



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION –
QUEENSLAND EAST COAST INSHORE FIN FISH FISHERY, DECEMBER, 2018
(No. 2)**

I, MELISSA PRICE, 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 East Coast Inshore Fin Fish Fishery as defined in the management regime in force under the *Fisheries Act 1994* (Queensland) and Fisheries Regulation 2008 (Queensland), but not including

- specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
- specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list)
- except for Scalloped Hammerhead (*Sphyrna lewini*) Smooth Hammerhead (*S. zygaena*) and Great Hammerhead (*S. mokarran*) sharks

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 10 DECEMBER 2021 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 18 day of December 2018

.....Melissa Price.....
Minister for the Environment

SCHEDULE

Declaration of the Harvest Operations of the Queensland East Coast Inshore Fin Fish Fishery as an approved wildlife trade operation, December 2018

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 Inshore Fin Fish Fishery:

Condition 1:

Operation of the Queensland East Coast Inshore Fin Fish Fishery will be carried out in accordance with the *Queensland Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.

Condition 2:

The Queensland Department of Agriculture and Fisheries to inform the Department of any intended material changes to the Queensland East Coast Inshore Fin Fish 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 Agriculture and Fisheries to produce and present reports to the Department annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 4:

By **January 2020** the Queensland Department of Agriculture and Fisheries to implement foundational reforms (actions 1.1-1.4) identified in the Queensland Government's Sustainable Fisheries Strategy 2017–2027 for the ECIFFF and collect accurate and reliable data, sufficient to monitor and assess the fishery's impact on target and non-target species, including protected species, with a high degree of confidence.

Condition 5:

The Queensland Department of Agriculture and Fisheries progress the development and implementation of an independent data collection and validation program including:

- a. Assess feasibility and complete proof of concept trials for electronic monitoring by **December 2019**.
- b. Implement an independent data collection and validation program in ECIFFF from **January 2020** (this may include electronic monitoring or alternative interim solutions).

Condition 6:

The Queensland Department of Agriculture and Fisheries to:

- a. Continue to support fishers to accurately identify and record sharks at the species level. This should include some assessment and monitoring of reporting performance to identify and target ongoing improvements where necessary
- b. Ensure all commercial catches of shark species of conservation concern can be readily and reliably determined, at a taxonomic level sufficient to monitor and manage risks at the species level. This may require a prohibition on removal of fins, fillets or other morphological features that assist in identifying species prior to landing.
- c. By February 2020, report results of the Queensland Government's scheduled June 2019 review of hammerhead stock status to the Department, in a form suitable for the TSSC's review of Conservation Dependent species.
- d. Review and provide catch data for Scalloped Hammerhead (*Sphyrna lewini*), Great Hammerhead (*Sphyrna mokarran*) and Winghead Sharks (*Eusphyrna blochii*) to the Department of Environment and Energy for the TSSC's consideration. The data should be in a form that facilitates a comparison of catch levels between the three species, and provide advice on the level of confidence in the various data collected by Queensland Department of Agriculture and Fisheries.
- e. Provide annual reports to the Department of Environment and Energy (as per **Condition 3**) on the performance of management arrangements, including actions undertaken as part of these conditions, and which comprise the 'plan of management' for the purposes of subparagraph 179(6)(b)(ii) of the EPBC Act for Scalloped Hammerhead Sharks.

Condition 7:

The Queensland Department of Agriculture and Fisheries to:

- a. Continue to improve understanding of stock status of all commercially and recreationally important species which are currently classified as 'undefined' in the area of the East Coast Inshore Fin Fish Fishery.
- b. Ensure catch composition is sufficiently monitored and understood to ensure that all stocks impacted by the fishery are sustainably managed, not overfished or subject to overfishing.

Condition 8:

The Queensland Department of Agriculture and Fisheries to:

- a. Publish a level 1 ecological risk assessment for the Queensland East Coast Inshore Fin Fish Fishery by **July 2019**.
- b. Implement strategies to mitigate risks identified in the level 1 ecological risk assessment by **December 2019**.
- c. Develop and publish level 2 ERAs according to the Queensland Government ERA guidelines and implement appropriate risk mitigations strategies.

All precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders, and performance should be monitored and reported annually in accordance with **Condition 3**.

Condition 9:

The Queensland Department of Agriculture and Fisheries to implement by **January 2020** harvest strategies that monitor and manage impacts associated with the East Coast Inshore Fin Fish Fishery on target, byproduct and bycatch (including protected species).

The harvest strategy must include decision rules and reference points that trigger management actions to ensure the fishery remains ecologically sustainable.

Performance against this strategy must be included in annual reports specified at **Condition 3**.

The name of this instrument was amended on registration as the instrument as lodged did not have a unique name (see subsection 10(2), *Legislation Rule 2016*).