

**COMMONWEALTH OF AUSTRALIA**

##### **Environment Protection and Biodiversity Conservation Act 1999**

###### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – QUEENSLAND EAST COAST OTTER TRAWL FISHERY, DECEMBER 2024

###### I, BELINDA JAGO, Branch Head, Ocean and Wildlife Branch, as Delegate of the Minister for the Environment and Water, 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 (now Department of Primary Industries), 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 East Coast Otter Trawl Fishery as defined in the management regime in force under the:

* *Fisheries Act 1994* (Qld)
* *Marine Parks Act 2004* (Qld)
* *Great Barrier Reef Marine Park Act 1975* (Cth)
* *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
* Fisheries (General) Regulation 2019 (Qld)
* Fisheries (Commercial Fisheries) Regulation 2019 (Qld)
* Fisheries Declaration 2019 (Qld)
* Fisheries Quota Declaration 2019 (Qld)
* Fisheries (Saucer Scallops) Amendment Declaration 2021 (Qld)
* Marine Parks Regulations 2019 (Qld)
* Great Barrier Reef Marine Park Regulations 2019 (Cth)
* Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)
* Coral Sea Marine Park Management Plan 2018 (Cth)

but not including:

1. specimens that belong to taxa listed under section 209 of the EPBC Act (Australia’s List of Migratory Species), or
2. specimens that belong to taxa listed under section 248 of the EPBC Act (Australia’s List of Marine Species), or
3. specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
4. specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List),

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:

1. is valid until 17 December 2027, and
2. is subject to the conditions applied under section 303FT specified in Schedule 1.

# Dated this 13th day of December 2024

SIGNED

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Delegate of the Minister for the Environment and Water

Notes:

1. Under the *Administrative Review Tribunal Act 2024*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reasons may be made in writing to the Department of Climate Change, Energy, the Environment and Water within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Review Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section, Department of Climate Change, Energy, the Environment and Water, Email: sustainablefisheries@dcceew.gov.au.

**Schedule 1**

**Declaration of the harvest operations of the** **Queensland East Coast Otter Trawl Fishery as an approved wildlife trade operation, December 2024**

**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 East Coast Otter Trawl Fishery:

**Condition 1**

The Queensland Department of Primary Industries must ensure that operation of the Queensland East Coast Otter Trawl Fishery is carried out in accordance with management regime specified in Queensland Department of Primary Industries, and Great Barrier Reef Marine Park Authority issued permits, as well as in the following:

* *Fisheries Act 1994* (Qld)
* *Marine Parks Act 2004* (Qld)
* *Great Barrier Reef Marine Park Act 1975* (Cth)
* *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
* Fisheries (General) Regulation 2019 (Qld)
* Fisheries (Commercial Fisheries) Regulation 2019 (Qld)
* Fisheries Declaration 2019 (Qld)
* Fisheries Quota Declaration 2019 (Qld)
* Fisheries (Saucer Scallops) Amendment Declaration 2021 (Qld)
* Marine Parks Regulations 2019 (Qld)
* Great Barrier Reef Marine Park Regulations 2019 (Cth)
* Coral Sea Marine Park Management Plan 2018 (Cth)
* Environment Protection and Biodiversity Conservation Regulations 2000 (Cth).

**Condition 2**

The Queensland Department of Primary Industries must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Queensland East Coast Otter Trawl 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 Primary Industries 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 Primary Industries must produce and present reports on the Queensland East Coast Otter Trawl Fishery to the Department of Climate Change, Energy, the Environment and Water by 30 September each year, commencing September 2025, as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.

**Condition 5**

By 1 December 2025, the Queensland Department of Primary Industries must:

1. review the strategies in place for recovery of the identified depleted stock of saucer scallops (*Ylistrum balloti*) that occurs south of latitude 22 degrees south; and
2. publish and implement a formal rebuilding strategy for this identified depleted stock in accordance with the Queensland harvest strategy policy and ensure there are mechanisms to monitor and manage the ongoing performance of the strategy to facilitate recovery of the depleted stock.

**Condition 6**

The Queensland Department of Primary Industries must not allow the harvest of saucer scallops (*Ylistrum balloti*) from any area of the East Coast Otter Trawl Fishery other than the Southern Offshore Trawl Management Region unless evidence is provided to demonstrate the stock(s) can support a level of take that will not contribute to overfishing and depletion of the saucer scallop stock(s).

**Condition 7**

The Queensland Department of Primary Industries must:

1. By 30 June 2025, provide an implementation plan to the Department for the establishment of an ongoing independent monitoring and validation program across the East Coast Otter Trawl Fishery. The plan must demonstrate how the ongoing program will:
2. provide independent data that is reliable and representative across all regions of the fishery; and
3. independently monitor and validate data collected via protected species logbooks, with a particular focus on protected species interactions demonstrated within this Wildlife Trade Operation approval period.
4. By 15 December 2025 commence implementation of the independent monitoring and validation program, this may involve the use of electronic monitoring, independent onboard observers, or other means.
5. As part of annual reporting under Wildlife Trade Operation Condition 4, provide a summary of the level of independent monitoring coverage across the fishery, protected species interactions and the validation of protected species logbooks with independent data.

**Condition 8**

By 30 June 2027, the Queensland Department of Primary Industries to review the outputs of Fisheries Research and Development Corporation project 2023-009 to determine how it may guide the reduction of ecological impacts, including through the approval of additional bycatch reduction devices for the East Coast Otter Trawl Fishery.

**Condition 9**

By 30 June 2027, the Queensland Department of Primary Industries (QDPI) must provide an updated bycatch composition report for the East Coast Otter Trawl Fishery that:

1. considers available information on bycatch and provides updated information on bycatch composition and estimates of bycatch volumes; and
2. considers options for how QDPI will work towards providing representative bycatch data across all regions of the fishery; and
3. considers options and feasibility of ongoing monitoring of bycatch.

**Condition 10**

By 30 November 2026, the Queensland Department of Primary Industries must review the harvest strategies for the East Coast Otter Trawl Fishery.

**Condition 11**

By 30 June 2026, the Queensland Department of Primary Industries must consider the outcomes and implications from the Fisheries Research and Development Corporation project 2020-026 (Habitat ecological risk assessment for eco-regions with high trawl footprints, in southern Queensland and northern New South Wales) for the East Coast Otter Trawl Fishery, and provide summary advice to the Department of Climate Change, Energy, the Environment and Water on any actions to address identified risks.