



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 Marine Aquarium Fish Fishery (MAFF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The MAFF was first assessed by the Department of the Environment, Water, Heritage and the Arts (DEWHA - formerly the Department of the Environment and Heritage) in November 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 longer term, the MAFF 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.

As you would be aware on 1 April 2008, the Queensland *Fisheries Regulation 1995* was replaced with the Queensland *Fisheries Regulation 2008*. Although the change in legislation did not affect 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 MAFF Part 13A declaration was remade on 10 April 2008. In re-issuing this declaration all of the previous assessment conditions, recommendations and timeframes were upheld.

In August 2008, DPI&F submitted the 2006, 2007 and 2008 Annual Status Reports for the MAFF seeking ongoing export approval for the 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/marine-aquarium-fish/index.html>.

The management arrangements for the MAFF do not contain provisions that prohibit the targeted take of species listed under Part 13 of the EPBC Act. Consequently

accreditation of the fishery under Part 13 of the EPBC Act cannot be granted at this time.

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 of 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 MAFF a WTO under Part 13A of the EPBC Act, subject to the five conditions at **Attachment A**. This declaration would allow the export of product from the MAFF for the next three years.

Species from the family Syngnathidae which can be harvested in the fishery are listed marine species under Part 13 of the EPBC Act. I have granted the MAFF a separate WTO declaration for species of the family Syngnathidae harvested in Queensland state waters for a period of three years. Species listed under Part 13 of the EPBC Act cannot be included on the List of Exempt Native Specimens, therefore exporters are required to apply to DEWHA for an export permit to export Syngnathid species.

The assessment also considered the possible impacts on species harvested in the MAFF which are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to CITES imports and exports as appropriate. Subsequently, exporters are required to apply to DEWHA for CITES permits to export CITES species.

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 MAFF 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]

Andrew McNee

Delegate of the Minister for the Environment, Heritage and the Arts

21 November 2008

Attachment A

Conditions on the Wildlife Trade Operation for the Queensland Marine Aquarium Fish Fishery (MAFF)

1. Operation of the fishery will be carried out in accordance with the MAFF management arrangements in force under the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulations 2008*.
2. The 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 management arrangements that may affect the assessment of the MAFF against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. DPI&F to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition*.
4. DPI&F to consult with DEWHA prior to a change to the management arrangements for a species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora or EPBC Act listed species being implemented.

Recommendations to the Queensland Department of Primary Industries and Fisheries (DPI&F) on the ecologically sustainable management of the Queensland Marine Aquarium Fish Fishery (MAFF)

The MAFF 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 to A1 and A2 licence holders, possession limits for A2 licence holders, gear restrictions (hand collection with hand held apparatus), and spatial management arrangements.

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. By 1 July 2009 the DPI&F to finalise and implement the draft Performance Measurement System (PMS) for the MAFF. DPI&F to continually monitor and update the PMS annually to ensure it remains current and capable of monitoring the performance of the fishery.
2. DPI&F to
 - a) Ensure reporting in the logbook, including species and spatial reporting, is sufficient to monitor and update the PMS and inform the management of the fishery. Particular consideration should be given to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
 - b) continue to actively monitor catch and effort data and respond to new information to manage species and areas at risk from localised depletion.
 - c) ensure that management tools, including the Ecological Risk Assessment, are subject to periodic reviews and adapt to improved understanding of species harvested in the MAFF.
3. DPI&F to finalise the research and development plan for hand harvest fisheries and support research as appropriate in the MAFF. Particular consideration should be given to CITES and species listed under Part 13 of the EPBC Act.
4. DPI&F to investigate and implement appropriately precautionary in-possession limits to manage recreational take in the MAFF.