

COMMONWEALTH OF AUSTRALIA

##### **Environment Protection and Biodiversity Conservation Act 1999**

###### DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION – COMMONWEALTH TORRES STRAIT BÊCHE-DE-MER FISHERY, JANUARY, 2025

I, Matt Flood, A/g Branch Head, Ocean and Wildlife Branch, as Delegate of the Minister for the Environment and Water, have considered in accordance with section 303FN of the *Environment Protection and* *Biodiversity Conservation Act 1999* (EPBC Act) the existing wildlife trade operation established for the Torres Strait Beche-de-Mer Fishery, public comments on the proposal to declare a new wildlife trade operation 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 Commonwealth Torres Strait Bêche-de-mer Fishery as defined in the management regime in force under the *Torres Strait Fisheries Act 1984* (Cth), Torres Strait Fisheries Regulations 1985 (Cth), Torres Strait Fisheries (Bêche-de-mer) Management Instrument 2022, Torres Strait Bêche-de-mer Fishery Harvest Strategy, but not including:

1. specimens that belong to taxa listed under section 209 of the EPBC Act (Australia’s List of Migratory Species), or
2. specimens that belong to taxa listed under section 248 of the EPBC Act (Australia’s List of Marine Species), or
3. specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
4. specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List), except for black teatfish (*Holothuria whitmaei*), white teatfish *(H. fuscogilva*), prickly redfish (*Thelenota ananas*) and amberfish (*T. anax*),

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:

1. is valid until 30 November 2026 and;
2. is subject to the conditions applied under section 303FT specified in Schedule 1.

Dated this 7th day of January 2025

MATT FLOOD

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Delegate of the Minister for the Environment and Water

Notes:

1. Under the *Administrative Review Tribunal Act 2024*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reasons may be made in writing to the Department of Climate Change, Energy, the Environment and Water within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Review Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section, Department of Climate Change, Energy, the Environment and Water, Email: sustainablefisheries@dcceew.gov.au.
2. Australia’s obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are met through Part 13A of the EPBC Act. Specimens of species listed in Appendix II of Australia’s CITES list under section 303CA of the EPBC Act may only be exported, under a CITES export permit issued under the EPBC Act, if Australia’s CITES Scientific Authority has issued a non-detriment finding for that species. Further information is available from https://www.dcceew.gov.au/environment/wildlife-trade/cites.

Schedule 1

Declaration of the harvest operations of the Commonwealth Torres Strait Bêche-de-mer Fishery as an approved wildlife trade operation, January 2025

**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), unless those specimens are subject to any exceptions as outlined in this declaration, taken in the Commonwealth Torres Strait Bêche-de-mer Fishery:

**Condition 1**

Operation of the Commonwealth Torres Strait Bêche-de-mer Fishery must be carried out in accordance with the management regime in force under the *Torres Strait Fisheries Act 1984* (Cth), Torres Strait Fisheries Regulations 1985 (Cth), Torres Strait Fisheries (Bêche-de-mer) Management Instrument 2022 and Torres Strait Bêche-de-mer Fishery Harvest Strategy.

**Condition 2**

The Australian Fisheries Management Authority must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Commonwealth Torres Strait Bêche-de-mer Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* (Cth) decisions are made.

**Condition 3**

The Australian Fisheries Management Authority must inform the Department of Climate Change, Energy, the Environment and Water of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

**Condition 4**

The Australian Fisheries Management Authority must produce and present reports on the Commonwealth Torres Strait Bêche-de-mer Fishery to the Department of Climate Change, Energy, the Environment and Water by November annually, as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.

Species-specific harvest data (including discards) for each species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) must be included in the annual reports.

**Condition 5**

The Australian Fisheries Management Authority must:

1. by August 2025, provide the Department of Climate Change, Energy, the Environment and Water with a proposed timeline for the undertaking and completion of a multi-species stock survey of sea cucumbers in the Torres Strait; and
2. by May 2026, have commenced the delivery of a multi-species stock survey of sea cucumbers in the Torres Strait.

**Condition 6**

By 30 May 2026, the Australian Fisheries Management Authority must progress measures for prickly redfish (*Thelenota ananas*) to be managed as a ‘Middle Tier’ species or above under the harvest strategy for the Commonwealth Torres Strait Bêche-de-mer Fishery. This should allow for implementation during the next term of the Wildlife Trade Operation approval for the fishery.

**Condition 7**

The Australian Fisheries Management Authority must:

1. Maintain the annual 15 tonne total allowable commercial catch limit (TACC) for prickly redfish (*Thelenota ananas*)
2. By 25 May 2025, implement an annual 10-tonne total allowable commercial catch limit (TACC) for amberfish (*Thelenota anax*)
3. Maintain the existing annual 20 tonne total allowable commercial catch limit (TACC) for black teatfish (*Holothuria whitmaei*). Although the Australian Fisheries Management Authority may allow for up to 10 per cent under catch of the black teatfish (*Holothuria whitmaei*) TACC to be carried over from one fishing season to the subsequent fishing season.
4. Maintain the existing annual 15 tonne total allowable commercial catch limit (TACC) for white teatfish (*Holothuria fuscogilva*).

These TACCs must be maintained at these levels until scientific evidence can be provided to substantiate a deviation.

**Condition 8**

By 1 July 2026, the Australian Fisheries Management Authority must implement the following enforceable minimum size limits:

1. prickly redfish (*Thelenota ananas*) – 50 cm
2. amberfish (*Thelenota anax*) – 50 cm
3. black teatfish (*Holothuria whitmaei*) – 33cm
4. white teatfish (*Holothuria fuscogilva*) – 40cm

These limits must be maintained until scientific evidence can be provided to substantiate a deviation.

**Condition 9**

By 25 May 2025, the Australian Fisheries Management Authority must establish accurate ratios for converting between all processed and unprocessed forms of prickly redfish (*Thelenota ananas*) and amberfish (*T. anax*) used in the Commonwealth Torres Strait Bêche-de-mer Fishery. Conversion ratios should be consistent across Commonwealth and Queensland managed fisheries where appropriate. Precautionary proxy conversion ratios can be adopted from other fisheries or jurisdictions until more accurate conversion ratios can be established.

**Condition 10**

By 25 May 2026, the Australian Fisheries Management Authority must review existing spatial management arrangements to evaluate whether these arrangements are sufficient to manage the risk of localised depletion of sea cucumbers in the Commonwealth Torres Strait Bêche-de-mer Fishery.

**Condition 11**

The Australian Fisheries Management Authority and the Queensland Department of Primary Industries must continue efforts to support coordination of monitoring and management of straddling or otherwise linked sea cucumber stocks in the Commonwealth Coral Sea Fishery, Commonwealth Torres Strait Bêche-de-mer Fishery, and Queensland Sea Cucumber Fishery (East Coast).

This may include review and further development of harvest strategy frameworks and fishery reference points; temporal and spatial closures; minimum size limits; rotational zone size, timing and move-on provisions; research into life history parameters; Management Strategy Evaluation; and conversion ratios across all three fisheries to reduce risk to species in the region.