



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Tim Mulherin MP
Minister for Primary Industries and Fisheries
GPO Box 46
BRISBANE QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the re-assessment of the Queensland Deep Water Fin Fish Fishery (DWFFF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The DWFFF was first assessed by the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) (formerly the Department of the Environment and Heritage) in October 2005 under Parts 13 and 13A of the EPBC Act in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. This assessment was based on the submission provided by the Queensland Department of Primary Industries and Fisheries (DPI&F). In light of a number of concerns that needed to be addressed to manage environmental risks in the long term, the DWFFF was declared an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act. This declaration allowed the export of product from the fishery for a period of three years. The Delegate also accredited the management regime in force under the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 1995* under Part 13 of the EPBC Act in relation to protected species interactions.

As you would be aware on 1 April 2008, the Queensland *Fisheries Regulation 1995* was replaced with a more modern and consolidated piece of legislation, the Queensland *Fisheries Regulation 2008*. Although the change in legislation did not affect the management of Queensland fisheries or the prior EPBC Act assessments, the Delegate was required to remake all Queensland fishery EPBC Act accreditations (Parts 13 and 13A) to ensure that they remained operable by referring to the current legislation. As part of this process the DWFFF Part 13 and 13A declarations were remade on 10 April 2008. In re-issuing these declarations all of the previous assessment conditions, recommendations and timeframes were upheld.

In April 2008, DPI&F submitted the 2006, 2007 and 2006/2007 Annual Status Reports for the DWFFF for assessment under the EPBC Act to allow continued export approval for this fishery. The submission has been assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act.



I am pleased to advise the assessment of the fishery is now complete. The new assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/qld/deepwater-finfish/index.html>.

Given there have been only minor changes to the management regime for the DWFFF and there have not been any reported protected species interactions in the fishery, I consider that the existing Part 13 accreditation for this fishery, in relation to protected species provisions under the EPBC Act, still applies.

In considering the current management arrangements, I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem over the next three years.

Performance against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* is adequate, however there are a number of issues that need to be addressed to contain environmental risks in the longer term. Hence, I propose to declare the DWFFF a WTO under Part 13A of the EPBC Act, subject to the three conditions at **Attachment A**. This declaration would allow the export of product from the DWFFF for the next three years.

While there are some environmental risks associated with this fishery, I consider that DPI&F is committed to addressing these issues and is already taking proactive steps in most areas. Officers from our two departments have discussed key areas requiring ongoing attention. In addition to the conditions to the WTO declaration, I understand that they have agreed to a number of recommendations, focusing on addressing key issues for the DWFFF, to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery a WTO and I look forward to receiving your confirmation that they will be implemented.

Yours sincerely

Signed by Claire Howlett
Delegate of the Minister for the Environment, Heritage and the Arts
16 October 2008

Attachment A

Conditions on the Wildlife Trade Operation for the Queensland Deep Water Fin Fish Fishery (DWFFF)

1. Operation of the fishery will be carried out in accordance with the Queensland DWFFF management regime in force under the Queensland *Fisheries Act 1994*, the Queensland *Fisheries Regulation 2008* and the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the DWFFF management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. DPI&F to produce and present reports to DEWHA annually as per Appendix B to the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Queensland Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the Deep Water Fin Fish Fishery (DWFFF)

The DWFFF is a well managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: limited entry, Total allowable catches and individual transferable quotas, minimum and maximum size limits, prohibitions on some species of fin fish and gear restrictions.

The following recommendations have been made to further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation, DPI&F should action these recommendations before the next review of the fishery in 2011.

1. DPI&F to continue to improve the level of species specific reporting of both Reef Quota and non-Reef Quota species in the DWFFF.
2. DPI&F to implement management arrangements to ensure the take of sharks and rays is sustainable.
3. DPI&F to continue to monitor and, where appropriate, improve the identification and recording of the composition and quantity of retained sharks and rays.
4. DPI&F to develop objectives and performance measures for by-product species taken in the DWFFF.
5. DPI&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 Performance Measurement System.