



Declaration of an Approved Wildlife Trade Operation – Queensland Sea Cucumber Fishery (East Coast), December 2021

made under subsection 303FN(2) and paragraph 303FN(10)(d) of the
Environment Protection and Biodiversity Conservation Act 1999

Compilation No. 1

Compilation date: 24 June 2023

Includes amendments up to: F2023N00182

Prepared by the Department of Climate Change, Energy, the Environment and Water

About this compilation

This compilation

This is a compilation of the Declaration of an Approved Wildlife Trade Operation – Queensland Sea Cucumber Fishery (East Coast), December 2021 that shows the text of the law as amended and in force on 24/06/2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION –
QUEENSLAND SEA CUCUMBER FISHERY (EAST COAST), DECEMBER
2021**

I, SUSSAN LEY, Minister for the Environment, 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 operations for the harvesting of specimens that are or are derived from fish or invertebrates, taken in the Queensland Sea Cucumber Fishery (East Coast) as defined in the management regime in force under the:

- *Fisheries Act 1994* (Qld)
- Fisheries (General) Regulation 2019 (Qld)
- Fisheries (Commercial Fisheries) Regulation 2019 (Qld)
- Fisheries Declaration 2019 (Qld)
- Fisheries Quota Declaration 2019 (Qld)
- *Marine Parks Act 2004* (Qld)
- Marine Parks Regulations 2019 (Qld)
- *Great Barrier Reef Marine Park Act 1975* (Cth)
- Great Barrier Reef Marine Park Regulations 2019 (Cth),

but not including:

- (a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or
- (b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or
- (c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or

(d) specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List), except for White Teatfish (*Holothuria fuscogilva*),

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.

Unless amended or revoked, this declaration:

- a) is valid until 30 November 2024, and
- b) is subject to the conditions applied under section 303FT specified in Schedule 1.

Notes:

1. Australia's obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are met through Part 13A of the EPBC Act. Specimens of species listed in Appendix II of Australia's CITES list under section 303CA of the EPBC Act may only be exported, under a CITES export permit issued under the EPBC Act, if Australia's CITES Scientific Authority has issued a non-detriment finding for that species. Further information, including a list of species for which non-detriment findings have been issued and the fisheries from which they may be sourced, is available from: <http://www.environment.gov.au/topics/biodiversity/wildlife-trade/internationally-endangered-plants-and-animals-cites/how-export>

Schedule 1

Declaration of the harvest operations of the Queensland Sea Cucumber Fishery (East Coast) as an approved wildlife trade operation, December 2021

ADDITIONAL PROVISIONS (section 303FT)

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 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the Queensland Sea Cucumber Fishery (East Coast):

Condition 1

The Queensland Department of Agriculture and Fisheries must ensure that operation of the Queensland Sea Cucumber Fishery (East Coast) is carried out in accordance with management regime specified in Queensland Department of Agriculture and Fisheries, and Great Barrier Reef Marine Park Authority issued permits, as well as in the following:

- *Fisheries Act 1994* (Qld)
 - Fisheries (General) Regulation 2019 (Qld)
 - Fisheries (Commercial Fisheries) Regulation 2019 (Qld)
 - Fisheries Declaration 2019 (Qld)
 - Fisheries Quota Declaration 2019 (Qld)
 - *Marine Parks Act 2004* (Qld)
 - Marine Parks Regulations 2019 (Qld)
 - *Great Barrier Reef Marine Park Act 1975* (Cth)
 - Great Barrier Reef Marine Park Regulations 2019 (Cth).

Condition 2

The Queensland Department of Agriculture and Fisheries must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Queensland Sea Cucumber Fishery (East Coast) 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 must inform the Department of Climate Change, Energy, the Environment and Water of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 4

The Queensland Department of Agriculture and Fisheries must provide annual reports on the Queensland Sea Cucumber Fishery (East Coast) to the Department of Climate Change, Energy, the Environment and Water every 12 months, from the date of the approval of the Wildlife Trade Operation (WTO). These reports must be consistent with Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Condition 5

The Queensland Department of Agriculture and Fisheries must commission a Management Strategy Evaluation (MSE) to evaluate the ability of the settings contained in the ‘*Queensland Sea cucumber fishery harvest strategy 2021–2026*’ and any other legislated and enforceable management arrangements to meet the fishery’s objectives of attaining maximum economic yield (defined in the harvest strategy as target biomass level of 60% of unfished biomass for stocks harvested in the fishery). The MSE must consider the risk posed to each individual species harvested in the fishery, identify information needs and make recommendations for any improvements to the management arrangements considered necessary for the management of the fishery to meet its objective.

- a) The scope and Terms of Reference for this review should be developed in consultation with the Department of Climate Change, Energy, the Environment and Water.
- b) The updated MSE must include all new data, including data from fishery independent surveys. The updated MSE must be published on the Queensland Department of Agriculture and Fisheries website by 30 May 2024.
- c) The outcomes of the MSE must be considered as part of an implementation plan to be provided to the Department of Climate Change, Energy, the Environment and Water by 30 May 2024. The implementation plan must outline how and when any required changes to the management of the fishery will be delivered.

Condition 6

The Queensland Department of Agriculture and Fisheries must:

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- a) Undertake desktop research on the main sea cucumber species harvested in the fishery to determine biologically meaningful minimum size limits. Investigations should consider key biological parameters, for example, size at maturity. Findings of this research should be published on the Queensland Department of Agriculture and Fisheries website before the commencement of the 2022–23 fishing season.
 - b) Work with industry to undertake fieldwork within the fishery to determine appropriate ways to implement the minimum size limits determined through 6a. This may include the development of appropriate conversion factors to account for changes in size resulting from processing. Findings of this research should be published on the Queensland Department of Agriculture and Fisheries website before the commencement of the 2023–24 fishing season.
 - c) Implement minimum size limits based on work completed in 6a and 6b prior to the 2024–25 fishing season. Implementation of minimum size limits should be described in the Queensland Department of Agriculture and Fisheries application for the next Wildlife Trade Operation for this fishery.

Condition 7

The Queensland Department of Agriculture and Fisheries must:

- a) Ensure data from fishery independent surveys of Burrowing Blackfish at the Lizard, Gould and Bunker Reef Burrowing Blackfish Zones are representative of the fishery and used to inform a stock assessment for the species.
- b) Undertake and publish the stock assessment for Burrowing Blackfish. The stock assessment must be independently peer reviewed and must be completed by 30 May 2024.
- c) The outcomes of the stock assessment must be incorporated into the updated MSE. Implement any necessary changes to the total allowable catch (TAC) to ensure that rate of fishing mortality does not exceed that required to achieve the biomass target of 60% of unfished biomass for this species as detailed in the harvest strategy for the fishery.

Condition 8

The Queensland Department of Agriculture and Fisheries must:

- a) Implement species-specific reporting for Curryfish for the 2022–23 fishing season and beyond.
- b) Undertake and publish peer reviewed stock assessments for Prickly Redfish and Curryfish that incorporate fishery independent surveys, that are representative of the fishery, for these species by 30 May 2024.

c) The outcomes of the stock assessments must be incorporated into the updated MSE. Use information from 8a and 8b above to determine and implement the appropriate level of fishing mortality rate to be applied to these species to achieve the 60% biomass target as detailed under decision rule 3.2 of the harvest strategy for this fishery.

Condition 9

The Queensland Department of Agriculture and Fisheries must:

- a) Ensure that harvest of White Teatfish (*Holothuria fuscogilva*) does not exceed 53 t per season.

Condition 10

The Queensland Department of Agriculture and Fisheries must:

- a) Report information on the species harvested from Ashmore and Boot Reefs, Marion Reef and Saumarez Reef including species harvested, amount of harvest per species and location of harvest from the Coral Sea Marine Park. This reporting must be done as part of the annual report required under Condition 4.
- b) Ensure that White Teatfish (*Holothuria fuscogilva*) is not harvested from the Coral Sea Marine Park including Ashmore and Boot Reefs, Marion Reef and Saumarez Reef.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Declaration of an Approved Wildlife Trade Operation – Queensland Sea Cucumber Fishery (East Coast), December 2021	03 Dec 2021 (F2021N00302)	4 Dec 2021	
Declaration of an Approved Wildlife Trade Operation – Queensland Sea Cucumber Fishery (East Coast), June 2023	23 June 2023 (F2023N00182)	24 June 2023	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Schedule 1.....	am F2023N00182
