



COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF APPROVED WILDLIFE TRADE OPERATIONS –  
QUEENSLAND BLUE SWIMMER CRAB FISHERY AND QUEENSLAND MUD  
CRAB FISHERY, MAY 2019**

I, JOHN GIBBS, Assistant Secretary, Wildlife Trade and Biosecurity Branch, as Delegate of the Minister for the Environment, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the applications from the Queensland Department of Agriculture and Fisheries, public comment on the proposals as required under section 303FR and advice on the ecological sustainability of the operations. 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 Blue Swimmer Crab Fishery and the Queensland Mud Crab Fishery, and in accordance with the management regimes in force under the *Fisheries Act 1994* (Queensland) and Fisheries Regulations 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).

to be approved wildlife trade operations, 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 27 May 2022 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedules.

Dated this 28<sup>th</sup> day of May 2019

.....John Gibbs.....  
Delegate of the Minister for the Environment

A person whose interests are affected by this declaration may, within 28 days, make an application in writing to the Department of the Environment and Energy for the reasons for the decision.

An application for independent review of the decision (under section 303GJ(1) of the *Environment Protection and Biodiversity Conservation Act 1999*) may be made to the Administrative Appeals Tribunal (AAT), on payment of the relevant fee by the applicant, either within 28 days of receipt of the reasons for the decision, or within 28 days of this declaration if reasons for the decision are not sought. Applications should be made to the Deputy Registrar, AAT in your Capital City. Please visit the AAT's website at <http://www.aat.gov.au/> for further information.

You may make an application under the *Freedom of Information Act 1982* (Cth) to access documents relevant to this decision. For further information, please visit <http://www.environment.gov.au/foi/index.html>.

Further enquiries should be directed to the Director, Wildlife Trade Assessments Section, Department of the Environment and Energy, Telephone: (02) 6274 1917 Email: [sustainablefisheries@environment.gov.au](mailto:sustainablefisheries@environment.gov.au).

## SCHEDULE A

### **Declaration of the Harvest Operations of the Queensland Blue Swimmer Crab Fishery as an approved wildlife trade operation, May 2019**

#### **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 Blue Swimmer Crab Fishery:

1. Operation of the Queensland Blue Swimmer Crab Fishery will be carried out in accordance with the management regime in force under the *Fisheries Act 1994* (Queensland) and Fisheries Regulations 2008 (Queensland).
2. The Queensland Department of Agriculture and Fisheries to inform the Department of the Environment and Energy of any intended material changes to the Queensland Blue Swimmer Crab Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Queensland Department of Agriculture and Fisheries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. The Queensland Department of Agriculture and Fisheries to develop and publish level 2 ecological risk assessments (ERAs) according to the Queensland Government ERA guidelines, and implement appropriate risk mitigation strategies by 2021.  
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.
5. The Queensland Department of Agriculture and Fisheries to implement a harvest strategy that monitors and manages impacts associated with the Blue Swimmer Crab Fishery on target, byproduct and bycatch (including protected species), by the end of 2019, for implementation in 2020.  
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.
6. 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 Blue Swimmer Crab Fishery, and collect sufficient accurate and reliable data to monitor and assess the fishery's impact on target and non-target species, including protected species, with a high degree of confidence.
7. 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 the Blue Swimmer Crab Fishery from January 2021 (this may include electronic monitoring or alternative interim solutions).

## SCHEDULE B

### **Declaration of the Harvest Operations of the Queensland Mud Crab Fishery as an approved wildlife trade operation, May 2019**

#### **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 Mud Crab Fishery:

#### **Condition 1**

1. Operation of the Queensland Mud Crab Fishery will be carried out in accordance with the management regime in force under the *Fisheries Act 1994* (Queensland) and Fisheries Regulations 2008 (Queensland).
2. The Queensland Department of Agriculture and Fisheries to inform the Department of the Environment and Energy of any intended material changes to the Queensland Mud Crab Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Queensland Department of Agriculture and Fisheries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. The Queensland Department of Agriculture and Fisheries to develop and publish level 2 ecological risk assessments (ERAs) according to the Queensland Government ERA guidelines, and implement appropriate risk mitigation strategies by 2021.  
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.
5. The Queensland Department of Agriculture and Fisheries to implement a harvest strategy that monitors and manages impacts associated with the Mud Crab Fishery on target, byproduct and bycatch (including protected species), by the end of 2019, for implementation in 2020.  
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.
6. 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 Mud Crab Fishery, and collect sufficient accurate and reliable data to monitor and assess the fishery's impact on target and non-target species, including protected species, with a high degree of confidence.
7. 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 the Mud Crab Fishery from January 2021 (this may include electronic monitoring or alternative interim solutions).