



**Australian Government**

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

Assessment of the  
**Queensland Deep Water Fin Fish Fishery**

**October 2008**

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#### **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 Delegate of the Minister for the Environment, Heritage and the Arts on the fishery in relation to decisions under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment, Heritage and the Arts or the Australian Government.

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**Table 1: Summary of the Deep Water Fin Fish Fishery (DWFFF)**

<p><b>Publicly available information relevant to the fishery</b></p>	<ul style="list-style-type: none"> <li>• Queensland <i>Fisheries Act 1994</i></li> <li>• Queensland <i>Fisheries Regulation 2008</i></li> <li>• Queensland Fisheries (Coral Reef Fin Fish) Management Plan 2003 (CRFFF Plan)</li> <li>• Department of the Environment and Heritage Assessment of the Deep Water Fin Fish Fishery October 2005</li> <li>• <i>Great Barrier Reef Marine Park Act 1975</i></li> <li>• <i>Great Barrier Reef Marine Park Regulations 1983</i></li> <li>• Queensland <i>Marine Parks Act 1982</i></li> <li>• Annual Status Report 2006 – Queensland Deep Water Fin Fish Fishery</li> <li>• Annual Status Report 2007 – Queensland Deep Water Fin Fish Fishery</li> <li>• Annual Status Report 2006/2007 – Queensland Deep Water Fin Fish Fishery</li> </ul> <p>(N.B. as of 2007 annual reporting is based on fiscal year)</p>
<p><b>Area</b></p>	<p>The area of the DWFFF consists of all tidal waters deeper than 200 metres, east of longitude 142°31'49" East. Areas of the Great Barrier Reef World Heritage Area (GBRWA) are included in the DWFFF and operators are restricted to the use of six hooks in those areas.</p>
<p><b>Fishery status</b></p>	<p>There is limited biological information on the species exploited in the DWFFF that suggests uncertain stock status. Entry to the fishery is limited to seven operators that possess an L8 fishery symbol and therefore fishing effort is low. Currently, financial constraints associated with the remoteness of the fishing area and the elevated cost of fuel further limit the annual effort applied to the fishery.</p>
<p><b>Target species</b></p>	<p>Fin fish belonging to the families Serranidae (cods and groupers), Polyprionidae (wreckfishes), Lutjanidae (tropical snappers and sea perches), Lethrinidae (emperors) and Carangidae (trevallies) may be taken under an L8 endorsement. Primary target species are bar cod (<i>Epinephalus ergastularius</i>), deep water snapper (including flame (<i>Etelis coruscans</i>), ruby (<i>E. carbunculus</i>) and goldband snapper (<i>Pristipomoides multidens</i>)), rosy jobfish (<i>P. filamentosus</i>) and hapuku (<i>Polyprion oxygeneios</i>).</p> <p>There is a prohibition on taking barramundi (<i>Lates calcarifer</i>), pink snapper (<i>Pagrus auratus</i>), Spanish mackerel (<i>Scomberomorus commerson</i>), red emperor (<i>Lutjanus sebae</i>), and coral trout (<i>Plectropomus</i> spp.) using multi-hook apparatus.</p> <p>While the DWFFF targets a range of fin fish species, some of the main target species in this fishery are defined as “coral reef fin fish” in the CRFFF Plan. These species are therefore managed in accordance with the CRFFF Plan including Total Allowable Catch (TAC) restrictions, Individual Transferable Quota (ITQ) system, and size limits. Harvesting these species requires an RQ symbol and available quota. As such,</p>

	<p>“coral reef fin fish” may only be taken in the DWFFF by those L8 operators that hold reef quota (RQ) under the CRFFF Plan. A proportion of the catch in the DWFFF is therefore managed in accordance with the CRFFF Plan.</p> <p>The take of coral trout (<i>Plectropomus</i> spp.) is not permitted in the DWFFF. This species is the primary target species in the Coral Reef Fin Fish Fishery (CRFFF) comprising more the 60% of the commercial catch in that fishery.</p>
<b>Byproduct species</b>	Byproduct is restricted to various species of fin fish.
<b>Gear</b>	Commercial operators in the DWFFF are restricted to vertically set drop lines or bottom set trotlines. Outside of the GBRWHA, operators may use up to six droplines with a maximum of 50 hooks per line or up to three trotlines with a maximum of 300 hooks in total.
<b>Season</b>	Fishing occurs throughout the year.
<b>Commercial harvest</b>	Commercial operators in 2006/2007 harvested 9.5 tonnes (t). Annual catch in the fishery has declined gradually since 2000/2001 when the annual catch was close to 70 t. This trend is reflected in the annual effort in the fishery that has also declined over this period.
<b>Value of commercial harvest</b>	\$67,000 in 2006/2007.
<b>Take by other sectors</b>	DWFFF species are taken recreationally, however a significant proportion of the catch comes from areas adjacent to the fishery and is managed via legislative controls applied to other fisheries.
<b>Commercial licences issued</b>	Seven operators in Queensland hold licenses with L8 multi-hook symbols that permit them to operate in the DWFFF. Five of these operators have RQ symbols attached to the license permitting them to take coral reef species in the area of the DWFFF. The remaining operators do not possess RQ symbols and are therefore restricted to targeting non-RQ species. The 2006/2007 Annual Status Report (ASR) for the DWFFF indicates that six L8 operators accessed the fishery.
<b>Management arrangements</b>	<p>The fishery is managed under the Queensland <i>Fisheries Act 1994</i>, the <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p><u>Output controls</u></p> <ul style="list-style-type: none"> <li>• A Total Allowable Catch (TAC) administered via Individual Transferable Quotas (ITQ) for RQ species; and</li> <li>• Minimum and maximum size limits for RQ species.</li> </ul> <p><u>Input controls</u></p> <ul style="list-style-type: none"> <li>• Limited entry to commercial operators that possess an L8 (deep water multiple hook) endorsement;</li> <li>• Only RQ endorsement holders may take coral reef fin fish;</li> <li>• Operators limited to a maximum of six droplines with 50 hooks on each or three bottom set trotlines with a maximum of 300 hooks in total;</li> <li>• Restriction on boat size;</li> </ul>

	<ul style="list-style-type: none"> <li>• In-possession limits for some species for recreational anglers as well as gear limits; and</li> <li>• Prohibitions on some species of fin fish.</li> </ul>
<b>Export</b>	Deep water cod and job fish are exported to North America and Hawaii and to a lesser extent south-east Asia.
<b>Bycatch</b>	Observer data in the fishery has indicated that bycatch in the DWFFF is low (0.4%). A small amount of pink snapper is caught in the DWFF fishery area, but is thought to be taken using single hook apparatus. The L2/L3 and L1 fishery areas do overlap with the L8 fishery area, and the apparatus permitted for use under those symbols may be used to take pink snapper. Since retention of pink snapper taken with multi-hook apparatus is not permitted, catch by L8 operators is being closely monitored.
<b>Interaction with protected species<sup>1</sup></b>	<p>Operators in Queensland fisheries are required to report any interactions with protected species in the species of conservation interest logbook. This includes species protected under Part 13 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) and additionally species protected under Queensland environment legislation. No interactions with protected species have been reported by DWFFF operators. In addition there have been no interactions recorded from observed trips conducted in the DWFFF since the Fisheries Observer Program (FOP) has been in operation.</p> <p>Under sections 199, 214, 232 and 256 of the EPBC Act, persons who interact with a protected species must report that interaction within seven days of the incident occurring to Department of the Environment, Water, Heritage and the Arts (DEWHA).</p> <p>A Memorandum of Understanding, between DPI&amp;F and DEWHA, for the reporting of fisheries interactions with protected species (MOU) has been in operation since 2005 to streamline reporting requirements for interactions with protected species, assisting fishers in meeting their requirements under the EPBC Act. As such, the MOU reduces the administrative reporting burden on individual fishers and provides for regular reporting of protected species interactions.</p> <p>Unless exceptional circumstances exist, DEWHA will not take any actions against the authority holders in respect of a failure to meet the seven-day reporting requirement of protected species interactions, if the interaction was recorded in the authority holder's logbook at the time of the interaction and in accordance with the requirements of the MOU.</p>
<b>Ecosystem impacts</b>	Ecosystem impacts of the DWFFF are thought to be low as line fisheries are less likely to impact on habitats and substrate compared to other fishing methods.
<b>Impacts on World Heritage property</b>	The assessment also considered the possible impacts on the World Heritage values of the GBRWHA.

<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.

While the area of the DWFFF is largely outside of the GBRWHA, operators do have the ability to fish within a small area on the eastern margin of the GBRWHA. However the use of multi-hook apparatus is prohibited in this area. There are limited operators in the DWFFF with limited fishing effort annually and as such the impacts on the GBRWHA are low.

On this basis DEWHA considers that an action taken by an individual fisher, acting in accordance with the DWFFF management regime, would not be expected to have a significant impact on a matter protected by the EPBC Act.

**Table 2: Progress in implementation of recommendations and conditions made in initial assessment of the DWFFF**

Condition	Progress	Recommended Action
<p>Operation of the fishery will be carried out in accordance with the DWFFF management regime in force under the <i>Fisheries Act 1994</i>, the <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p>	<p><i>Met and ongoing</i>                      The fishery has operated in accordance with the legislated management regime over the course of the current export approval.</p> <p>DPI&amp;F notified DEWHA of a review and subsequent replacement of the <i>Fisheries Regulation 1995</i> with the <i>Fisheries Regulation 2008</i> on 1 April 2008. As the changes were administrative in nature, the Delegate of the Minister for the Environment, Heritage and the Arts determined that the assessment of the DWFFF in 2005 against the EPBC Act criteria remained valid and a reassessment at that time was not required. Therefore the EPBC Act instruments were simply remade to reflect the legislative changes.</p>	<p>This condition has been met and will continue to apply under the new Wildlife Trade Operation (WTO) declaration for this fishery for the next three years (<b>Condition 1, Table 4</b>).</p>
<p>DPI&amp;F to inform the Department of the Environment and Heritage (now DEWHA) of any intended amendments to the management arrangements that may affect sustainability of the target species</p>	<p><i>Met and ongoing</i>                      There have been no significant changes to management arrangements since the 2005 assessment that have impacted negatively on resource</p>	<p>This condition has been met and will continue to apply under the new WTO declaration for this fishery for the next three years (<b>Condition 2, Table 4</b>).</p>

<p>or negatively impact on bycatch, protected species or the ecosystem.</p>	<p>sustainability. A new fisheries licensing and fees system was implemented in July 2006. In late 2006 permits allowing fish trapping in this fishery were issued.</p> <p>In 2008 DPI&amp;F notified DEWHA of the change in Regulations for Queensland fisheries. This change was largely administrative in nature and did not result in a significant change to the management regime for the DWFFF.</p>	
<p>From 2006, DPI&amp;F to report publicly on the status of the DWFFF on an annual basis including explicitly reporting against performance measures, once developed.</p>	<p><i>Met and ongoing</i></p> <p>The 2006/2007 ASR is the third to be completed for the fishery since the 2005 assessment. Initially reporting was based around the calendar year; however, as of 2007 annual reporting moved to fiscal year.</p>	<p>This condition has been met and will continue to apply under the new WTO declaration for this fishery for the next three years (<b>Condition 3, Table 4</b>).</p>
<p><b>Recommendation</b></p>	<p><b>Progress</b></p>	<p><b>Recommended Action</b></p>
<p>By the end of 2006 DPI&amp;F to develop fishery specific objectives linked to performance indicators and performance measures for target species, bycatch, protected species and impacts on the ecosystem.</p>	<p><i>Met</i></p> <p>DPI&amp;F and the Reef Management Advisory Committee’s Scientific Advisory Group have developed Performance Measurement Systems (PMS) for a range of line fisheries during 2006 and 2007. The PMS for the DWFFF will be combined with the CRFFF due to the significant overlap in target</p>	<p>This recommendation has been met. DEWHA commends DPI&amp;F on finalising the PMS for the DWFFF and encourages the ongoing evaluation and improvement of what has been described as a working draft document. DEWHA notes that the PMS lacks a performance measure for the monitoring of by-product within the fishery including pearl perch and other non-RQ species that are retained in the fishery and has developed a recommendation for this component of the catch that will need to be addressed over the lifetime of the new WTO (<b>Recommendation 4, Table 4</b>).</p>

	species and management arrangements. The PMS for the DWFFF has been in operation since 29 July 2008.	
DPI&F to monitor the status of the fishery in relation to the performance measures, once developed. Within three months of becoming aware of a performance measure not being met, DPI&F to finalise a clear timetable for the implementation of appropriate management responses.	<i>Met</i> The PMS for the DWFFF has been in operation since 29 July 2008. As the PMS has only recently been finalised and implemented it is difficult to assess its ability to monitor the performance of the fishery. DEWHA will closely monitor the performance of the DWFFF in relation to the PMS as reported in the ASR.	This recommendation has been met. DPI&F has indicated the PMS is a working draft and will continue to update the document as appropriate. DEWHA will continue to monitor the application of the PMS to the DWFFF.
DPI&F to implement a program to validate logbook data in the DWFFF by June 2006.	<i>Met and ongoing</i> DPI&F's logbook validation strategy encompasses a range of activities that may be undertaken across different fisheries. For the purposes of the DWFFF, DPI&F used fishery observer and quota monitoring information (for RQ species) to implement a robust logbook validation system. The first logbook validation results for this fishery were obtained in September 2006 and considered by fishery managers, logbook and compliance officers.	In 2006 observer coverage in the DWFFF was approximately 5% of commercial trips. DEWHA acknowledges that this coverage exceeds the coverage observed in other Queensland fisheries; however, considers the fishery will benefit from continual improvement of the Fishery Observer Program (FOP). DEWHA has recommended that DPI&F continues to improve logbook validation including a review of the minimum level of observer coverage required in the DWFFF ( <b>Recommendation 5, Table 4</b> ).
DPI&F to enhance fishery specific data collection in the DWFFF to inform stock status	<i>Ongoing</i> DPI&F introduced a new logbook for the DWFFF in October 2006.	DEWHA commends DPI&F on the introduction of a new logbook for the DWFFF and considers that given the multi-species nature of the fishery, it would benefit from continual

assessments.	Independent fishery observers have also been introduced into the fishery to identify catches and obtain information on bycatch.	improvement to species specific resolution in data collection. DEWHA recommends that DPI&F continues to explore methods of improving species specific reporting in the DWFFF ( <b>Recommendation 1, Table 4</b> ).
DPI&F to instigate measures to ensure compliance with the CRFFF Plan and relevant legislation, in particular, compliance with the prohibition on the take of snapper by DWFFF operators and take of coral reef fin fish by DWFFF operators without appropriate quota symbols.	<i>Met</i> DPI&F conducted a compliance risk assessment for the DWFFF in June 2006 in order to determine compliance priorities and allow for the most effective targeting of DPI&F's Queensland Boating and Fisheries Patrol (QBFP) resources to higher risk issues. Outcomes of the risk assessment were incorporated into QBFP district operational plans in 2006.	DEWHA considers that this recommendation has been met. DEWHA notes that the level of compliance within the DWFFF is high with no offences detected in 2006/2007 and encourages DPI&F to continue to implement measures as appropriate to maintain this level of compliance.
DPI&F to implement an ongoing and robust program to collect information on the composition, abundance and life status of bycatch (including shark species and discards of target species) in the DWFFF by June 2006.	<i>Met</i> The DPI&F FOP collects information on the composition, abundance and status of bycatch in the DWFFF.	DEWHA considers that this recommendation has been met. Currently effort in the DWFFF is quite low and as such the single observer trip conducted in the fishery in 2006/2007 represents a level of coverage that exceeds that seen in other Queensland fisheries. DEWHA considers that an increase in effort in the DWFFF may result in a need for an increase in the number of observer trips and encourages DPI&F to adjust the level of coverage as required to ensure it is adequate.  DEWHA recommends that DPI&F continually improves the FOP so that its ability to monitor bycatch and validate fisheries dependant data is maintained ( <b>Recommendation 5, Table 4</b> ).
DPI&F to assess the need for bycatch mitigation measures in the DWFFF based on relevant research and bycatch data, when collected, and implement such	<i>Met</i> Data collected by independent observers suggests that bycatch in the fishery is extremely low (< 0.4%). Because of the already	DEWHA considers that this recommendation has been met. The level of bycatch in the DWFFF will require close monitoring to determine if it changes over time. Similarly it is possible that an increase in the level of effort in the fishery could lead to an increased risk to bycatch species.

<p>measures where required, by June 2008.</p>	<p>selective nature of the fishery, DPI&amp;F does not consider it necessary at this time to introduce any bycatch mitigation measures. In addition, because the scale of the fishery is small, the level of risk to bycatch is considered negligible. If the FOP detects a significant increase in bycatch taken in the fishery, the need for bycatch mitigation measures will be reviewed.</p>	<p>DEWHA commends DPI&amp;F on the introduction of the FOP and acknowledges the low level of bycatch currently observed in the DWFFF. DEWHA expects that if there is a change in the level of bycatch in the fishery, either through a change in the behaviour of operators or due to an increased effort in the fishery, measures to mitigate the impacts of bycatch will be investigated and implemented.</p>
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**Table 3: The DEWHA assessment of the DWFFF 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 DWFFF</b></p>
<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> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <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 threatened species (other than conservation dependent 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 survival or recovery in nature of the species.</p>	<p>The DWFFF will be managed under the management regime in force under the Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p>The management regime for the DWFFF was accredited in October 2005.</p> <p>In March 2008, DPI&amp;F advised DEWHA that on 1 April 2008 the <i>Fisheries Regulation 1995</i> was being replaced with the <i>Fisheries Regulation 2008</i>. The change in regulations did not result in any change to the management of the DWFFF and were administrative in nature. Although the change did not affect the original assessment of the DWFFF against the criteria on which the October 2005 decisions were made, the DWFFF required a new accreditation to be granted which referred to the correct Queensland legislation. As such the DWFFF was given a new Part 13 accreditation in April 2008.</p> <p>The management arrangements for the DWFFF have not significantly changed since the April 2008 accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as DEWHA</p>

	<p>considers that the DWFFF takes all reasonable steps to ensure that listed threatened species are not killed or injured. Currently, evidence suggests that the DWFFF only has minimal interactions with listed threatened species. Therefore, DEWHA considers the current operation of the DWFFF will not adversely affect the survival or recovery in nature of a listed threatened species.</p>
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<p><b>Division 2 Migratory species</b> <b>Section 222A Minister may accredit plans or regimes</b></p>	<p><b>DEWHA assessment of the DWFFF</b></p>
<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</p>	<p>The DWFFF will be managed under the management regime in force under the Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p>The management regime for the DWFFF was accredited in October 2005.</p> <p>In March 2008, DPI&amp;F advised DEWHA that on 1 April 2008 the <i>Fisheries Regulation 1995</i> was being replaced with the <i>Fisheries Regulation 2008</i>. The change in regulations did not result in any change to the management of the DWFFF and were administrative in nature. Although the change did not affect the original assessment of the DWFFF against the criteria on which the October 2005 decisions were made, the DWFFF required a new accreditation to be granted which referred to the correct Queensland legislation. As such the DWFFF was given a new Part 13 accreditation in April 2008.</p> <p>The management arrangements for the DWFFF have not significantly changed since the April 2008 accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as DEWHA</p>

species.	considers that the DWFFF still takes all reasonable steps to ensure that listed migratory species are not killed or injured. Currently, evidence suggests that the DWFFF only has minimal interactions with listed migratory species. Therefore, DEWHA considers the current operation of the DWFFF will not adversely affect the conservation status of a listed migratory species or a population of that species.
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<b>Division 3 Whales and other cetaceans</b> <b>Section 245 Minister may accredit plans or regimes</b>	<b>DEWHA assessment of the DWFFF</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> <ol 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> </ol> <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 cetaceans 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 species of cetacean or a population of that species.</p>	<p>The DWFFF will be managed under the management regime in force under the Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p>The management regime for the DWFFF was accredited in October 2005.</p> <p>In March 2008, DPI&amp;F advised DEWHA that on 1 April 2008 the <i>Fisheries Regulation 1995</i> was being replaced with the <i>Fisheries Regulation 2008</i>. The change in regulations did not result in any change to the management of the DWFFF and were administrative in nature. Although the change did not affect the original assessment of the DWFFF against the criteria on which the October 2005 decisions were made, the DWFFF required a new accreditation to be granted which referred to the correct Queensland legislation. As such the DWFFF was given a new Part 13 accreditation in April 2008.</p> <p>The management arrangements for the DWFFF have not significantly changed since the April 2008 accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as DEWHA considers that the DWFFF takes all reasonable steps to ensure that</p>

	<p>cetaceans are not killed or injured. Currently, evidence suggests that the DWFFF only has minimal interactions with cetaceans. Therefore, DEWHA considers the current operation of the DWFFF will not adversely affect the conservation status of a cetacean or a population of that species.</p>
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<p><b>Division 4 Listed marine species</b> <b>Section 265 Minister may accredit plans or regimes</b></p>	<p><b>DEWHA assessment of the DWFFF</b></p>
<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> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <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 DWFFF will be managed under the management regime in force under the Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p>The management regime for the DWFFF was accredited in October 2005.</p> <p>In March 2008, DPI&amp;F advised DEWHA that on 1 April 2008 the <i>Fisheries Regulation 1995</i> was being replaced with the <i>Fisheries Regulation 2008</i>. The change in regulations did not result in any change to the management of the DWFFF and were administrative in nature. Although the change did not affect the original assessment of the DWFFF against the criteria on which the October 2005 decisions were made, the DWFFF required a new accreditation to be granted which referred to the correct Queensland legislation. As such the DWFFF was given a new Part 13 accreditation in April 2008.</p> <p>The management arrangements for the DWFFF have not significantly changed since the April 2008 accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as DEWHA considers that the DWFFF still takes all reasonable steps to ensure that listed marine species are not killed or injured. Currently, evidence suggests that the DWFFF only has minimal interactions with listed</p>

	marine species. Therefore, DEWHA considers the current operation of the DWFFF will not adversely affect the conservation status of a listed marine species or a population of that species.
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<b>Section 303AA Conditions relating to accreditation of plans, regimes and policies</b>	<b>DEWHA assessment of DWFFF</b>
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	DEWHA recommends that the DWFFF accreditations under sections 208A, 222A, 245 and 265 remain.
(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: <ul style="list-style-type: none"> <li>(a) during a particular period; or</li> <li>(b) while certain circumstances exist; or</li> <li>(c) while a certain condition is complied with.</li> </ul> In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	No condition has been imposed 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 DWFFF</b>
(1) Minister may, by instrument in published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by: <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 of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(e) correcting an inaccuracy or updating the name of a species.</li> </ul>	No amendment to the List of Exempt Native Specimens (LENS) is required as product sourced from an approved Wildlife Trade Operation (WTO) for the DWFFF is already included on the LENS.

Section 303FN Approved wildlife trade operation	DEWHA assessment of the DWFFF
<p>(2) The Minister may, by instrument published in the <i>Gazette</i>, declare that a specified WTO is an <b>approved WTO</b> for the purposes of this section.</p>	
<p>(3) The Minister must not declare an operation as an approved WTO unless the Minister is <b>satisfied</b> that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p>i. the survival of a taxon to which the operation relates; or</p> <p>ii. the conservation status of a taxon to which the operation relates; and</p> <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>The DWFFF is consistent with objects of Part 13A (listed after this table) as:</p> <ul style="list-style-type: none"> <li>▪ the fishery will not harvest any Convention on the International Trade of Endangered Species of Wild Flora and Fauna (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 DWFFF is unlikely to be unsustainable and threaten biodiversity within the next three years; and</li> <li>▪ the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (EPBC Regulations) do not specify fish as a class of animal in relation to the welfare of live specimens.</li> </ul> <p>DEWHA considers that the DWFFF will not be detrimental to the survival or conservation status of a taxon to which it relates within the next three years, given the management measures currently in place, which include: limited entry, TACs and ITQs for RQ species, maximum and minimum size limits for some species, gear restrictions, spawning closures and prohibitions on the retention of some species of fin fish.</p> <p>DEWHA considers that the DWFFF will not threaten any relevant ecosystem within the next three years, given the management measures currently in place, which include: limited entry, TACs and ITQs for</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>RQ species, maximum and minimum size limits for some species, gear restrictions, spawning closures and prohibitions on the retention of some species of fin fish.</p> <p>The EPBC Regulations 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 EPBC Regulations.</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 DWFFF will not have a significant impact on any relevant ecosystem within the next three years, given the management measures currently in place, which include: limited entry, TACs and ITQs for RQ species, maximum and minimum size limits for some species, gear restrictions, spawning closures and prohibitions on the retention of some species of fin fish.</p> <p>The management arrangements that will be employed for the DWFFF are likely to be effective. Entry to the fishery will be limited operators that have an L8 symbol attached to their license, harvest of RQ species in the fishery is governed by TACs and managed through a comprehensive ITQ system, a long term monitoring program collects biological data on target species on an annual basis and a FOP is in place in the fishery. A PMS has been implemented and will assess the ongoing performance of the fishery in regards to key components of the commercial harvest (including target, bycatch and protected species).</p>

<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have <b>regard</b> to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) whether the legislation applies throughout the State or Territory concerned; and</li> <li>(c) whether, in the opinion of the Minister, the legislation is effective.</li> </ul>	<p>The DWFFF will be managed under the management regime for the fishery in force under the Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p>The Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan apply throughout Queensland waters.</p> <p>The management arrangements that will be employed for the DWFFF are likely to be effective. Management arrangements include: limited entry, TACs and ITQs for RQ species, maximum and minimum size limits for some species, gear restrictions, spawning closures and prohibitions on the retention of some species of fin fish. A PMS has recently been implemented into the fishery that will allow DPI&amp;F to monitor components of the fishery against a series of objectives and reference points. The performance of the fishery against the PMS will be reported on annually in the ASR.</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> <ul style="list-style-type: none"> <li>(d) the operation is a commercial fishery.</li> </ul>	<p>The DWFFF is a commercial fishery.</p>
<p>(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the DWFFF has been carried out under Part 10 of the EPBC Act.</p>
<p>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.</p>	

<b>Section 303FR Public consultation</b>	<b>DEWHA assessment of the DWFFF</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 a WTO have been met. A public notice, which set out the proposal to declare the DWFFF a WTO and included the 2006, 2007 and 2006/2007 ASRs (in 2007 reporting moved from calendar year to fiscal year), was released for public comment which closed on 4 July 2008 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 DWFFF a WTO and included the 2006, 2007 and 2006/2007 ASR's was released for public comment on 26 May 2008 and closed on 4 July 2008, a total of 21 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 comment received on the 2006, 2007 and 2006/2007 ASRs was included in the brief to the Delegate of the Minister for the Environment, Heritage and the Arts. The DEWHA assessment has considered the public comment received on the submission.</p>

<b>Section 303FT Additional provisions relating to declarations</b>	<b>DEWHA assessment of the DWFFF</b>
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the DWFFF will be made under section 303FN.</p>
<p>(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:</p> <ul style="list-style-type: none"> <li>(a) during a particular period; or</li> <li>(b) while certain circumstances exist; or</li> <li>(c) while a certain condition is complied with.</li> </ul> <p>In such a case, the instrument of declaration is to specify the period,</p>	<p>The standard conditions applied to commercial fishery WTOs include:</p> <ul style="list-style-type: none"> <li>• operation in accordance with the management regime;</li> <li>• notifying DEWHA of intended 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> (the Guidelines).</li> </ul>

circumstances or condition.	The WTO instrument for the DWFFF 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 DWFFF made under sections 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 DWFFF</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 must be considered when making a decision to include specimens on the LENS.
(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 DEWHA conditions and recommendations to DPI&F for the DWFFF**

The material submitted by DPI&F demonstrates that the management arrangements for the DWFFF meet most of the requirements of the *Guidelines for the Ecological Sustainable Management of Fisheries – 2<sup>nd</sup> Edition* (the Guidelines). Management of the DWFFF includes limited entry, quota management for RQ species, minimum and maximum size limits, spatial restrictions, gear restrictions (maximum of six droplines with 50 hooks on each or a maximum of three bottom set trotlines with a maximum of 300 hooks) and in-possession limits for the recreational sector for individual species and a total of 20 coral reef fin fish combined. A small area along the western boundary of the DWFFF area falls within the GBRWHA. The use of multi-hook apparatus is not permitted within the GBRWHA.

Despite the management arrangements in place in the DWFFF, DEWHA has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised:

- uncertainty about the stock status of target and byproduct species due to low species level resolution in catch data;
- lack of objectives and performance measures for non-RQ species caught in the fishery;
- current levels of observer coverage for the DWFFF may limit the ability of the FOP to continue to accurately validate logbook data and accurately monitor bycatch levels in the fishery; and
- the lack of management arrangements for sharks and rays and other byproduct in the fishery.

DEWHA is satisfied that the DWFFF will not be detrimental to the survival or conservation status of the taxon to which it relates in the short to medium term. Similarly, it is not likely to threaten any relevant ecosystem in the short to medium term. To contain and minimise the risks in the longer term, conditions and recommendations have been made. The immediate key challenges for this fishery are to: continue to improve the level of species specific reporting in the fishery; manage byproduct taken in the fishery; and review the level of observer coverage to ensure the FOP can achieve its objectives. DEWHA considers a three year WTO declaration is appropriate for the DWFFF.

Given the low level of protected species interactions under current fishing operations, DEWHA considers that the operation of the DWFFF 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. For these reasons, the management arrangements were accredited under Part 13 of the EPBC Act in October 2005. Since there have been no significant changes in the management arrangements since the initial assessment of the DWFFF, DEWHA considers that the existing Part 13 accreditation remains valid.

**Table 4: DWFFF Assessment– Summary of Issues, Conditions and Recommendations, October 2008**

	<b>Issue</b>	<b>Condition</b>
1	<p><u>General Management</u> Export decisions relate to the arrangements in force at the time of the decision. In order to ensure that these decisions remain valid and export approval continues uninterrupted, 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 DWFFF management regime in force under the Queensland <i>Fisheries Act 1994</i>, the Queensland <i>Fisheries Regulation 2008</i> and the CRFFF Plan.</p> <p><b>Condition 2:</b> DPI&amp;F to inform DEWHA of any intended amendments to the DWFFF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.</p>
2	<p><u>Annual Reporting</u> It is important that reports 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. Annual reports should follow Appendix B to 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. 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> DPI&amp;F to produce and present reports to DEWHA annually as per Appendix B to the Guidelines.</p>

	Issue	Recommendation
3	<p><u>Species specific reporting in the DWFFF</u>            In the 2005 assessment for the DWFFF it was recommended that DPI&amp;F enhance the collection of fishery specific data to inform assessments of stock status. DEWHA commends DPI&amp;F on the introduction of a new logbook for this fishery that has seen an improvement in the level of species specific resolution in the data collected for the DWFFF in addition to the FOP. DEWHA also commends DPI&amp;F for providing operators in the fishery with a comprehensive <i>Deep Water Fish Field Guide</i> in August 2006, to aid in the improvement of species specific reporting in the logbook.</p> <p>DEWHA acknowledges the difficulties in improving species specific reporting in multi-species fisheries with limited resources. Despite these difficulties DEWHA recommends that DPI&amp;F continually explores methods to improve data collection to ensure the most appropriate management can be applied to the fishery.</p>	<p><b>Recommendation 1:</b> DPI&amp;F to continue to improve the level of species specific reporting of both RQ and non-RQ species in the DWFFF.</p>
4	<p><u>Managing catch of sharks and rays in the DWFFF</u>            DEWHA is concerned that currently the take of sharks and rays in the DWFFF is not subject to management arrangements. The biological characteristic of these species makes them susceptible to fishing pressure. As part of its assessment process DEWHA encourages precautionary management for sharks and rays that will ensure that any impacts of fishing are sustainable. DEWHA commends DPI&amp;F for developing a Shark Identification Guide for net and line operators in June 2008 to aid fishers in better species specific reporting.</p> <p>DPI&amp;F has advised DEWHA that management arrangements for sharks are currently under review as part of the East Coast Inshore Fin Fish Fishery review. It is anticipated that the outcomes of this process relating to shark will apply to all fisheries, including the DWFFF. The review has proposed a number of changes to management arrangements for sharks including:</p>	<p><b>Recommendation 2:</b> DPI&amp;F to implement management arrangements to ensure the take of sharks and rays is sustainable.</p> <p><b>Recommendation 3:</b> DPI&amp;F to continue to monitor and, where appropriate, improve the identification and recording of the composition and quantity of retained sharks and rays.</p>

	<ul style="list-style-type: none"> <li>• management arrangements designed to limit the number of operators that are able to target and retain sharks (an ‘S’ fishery symbol);</li> <li>• prohibitions and in-possession limits for other operators, according to the vulnerability of individual species to fishing pressure; and</li> <li>• in-possession limits for the recreational sector.</li> </ul> <p>It is important to note that the review process is yet to be finalised and the exact impact on the DWFFF remains uncertain. It is anticipated that DPI&amp;F will finalise the management arrangements for sharks and implement them in early 2009.</p> <p>While recognising that the DWFFF is based primarily on several fin fish species, DEWHA suggests the sustainability of the fishery, incorporating the mitigation of impacts on the broader marine environment, would benefit from the introduction of management arrangements to limit the take of sharks and rays. In addition DEWHA recognises that the management of shark species will be further enhanced by ongoing improvements to the species specific reporting of sharks and rays that are retained in the DWFFF. Improved species specific reporting will allow a more robust assessment of the risks to species exploited in the DWFFF.</p>	
5	<p><u>Managing by-product in the DWFFF</u></p> <p>The PMS for the DWFFF lacks a performance measure for non-quota species taken in the DWFFF and DEWHA considers it is important to have in place objectives and performance measures for all components of the commercial catch that allows DPI&amp;F to respond to changes in targeting behaviour. DEWHA acknowledges that in a fishery with limited number of operators, byproduct can often be a small proportion of the total catch. However there is potential that changes in management arrangements may lead to changes in targeting behaviour. This was observed in 2005/2006 when the introduction of RQ saw a significant increase in the targeting of non-RQ species in the DWFFF including pearl perch and pelagic species. Performance measures should be capable of detecting a shift in targeting behaviour from key target species to byproduct species.</p>	<p><b>Recommendation 4:</b> DPI&amp;F to develop objectives and performance measures for by-product species taken in the DWFFF.</p>

	<p>DEWHA notes that all non-RQ species caught in this fishery that are common to the Rocky Reef Fin Fish Fishery (RRFFF) are already measured against the performance measure for these species in the RRFFF PMS.</p>	
6	<p><u>Validation of logbook data and monitoring bycatch in the DWFFF</u></p> <p>In the 2005 assessment it was recommended that DPI&amp;F implement a program able to provide a robust assessment of bycatch taken in the DWFFF. In 2005 the FOP began operating in the DWFFF to collect data on catch composition including bycatch and protected species in addition to providing the means by which logbook data is validated. DPI&amp;F has acknowledged that the ability of the program to achieve its objectives relies heavily on achieving a level of observer coverage appropriate to the size of the fishery.</p> <p>In 2006 the level of observer coverage in the DWFFF was approximately 5% and DEWHA notes that this exceeded the level of coverage achieved in other Queensland fisheries. This coverage, however, was limited to one 9-day trip. While DEWHA acknowledges the logistical difficulties associated with implementing observer programs, particularly in fisheries with low levels of effort, DPI&amp;F is encouraged to investigate methods of improving coverage so that the data collected as part of the program is representative.</p> <p>The newly introduced PMS for the DWFFF utilises observer data as the primary means of monitoring bycatch composition in the fishery highlighting the need for an adequate level of coverage. While acknowledging that bycatch levels in the fishery have been calculated by the observer program to be less than 0.5%, DEWHA considers that ongoing monitoring of bycatch levels will help to ensure the long term ecological sustainability of the fishery.</p>	<p><b>Recommendation 5:</b> DPI&amp;F to continue to improve validation of logbook catch and effort data and protected species reporting, including a review of the level of observer coverage needed to allow for effective implementation of the PMS.</p>

## Acronyms

ASR	Annual Status Report
CITES	Convention on the International Trade of Endangered Species of Wild Flora and Fauna
CRFFF	Coral Reef Fin Fish Fishery
CRFFF Plan	<i>Fisheries (Coral Reef Fin Fish) Management Plan 2003</i>
DEWHA	Department of the Environment, Water, Heritage and the Arts
DPI&F	Department of Primary Industries and Fisheries
DWFFF	Deep Water Fin Fish Fishery
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Regulations	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i>
FOP	Fisheries Observer Program
GBRWHA	Great Barrier Reef World Heritage Area
the Guidelines	Australian Government <i>Guidelines for the Ecologically sustainable Management of Fisheries – 2<sup>nd</sup> Edition</i>
ITQ	Individual Transferable Quota
LENS	List of Exempt Native Specimens
MOU	Memorandum of Understanding for reporting protected species interactions
PMS	Performance Measurement System
QBFP	Queensland Boating and Fisheries Patrol
RQ	Reef Quota
RRFFF	Rocky Reef Fin Fish Fishery
t	Tonnes
TAC	Total Allowable Catch
WTO	Wildlife Trade Operation