction of harvest strategies for target species, including robust and quantitative data on byproduct and bycatch species (including EPBC Act protected species).
7. Risks associated with habitat to be re-evaluated once new assessments under the Fisheries Queensland ERA Guideline are progressively implemented from 2018. QDAF to commit to mitigating unacceptable risks to species and habitats resulting from fishing activities. Under the Queensland Sustainable Fisheries Strategy 2017-2020, species and habitat considered to be at high risk will be prioritised for management action.