Australian Government

Department of Agriculture, Water and the Environment

# Assessment of the QUEENSLAND EAST COAST OTTER TRAWL FISHERY

**December 2021**

This report should be attributed as '*Assessment of the Queensland East Coast Otter Trawl Fishery, December 2021*, Commonwealth of Australia 2021'.

**Disclaimer**

This document is an assessment carried out by the Department of Agriculture, Water and the Environment of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for the Environment on the fishery in relation to decisions under Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment or the Australian Government.

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## EXECUTIVE SUMMARY

On 30 April 2021, the Queensland Department of Agriculture and Fisheries (QDAF) submitted an application for the Queensland East Coast Otter Trawl Fishery (the fishery) to be assessed under the provisions of Part 13 (protected species) and Part 13A (wildlife trade) of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The application was provided to the Department of Agriculture, Water and the Environment and assessed against the Australian Government '*Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*' (the Guidelines).

A public comment period was open from 11 May to 15 June 2021. Two public comments were received on the submission.

### The Fishery

The fishery operates in Queensland and Commonwealth waters using otter trawl nets to target prawns, scallops and bugs. The fishery is managed using input controls such as limited entry, tradeable effort units, and spatial and temporal closures. The majority of fishing occurs in the Great Barrier Reef Marine Park (GBRMP).

The fishery is managed by the Queensland Department of Agriculture and Fisheries (QDAF) under the Queensland *Fisheries Act 1994,* Fisheries (General) Regulation 2019, Fisheries (Commercial Fisheries) Regulation 2019, Fisheries Declaration 2019 and Fisheries Quota Declaration 2019.

Management arrangements are developed in consultation with industry and relevant stakeholders. There is a statutory process in place for public consultation and advisory committees. A Regulatory Impact Statement (RIS) process is used as the main mechanism for ongoing consultation.

The Queensland *Fisheries Act 1994* and the *Queensland Sustainable Fisheries Strategy 2017-2027* outline clear objectives and performance criteria for Queensland fisheries. Future performance monitoring is outlined in the Harvest Strategies for this fishery. Stock status assessments of target stocks provide a basis to measure the performance of the fishery.

### Target stocks

The 2020 Australian Government Status of Australian Fish Stocks (SAFS) classifies the key crustacean species in the fishery as being harvested at sustainable levels. However, the Queensland saucer scallop stock is classified as depleted. QDAF's 2021 stock assessment estimates the scallop biomass to be at 12% of virgin biomass, a decline from 17% in the 2020 stock assessment and 22% in the 2019 stock assessment.

Further management is required to ensure scallop stocks recover to ecologically sustainable levels and remain above that level in future.

### Protected species and threatened ecological communities

The fishery interacts with a number of protected species, such as marine turtles, dolphins, dugongs, sawfish, seabirds and sea snakes.

While reported interactions are low for turtles, interactions with sea snakes may continue to be high. Implementation of specific actions to mitigate sea snake interactions, along with reductions in effort over the last decade, are likely to have reduced sea snake captures. However, the number of interactions reported continues to be significantly lower than research

predictions. Further investigation into the reliability of bycatch information recorded in logbooks is recommended.

**Ecosystem impacts**

An Ecological Risk Assessment (ERA), undertaken in 2012, assessed the impacts of the fishery's operations in the GBRMP, taking into consideration existing mitigation measures. It assessed the overall risk level from trawling activities in the park as generally low. However, it is recognised that some risks from trawling remain.

Additional ERA work has also been undertaken in the fishery, including the *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2015*, and a quantitative ERA in 2017 involving high-risk bycatch species within the otter trawl fishery, *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery 2017*.

It is important that ERAs are regularly updated to ensure they remain relevant and effectively capture current risks. Actions also need to be taken to mitigate any significant risks identified as part of the ERA process.

**Conclusion**

Notwithstanding progress made by QDAF to address the risks associated with the fishery, a number of risks and uncertainties remain that need to be managed through the Conditions listed at Section 2. These relate to:

- the long-term recovery of depleted saucer scallops stocks
- the management of fishing effort within the Great Barrier Reef World Heritage Area
- independent data validation and monitoring to support the management of the fishery
- the updating of ERAs and actions to address risks previously identified in the ERA's
- interactions with protected species, particularly sea snakes
- addressing risks to habitat and the broader ecosystem.

On this basis, the department considers that, until it can be demonstrated these issues have been adequately addressed, declaration of the harvest operations of the Queensland East Coast Otter Trawl Fishery as an approved wildlife trade operation for three years (until 20 December 2024), is appropriate.

## SECTION 1: ASSESSMENT SUMMARY

| Guidelines assessment | Meets | Partially meets | Does not meet | Details |
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| Management regime | 6 of 9 | 3 of 9 | | The management regime is satisfactory, noting the need to implement specific measures to help recover saucer scallop stocks from their existing overfished status and ensure there is no future overfishing of the stock. |
| Principle 1 (target stocks) | 3 of 11 | 7 of 11 | 1 of 11 | Most target stocks in the fishery are considered sustainable. However, saucer scallops are well below their identified biomass limits. There are already measures in place to control further harvest of the stock, but this require further strengthening.<br><br>Further measures are required to ensure target stocks are maintained at sustainable levels. The development of additional measures and a formal recovery plan are required to support the recovery of overfished stocks.<br><br>There are additional concerns regarding the reliability of information collection and data validation processes. There are no reliable estimates of recreational and Indigenous fishing available.<br><br>The impacts of the fishery on byproduct species is currently unclear. |
| Principle 2 (bycatch and protected species) | 2 of 6 | 1 of 6 | 3 of 6 | Previous ERAs have described the impacts of the fishery within the GBRMP as generally being low. Turtle exclusion devices and bycatch reduction devices are used, and bycatch has reduced when compared to historical levels. Monitoring would be improved by increased bycatch reporting.<br><br>Fishery information would be improved by the monitoring of a group of indicator species of bycatch. There are currently no decision rules in place that trigger additional management measures to ensure the sustainability of bycatch species.<br><br>While some controls are in place to minimise bycatch, there is minimal data available on the impacts to bycatch, further measures are required to ensure the fishery does not threaten bycatch species. |

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| | | | | There are concerns over the reliability of reported interactions with protected species in the fishery, in particular, sea snakes. Further measures are required to ensure the fishery avoids impacts on protected species. |
| Principle 2 (ecosystem impacts) | 3 of 5 | 2 of 5 | | There is an historically based effort cap within the GBRMP. However, there are no other decision rules in place that trigger further management responses.<br><br>The fishery management arrangements have a moderate chance of ensuring the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem. |
| Part 12 | Met | | | The fishery operates in the Coral Sea and the Temperate East Marine Regions. There is no bioregional plan currently in place for the Coral Sea Marine Region. The Marine bioregional plan for the Temperate East Marine Region have been considered and the fishery is not expected to compromise the region's values. |
| Part 13 | Met for listed threatened, migratory and cetaceans | Partially met for listed marine species | | All reasonable steps are taken to ensure that the conservation status of listed threatened, migratory, or cetacean species are not affected. However, there are remaining concerns for the accuracy of protected species reporting and the ongoing bycatch of sea snakes. Addressed through **Part 13 Conditions A and B** (Section 2). |
| Part 13A | Met for legislative requirements and consultation | Partially met for impacts on target stocks and ecosystems | | Based on the outcomes of Guidelines assessment, the majority of the Objects of Part 13A are considered met. Further measures are required to meet the Objects for impacts on all taxa and ecosystems. These are articulated in Section 3 and addressed through **WTO Conditions 5, 6, 7, and 8** (Section 2). |
| Part 16 | Met | | | Precautionary measures are in place to prevent serious or irreversible environmental damage being caused by this fishery. |

## SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

| Issue | Condition |
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| General Management<br><br>Export decisions relate to the arrangements in force at the time of the decision. To ensure these decisions remain valid and export approval continues uninterrupted, the Department of Agriculture, Water and the Environment needs to be advised of any changes made to the management regime.<br><br>This will allow the department to assess whether the new arrangements are equivalent or better (in terms of ecological sustainability) to those in place at the time of the original decision. This includes operational and legislated amendments that may affect the sustainability of the target species; or negatively impact on byproduct, bycatch, protected species, or the broader ecosystem. | **Condition 1**:<br>The Queensland Department of Agriculture and Fisheries must ensure that the operation of the Queensland East Coast Otter Trawl Fishery is carried out in accordance with the management regime specified in the following:<br><br>• *Fisheries Act 1994 (Qld)*<br>• Fisheries (General) Regulation 2019 (Qld)<br>• Fisheries (Commercial Fisheries) Regulation 2019 (Qld)<br>• Fisheries Declaration 2019 (Qld)<br>• Fisheries Quota Declaration 2019 (Qld)<br>• *Marine Parks Act 2004 (Qld)*<br>• Marine Parks Regulations 2019 (Qld)<br>• *Great Barrier Reef Marine Park Act 1975 (Cth)*<br>• Great Barrier Reef Marine Park Regulations 2019 (Cth).<br><br>**Condition 2:**<br>The Queensland Department of Agriculture and Fisheries must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Queensland East Coast Otter Trawl Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.<br><br>**Condition 3:**<br><br>The Queensland Department of Agriculture and Fisheries must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval. |

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| Annual Reporting<br><br>It is important that the Department of Agriculture, Water and the Environment receives annual reports on the performance of the fishery, and the Queensland Department of Agriculture and Fisheries' progress in implementing the conditions and commitments described in this assessment report.<br><br>These reports should be prepared in accordance with Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.* They will need to include a description of the fishery; the current management arrangements in place; research and monitoring outcomes; recent catch data for all sectors of the fishery; status of target stock(s); any interactions with *Environment Protection and Biodiversity Conservation Act 1999* protected species; impacts of the fishery on the ecosystem in which it operates; and progress in implementing the conditions described in this assessment report.<br><br>Electronic copies of the guidelines are available from the Department of Agriculture, Water and the Environment website at http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries. | **Condition 4**:<br><br>The Queensland Department of Agriculture and Fisheries must produce and present reports on the Queensland East Coast Otter Trawl Fishery, including progress against all of the conditions established in this assessment report, to the Department of Agriculture, Water and the Environment by 30 June annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.* |

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| Management of target stocks<br><br>The Queensland saucer scallop stock remains overfished. The 2021 stock assessment estimates the biomass to be at 12% of original biomass, a decline from 17% of original biomass in the 2020 stock assessment and 22% in the 2019 stock assessment. This is also well below the 20% limit reference point set out in the *Queensland Sustainable Fishery Strategy 2017-2027.*<br><br>The Queensland Department of Agriculture and Fisheries' *Trawl Fishery (Southern Offshore Region) Harvest Strategy: 2021-20* defines that a biomass limit reference point of 20% of the unfished spawning biomass being the biomass level that the harvest strategy aims to avoid. If the stock is assessed to be below 20% of the unfished spawning biomass, the risk to the stock is unacceptably high and the stock is defined as 'overfished'.<br><br>Fisheries independent surveys of scallops in the Queensland East Coast Otter Trawl Fishery have indicated very low scallop densities, including within scallop replenishment areas, and poor recruitment into the fishery for a number of years. All of this suggests that the outlook for saucer scallops is poor and requires a strong management response.<br><br>The biomass projections from the 2021 stock assessment estimate that with the full closure of the scallop sector of the fishery, stock levels will take 13 years to recover to a biomass that can potentially support Maximum Sustainable Yield in the Southern Inshore Trawl Region of the fishery. This assumes that fishing mortality is zero. Any continued fishing effort that results in the mortality of scallops, including targeted fishing, within the entire fishery, could extend the timeframe of recovery.<br><br>In January 2017, the Queensland Department of Agriculture and Fisheries introduced new management arrangements that were expected to reduce the total scallop catch by as much as 40% to prevent further declines in the scallop stock. This included closing all six of the scallop replenishment areas located off Yeppoon, Bustard Head and Hervey Bay, to scallop fishing until further notice. This was despite the fact that three of the scallop replenishment areas were originally scheduled to open to fishing on 3 January 2017.<br><br>In September 2020, the Queensland Department of Agriculture and Fisheries implemented further management changes that sought to address the continued decline in the scallop stock, this included reductions in the scallop effort cap, additional closures in the Southern | **Condition 5:**<br><br>Consistent with Principle 1 of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* and the precautionary principle, the Queensland Department of Agriculture and Fisheries must:<br><br>a) not allow the take or harvest of saucer scallops until the Department of Agriculture Water and the Environment has been provided with science-based evidence, including an updated stock assessment, that any management arrangements proposed, adopted or implemented in the fishery for saucer scallops will not contribute to overfishing and further depletion of the saucer scallop stock.<br><br>b) not maintain, adopt or implement management arrangements that contribute to overfishing of saucer scallops, in particular, while the stock is below a minimum reference point of 30% of original biomass (as referenced in the Queensland Department of Agriculture and Fisheries correspondence to licence holders on 27 August 2021).<br><br>c) as part of the annual report described in Condition 4, provide updated science- based evidence, including an updated stock assessment, to the Department of Agriculture, Water and the Environment, that demonstrates overfishing of saucer scallops is not occurring and the saucer scallop stock is on a suitable rebuilding trajectory.<br><br>d) develop and publish a formal rebuilding strategy for the Queensland East Coast Otter Trawl Fishery saucer scallop stock. This strategy should be developed as a matter of priority (by 30 June 2022) and be consistent with the *Queensland Sustainable Fishery Strategy 2017–2027,* and the Queensland Government's *Harvest Strategy Policy and Guidelines.*<br><br>e) implement the key management actions identified in the formal rebuilding strategy. These actions should be fully implemented by 30 November 2022. |

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| Inshore Trawl Region, and reductions in the trawling period for the Southern Offshore Fishery Region.<br><br>The 2021 stock assessment indicated that the scallop stock remained seriously depleted (12% of original biomass) and was subject to overfishing. Responding to this level, which is well below the 20% limit reference point set out in the *Queensland Sustainable Fishery Strategy 2017-2027*, the Queensland Department of Agriculture and Fisheries proposed to industry, a complete closure on fishing for scallops across the whole stock to rebuild the saucer scallop stock. i.e. cease take of scallops from Southern Inshore, Southern Offshore and Central Regions. The no take on scallops would apply from late 2021 until the biomass recovered to 40% original biomass (estimated time up to 13 years).<br><br>Following consultation with industry, the Queensland Department of Agriculture and Fisheries introduced the following management measures, which came into force on 1 November 2021. These include:<br><br>• no take or possession of scallops in the Southern Inshore and Central Trawl Regions until the conditions within the proposed rebuilding harvest strategy are met, including a minimum of 30% biomass level is reached<br>• a reduction in the season for the Southern Offshore Trawl Region, although fishing for the scallops is still allowed in this region on the basis it is believed to be a “sink stock”. No effort cap is in place in this region<br>• fishers required to land scallops before fishing in the Southern Inshore or Central Trawl Region and new controls over vessels with scallops on board steaming across the Southern Inshore and Central trawl regions<br>• the continued closure of the Scallop Replenishment Areas.<br><br>A 2015 research project, *Physical Oceanographic Influences on Queensland reef fish and scallops*, did examine larval advection patterns for Queensland saucer scallops. The study determined that scallop larvae were generally found to move in a northwest direction towards the coast. However, the research also suggested that no one single area in the fishery is responsible for supplying larvae in the fishery and larval advection patterns have differed significantly between years.<br><br>The Department of Agriculture, Water and the Environment notes, that despite the low scallop biomass levels in the fishery, the Queensland Department of Agriculture and Fisheries continues to allow scallop fishing in the Southern Offshore Trawl Region, with no | |

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| limit on the take of scallops. There has been no evidence presented to the Department of Agriculture, Water and the Environment which has shown that scallops in this region are biologically distinct from the two closed fishery regions.<br><br>The scallop stock is not only at a low level but has been on a continual decline for a number of years. There is also significant uncertainty around stock recruitment. To facilitate a return to fishing, the Department of Agriculture, Water and the Environment would like to see clarifying information collected for all components of the stock, including the Southern Offshore Trawl Region. Fisheries independent scallop surveys should continue in the fishery, including in the Southern Offshore Trawl Region, and the results of these surveys included in subsequent assessments of the scallop stock.<br><br>*The Queensland Sustainable Fisheries Strategy 2017–2027* and associated *Harvest Strategy Policy and Guidelines* state that all target stocks in Queensland fisheries will be managed to 40% to 50% of original biomass (maximum sustainable yield) by 2020 and to around 60% by 2027 (maximum economic yield). Additionally, these documents state that stocks assessed as below 20% original biomass, will be subject to a no-take provision.<br><br>The Department of Agriculture, Water and the Environment acknowledges the work that Queensland has done to this point to respond to the declining scallop stock in the Queensland East Coast Otter Trawl Fishery. However, a formal rebuilding strategy for scallops has not been developed. Further management action is required to ensure the scallop stock recovers to ecologically sustainable levels and remain at those levels in future.<br><br>Research has also suggested that the scallop stock recruitment in the fishery could potentially be vulnerable to long-term changes in water temperatures. More work is needed on the potential impacts of a changing climate on the stock and potential management responses. | |

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| Finer scale spatial management<br><br>In 2009, the Queensland Department of Agriculture and Fisheries introduced an effort cap for those elements of the Queensland East Coast Otter Trawl Fishery that operate within the Great Barrier Reef World Heritage Area. This cap took account of the effort units bought out by the Australian Government after the marine park was rezoned on 1 July 2004. Under current arrangements, this cap is reduced annually to allow for any effort creep in the fishery.<br><br>However, the initial cap was set using a formula based on historical levels of effort and was not based on any scientific assessment of sustainable effort levels. Since then, new scientific information has become available that could help inform a revision to this cap and ensure trawling effort in the fishery is sustainable.<br><br>There is also a risk that some of the management arrangements being implemented by the Queensland Department of Agriculture and Fisheries could see changes in fishing practices and a greater level of fishing effort in the world heritage area. The Queensland Department of Agriculture and Fisheries should ensure that any changes to total allowable effort in the Queensland East Coast Otter Trawl Fishery, or changes to the fishery's management structure, do not result in an increase in the effort in the Great Barrier Reef World Heritage Area above the historic proportion of total fishing effort in that area of the fishery. | **Condition 6:**<br><br>By 30 November 2022, the Queensland Department of Agriculture and Fisheries must work with the Great Barrier Reef Marine Park Authority to develop a review that determines a scientifically informed and risk based total effort cap for the Queensland East Coast Otter Trawl Fishery operations within the Great Barrier Reef World Heritage Area as a whole, and within each management region within the Great Barrier Reef World Heritage Area. This needs to ensure trawling occurring within the heritage area is ecologically sustainable for all species, habitats, and regions. |
| Independent data validation and monitoring<br><br>There is an ongoing need for the Queensland Department of Agriculture and Fisheries to acquire information to support the ecologically sustainable management of the fishery. While the number of active licences in the fishery has reduced since 2009, the ongoing collection of reliable information is critical for understanding the impacts that fishing is having on the ecosystem, target stocks, sharks and bycatch (including protected species).<br><br>The fishery has been identified as an intermediate or high risk to a variety of species including protected species. Without accurate information on the impact of trawl fishing, it is impossible to ensure the sustainability and impacts to the populations of these species.<br><br>The Department of Agriculture, Water and the Environment notes that the Queensland Department of Agriculture and Fisheries characterises their fishery independent surveys as part of their data validation and monitoring program. While this independent survey data is | **Condition 7:**<br><br>By 20 May 2024, the Queensland Department of Agriculture and Fisheries must develop and implement a statistically robust, independent, quantitative and validated monitoring and data collection regime in the Queensland East Coast Otter Trawl Fishery. This may involve the use of electronic monitoring, onboard observers, or other means.<br><br>The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks. This regime needs to gather suitable data on the level of catch, discards and interactions in the fishery to inform the sustainable management of target, byproduct and bycatch species (including protected species). |

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| vital to inform the management of target species, it is not designed to, and does not contribute to data validation and monitoring of bycatch and protected species interactions across the entire fishery.<br><br>The Department of Agriculture, Water and the Environment notes Vessel Monitoring Systems are now required and in place on all Queensland managed commercial fishing vessels as of 1 January 2020. Vessel Monitoring Systems are a Global Positioning System tracker on vessels, providing vessel position, course and speed at any given time. Some of the data can be stored for future analysis. However, Vessel Monitoring Systems do not collect or validate data on catch of target, byproduct and bycatch species including *Environment Protection and Biodiversity Conservation Act 1999* protected species.<br><br>There is still a requirement to have a robust data validation and fishery monitoring system in place, to accurately ascertain quantitative data on bycatch and protected species interactions, to ensure the sustainability of, and mitigate the impacts to, these species. It is essential that the Queensland Department of Agriculture and Fisheries develop, implement and maintain a statistically robust monitoring regime for the fishery which will allow:<br><br>• robust and qualitative data on byproduct and bycatch species<br><br>• identification of risks to target, byproduct and bycatch species, and for protected species at a regional level, and<br><br>• improved stakeholder confidence in the effectiveness of fishery management measures<br><br>This regime should provide data that is independent of (and complementary to) and validates fisher logbook data. Fishery monitoring data should continue to be analysed, peer reviewed and reported publicly, such as through the annual status reports for the fishery.<br><br>While the Department of Agriculture, Water and the Environment notes the ongoing work by the Queensland Department of Agriculture and Fisheries to establish tailored programs of independent data validation across several fisheries, including the trawl fisheries, this condition was stipulated in the previous assessment of 2018. There appears to have been minimal progress towards meeting this condition. Therefore, this condition includes a timeframe for completion, that will be considered in the granting of a future Wildlife Trade Operation accreditation. | |

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| Ecological Risk Assessments<br><br>Since 2012 there have been three Ecological Risk Assessments conducted for the Queensland East Coast Otter Trawl Fishery.<br><br>The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park* was finalised in 2012. This considered the management arrangements and effort levels at the time of the assessment and concluded that 'current risk levels from trawling activities were generally low'. However, it did identify that some risks from trawling did remain. In particular, 11 species of skates and rays, two species of sea snake and a deepwater habitat in the southern Great Barrier Reef Marine Park were all assessed as being at high risk from trawling activity, while three species of Balmain bug were also assessed to be at intermediate-high risk from trawling activity.<br><br>A number of intermediate risks were also identified for principal, permitted and bycatch species (including some protected species) and species assemblages. It also found that risks from the fishery may increase if fishing effort levels increased above those reported in 2009, and identified that trawl fishing effort is a key driver of ecological risk to species, habitats and the Great Barrier Reef ecosystem.<br><br>The *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2014* was based on the management regime used in the Queensland East Coast Otter Trawl Fishery at that time. The report describes the outcomes from the ecological risk assessment that was undertaken as part of a formal review of the previous *Fisheries (East Coast Trawl) Management Plan 2010*. The assessment included all waters fished by otter trawls between the southern limit of the Great Barrier Reef Marine Park and the New South Wales border, as well as areas of the River and Inshore Beam Trawl Fishery along the entire coast. The assessment focused specifically on the prawn and saucer scallop trawl fishery, including both target and non-target species that interact with, or have the potential to interact with, the Queensland East Coast Otter Trawl Fishery during normal fishing operations.<br><br>A quantitative Ecological Risk Assessment in 2017 was also undertaken for some of the high-risk bycatch species within the Queensland East Coast Otter Trawl Fishery. The *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery* assessment considered the risk from the fishery in southern Queensland waters. It revealed that of the | **Condition 8:**<br><br>By 30 November 2023, the Queensland Department of Agriculture and Fisheries must:<br><br>a) develop and implement mitigation measures to address all risks identified as being at intermediate or above risk from the impacts of fishing in the existing Ecological Risk Assessments, according to protocols described in the *Fisheries Queensland Ecological Risk Assessment Guideline.*<br><br>b) complete and publish an updated Ecological Risk Assessment for the Queensland East Coast Otter Trawl Fishery, which describes whole of fishery risks and species-specific risks within each of the fishery's management regions. This should follow the protocols described in the *Fisheries Queensland ERA Guideline 2018*.<br><br>c) the updated Ecological Risk Assessment should incorporate any new published literature and data made available from the benthic fauna biodiversity surveys proposed for deep water and previously undocumented sections of the Coral Sea. |

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| 47 elasmobranch species assessed, the Piked Spurdog was found to be at high risk from trawling in the area of the study. A further six species (Brown Stingray, Crested Hornshark, Eastern Spotted Gummy Shark, Collar Carpetshark, Sandyback Stingaree and Patchwork Stingaree) were also assessed as being at medium risk in the area of the study. In most cases, these species are found in deeper water where fishing effort is high.<br><br>The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park 2012* assessed 10 habitat types and their resilience to trawl fishing. One particular habitat type (Habitat 10, which occurs in the southern areas of the marine park at between 90 and 300m depths) was assessed to be at high risk. This was due to the high trawl fishing intensity in the area, the potentially sensitive biota associated with the habitat, and the lack of information available on the local benthic environment and associated biota. There five habitat types assessed as being at intermediate-low risk and four habitat types assessed as being at low risk from the fishery.<br><br>There is even less information available on the deeper water environments adjacent to the Habitat 10 areas. While the Ecological Risk Assessment determined the overall risk of trawling on the ecosystem was low within the Great Barrier Reef Marine Park area, it is important that if bycatch of reef-associated biota (corals and sponges) is apparent during trawling, that fishing activity should cease. At least until the vessel involved has moved to an area where there is less risk of catching these sensitive organisms.<br><br>The Department of Agriculture and Fisheries has supported and is a co-investigator on a major study being planned to survey and document benthic biodiversity in deep water habitat and other previously undescribed habitats in the Coral Sea. This project is expected to provide significant new data, which should be incorporated into an updated ecological risk assessment for the Queensland East Coast Otter Trawl Fishery. Further, the Queensland Department of Agriculture and Fisheries should develop and adopt protocols to ensure sensitive benthic environments in and adjacent to the Great Barrier Reef Marine Park are not damaged as a result of trawl fishing.<br><br>While some of the risks to sea snakes identified in the Ecological Risk Assessments have been mitigated through the introduction and use of Bycatch Reduction Devices in the fishery, most other risks have yet to be addressed. It is important that actions are taken during the first two years of a new Wildlife Trade Operation to mitigate any remaining risks, and measurable progress is made to reduce the associated risks during the period of the approval. | |

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| Protected species interactions and sea snake bycatch<br><br>Under the EPBC Act, all species of sea snake are listed marine species. The *Ecological risk assessment of the East Coast Otter Trawl in the Great Barrier Reef Marine Park 2012* lists 15 species of sea snake that have overlapping distributions with the Queensland East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park. Of these, two species, the elegant sea snake and ornate sea snake, are considered to be at high risk from trawl operations. The spectacled and small-headed sea snakes were also considered to be at intermediate risk from trawling operations.<br><br>The majority of sea snake interactions occur in the red spot king prawn and scallop sectors of the fishery. The capture of sea snakes in the Queensland East Coast Otter Trawl Fishery has been an ongoing issue since the initial assessment of the fishery in 2004. While some management measures, including the adoption of Bycatch Reduction Devices, have been effective at reducing the number of sea snakes caught, there appears to be a discrepancy between the numbers reported by fishers and the numbers scientific research and current fishing effort suggests are probably being caught. This may also be the case for other protected species such as turtles and dugong, which also occur in the vicinity of the fishery.<br><br>It important the Queensland Department of Agriculture and Fisheries provide fishers with sufficient education to ensure accurate and validated reporting of sea snakes and other protected species in their Species of Conservation Interest logbook.<br><br>A strategy should describe best practice handling and release techniques in one document and be publicly available.<br><br>The Queensland Department of Agriculture and Fisheries should continue to support research into understanding and reducing the impact on sea snakes in the fishery so that effective mitigation measures can be introduced. | **Part 13 Condition A:**<br><br>The Queensland Department of Agriculture and Fisheries must:<br><br>a) by 30 November 2022, develop and implement a best practice management strategy for the Queensland East Coast Otter Trawl Fishery that includes best practice handling and release techniques for non-target species to reduce discard mortality.<br><br>b) by 30 November 2023 develop and implement mitigation measures to address all risks identified as being at intermediate or above risk from the impacts of fishing in the existing Ecological Risk Assessments, according to protocols described in the *Fisheries Queensland Ecological Risk Assessment Guideline.*<br><br>c) continue to monitor any new research and development to support consideration of further management actions that respond to the ecological risks that may be posed by the Queensland East Coast Otter Trawl Fishery to sea snakes. This may include additional research and monitoring activities, including at sea trials of any identified improvements to mitigation devices, to guide the uptake of improved sea snake bycatch reduction devices in the fishery. |

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| Independent data collection, validation and monitoring<br><br>Given uncertainty in stock status for saucer scallops and the large amount of bycatch in the Queensland East Coast Otter Trawl Fishery, there is an ongoing need for the Queensland Department of Agriculture and Fisheries to acquire information that supports the ecologically sustainable management of the fishery. The Department of Agriculture, Water and the Environment acknowledges that the number of active licences has reduced since 2009. However, the ongoing collection of reliable information is critical for understanding the impacts the fishery is having on the ecosystem, target stocks, sharks and bycatch, including protected species.<br><br>The *Great Barrier Reef Outlook Report 2014* and the *Ecological risk assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park 2014* highlight the importance of accurate and ongoing data collection for managing the impacts of fishing on the environment and for maintaining sustainability, particularly within the Great Barrier Reef World Heritage Area.<br><br>It is essential that the Queensland Department of Agriculture and Fisheries develop, implement and maintain a statistically robust monitoring regime for the fishery. This regime will inform:<br><br>• risk assessments for protected species and harvest strategies for target stocks<br>• the level of interactions with byproduct and bycatch, including *Environment Protection and Biodiversity Conservation Act 1999* protected species at a regional level<br>• improved stakeholder confidence in effectiveness of fishery management measures.<br><br>This regime should provide data that is independent of (but complementary to) fisher logbook data, which validates that logbook data. The regime should also be risk based, statistically robust and designed in consultation with relevant experts. Fishery monitoring data should continue to be analysed and reported publicly, such as through the annual status reports for the fishery. | **Part 13 Condition B:**<br><br>By 20 May 2024, the Queensland Department of Agriculture and Fisheries must develop and implement a statistically robust, independent, quantitative and validated monitoring and data collection regime in the Queensland East Coast Otter Trawl Fishery. This may involve the use of electronic monitoring, onboard observers, or other means.<br><br>The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks. The regime needs to gather suitable data on the level of catch, discards and interactions in the fishery to inform the sustainable management of byproduct and bycatch species (including protected species). |

***Assessment history:***

Information on previous assessments for the Queensland East Coast Otter Trawl Fishery is available on the Department's website at http://www.environment.gov.au/marine/fisheries/qld/east-coast-otter-trawl

1st assessment finalised December 2004 – Exempt from export approval until 1 December 2007 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to 3 **conditions** and 18 recommendations.

2nd assessment finalised November 2007 – Exempt from export approval until 29 November 2010 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to 3 **condition**s and 8 recommendations.

3rd assessment finalised November 2010 – Exempt from export approval until 27 November 2013 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to 3 **conditions** and 7 recommendations.

4th assessment finalised November 2013 – Exempt from export approval until 25 November 2016 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to 5 **conditions** and 4 recommendations.

5th assessment finalised March 2018 – Exempt from export approval until 13 November 2020 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to 9 **conditions**.

***Fishery reporting:***

**Annual report**

Annual report. QDAF last provided the department with annual report on the operation of the Queensland East Coast Otter Trawl Fishery in 2020. Reports received by Department each year since last assessment in 2018.

Protected species interactions – Provided to the Department on a quarterly basis through MOU. Annual Species of Conservation Interest (SOCI) reports provided in 2018, 2019 and 2020.

***Key links:***

**Fishery information**

Information about the Queensland East Coast Trawl Fishery can be found on QDAF's webpages: https://www.business.qld.gov.au/industries/farms-fishing-forestry/fisheries/fisheries-profiles/trawl-fisheries/overview

**Management regime**

Fisheries Act 1994

Fisheries (General) Regulation 2019

Fisheries (Commercial Fisheries) Regulation 2019

Fisheries Declaration 2019

Fisheries Quota Declaration 2019

**Enforcing legislation**

Fisheries Act 1994

Fisheries (Commercial Fisheries) Regulation 2019

Fisheries (General) Regulation 2019

**Harvest strategy**

Queensland East Coast Otter Trawl Fishery Regional Harvest Strategies

**Queensland Sustainable Fisheries Strategy**

https://www.daf.qld.gov.au/business-priorities/fisheries/sustainable/sustainable-fisheries-strategy-overview

**Ecological Risk Assessment**

Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery

Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery

Ecological risk assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park

**Stock assessments**

Stock assessment for saucer scallop

Stock assessment for eastern king prawn

Stock assessment for tiger prawns

Stock assessment for Moreton Bay bugs

Stock status for banana prawns

Stock status for western king prawn

Stock status for eastern school prawn

Stock status for balmain bugs

**Other relevant documents**

Publicly reported protected species interactions (annual)

Queensland RIS guidelines

Reducing the impact of Queensland trawl fisheries on protected sea snakes

Queensland Fisheries monitoring and research plan

## SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

| Guidelines criteria | Comment |
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| **THE MANAGEMENT REGIME** | |
| The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should: | |
| Be documented, publicly available and transparent. | **Meets**<br>The fishery is managed by the Queensland Department of Agriculture and Fisheries (QDAF) under the *Fisheries Act 1994,* Fisheries (General) Regulation 2019, Fisheries (Commercial Fisheries) Regulation 2019, Fisheries Declaration 2019, and Fisheries Quota Declaration 2019. Other legislation affecting its operation includes the Marine Parks Act 2004, the Marine Parks Regulations 2019, the *Great Barrier Reef Marine Park Act 1975* (Cth) and the Great Barrier Reef Marine Park Regulations 2019 (Cth).<br><br>The Queensland legislation can be found at www.legislation.qld.gov.au, while the Commonwealth legislation can be found at: https://www.legislation.gov.au/ |
| Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public. | **Meets**<br>QDAF developed the original management arrangements for fishery in consultation with industry and relevant stakeholders. There is a statutory process in place for public consultation and advisory committees. A Regulatory Impact Statement (RIS) process is used as the main mechanism for ongoing consultation. The Queensland RIS guidelines can be found on the Queensland Department of Treasury website (see link in the previous section).<br><br>The *Queensland Sustainable Fisheries Strategy 2017-2027* (see link in the previous section) sets out priorities for the engagement with stakeholders via QDAF fishery working groups. |
| Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process. | **Meets**<br>Consultation is completed through a formal RIS and/or show cause process under Section 63 of the *Queensland Fisheries Act 1994*. There is ongoing scientific research and management expertise within QDAF.<br><br>QDAF have established a Trawl Fishery Working Group to provide advice on the operational aspects of the management of this fishery. The Working group has representation from commercial fishers, recreational fishers, the conservation sector, and the Great Barrier Reef Marine Park Authority (GRBMPA). |

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| Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured. | **Meets**<br>The *Queensland Fisheries Act 1994* and the *Queensland Sustainable Fisheries Strategy 2017-2027* outline clear objectives and performance criteria for Queensland fisheries. Performance monitoring criteria is also outlined in the Harvest Strategies for this fishery. Stock status assessments of target stocks provide a basis to measure the performance of the fishery. |
| Be capable of controlling the level of harvest in the fishery using input and/or output controls. | **Partially meets**<br>The fishery uses input controls (effort units, limited entry trigger levels, seasonal closures) to control the level of harvest. Spatial closures can be implemented if the fishery is having an impact on a particular target or byproduct stock. No catch quotas are in place for target species. Logbook data entry checks are undertaken.<br><br>However, the Queensland saucer scallop stock remains overfished. The 2021 stock assessment estimates the biomass to be at 12% of original biomass, a decline from 17% of original biomass in the 2020 stock assessment and 22% in the 2019 stock assessment. Previous management controls have not successfully halted the decline of the scallop stock. |
| Contain the means of enforcing critical aspects of the management arrangements. | **Meets**<br>The *Queensland Fisheries Act 1994* contains provisions for the enforcement of the fishery's management arrangements. Compliance and enforcement activities are carried out by the Queensland Boating and Fisheries Patrol. Catch dockets are held for a five year period for auditing purposes. |
| Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria. | **Meets**<br>The performance of the fishery is reviewed on an annual basis along with catch information of target (and some byproduct) stocks being included in the Fisheries Research and Development Corporation's Status of Key Australian Fish Stocks (SAFS) process.<br><br>The performance of management arrangements implemented to protect protected species, such as the use of turtle exclusion devices (TEDs) and bycatch reduction devices (BRDs), is measured periodically through supporting research compliance operations.<br><br>The Queensland Harvest Strategy Policy and Guidelines states that all target species will be managed at BMSY by 2020 with a future target of 60 per cent of original biomass by 2027.<br><br>The *Queensland Sustainable Fisheries Strategy 2017-2027* outlines clear objectives and performance criteria for Queensland fisheries. Future performance monitoring is outlined in the Harvest Strategies for this fishery. |

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| Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates. | **Partially meets**<br>A number of Ecological Risk Assessments have been completed for the fishery. The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park* was finalised in 2012. This considered the management arrangements and effort levels at the time of the assessment and concluded 'risk levels from trawling activities were generally low'. However, it did identify some risks remained. In particular, eleven species of skates and rays, two species of sea snake, and a deepwater habitat in the southern Great Barrier Reef Marine Park were assessed as being at high risk from trawling. Three species of Balmain bug were also assessed to be at intermediate to high risk from trawling.<br><br>The *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2014* was based on the management regime used in the fishery at that time. The report describes the outcomes from the ecological risk assessment that was undertaken as part of a review of the previous *Fisheries (East Coast Trawl) Management Plan 2010*.<br><br>In 2017, a further ERA was undertaken for some of the high-risk bycatch species within the Queensland East Coast Otter Trawl Fishery. The *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery* assessment considered the risk from the fishery in southern Queensland waters.<br><br>A 2005 paper titled '*Reducing the impact of Queensland's trawl fisheries on sea snakes*' investigated actions to reduce sea snake interactions. Implementation of these actions, along with reduction in effort since this time, should have reduced sea snake captures. However, the number of interactions reported to the department is significantly lower than the research predictions, and therefore further investigation into the reliability of the information recorded in logbooks about bycatch is recommended.<br><br>Satisfactory implementation of **Part 13A Conditions 6, 7 and 8** and **Part 13 Conditions A and B** (see Section 2) will improve the assessment, monitoring and subsequent mitigation of potential adverse impacts of this fishery. |

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| Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy. | **Partially Meets**<br>The fishery interacts with marine turtles, dolphins, dugongs, sawfish, seabirds and sea snakes.<br><br>Given the fishery operates in both state and Commonwealth areas, the management arrangements for the fishery are required to comply with all relevant Commonwealth threat abatement plans, recovery plans and bycatch policies or strategies. This includes the Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans (Department of Environment and Energy, 2018) and the Recovery Plan for Marine Turtles in Australia (Department of Environment and Energy 2017).<br><br>Although fishery management arrangements are not inconsistent with these plans, they do not specifically require fishers to comply with Commonwealth plans, policies, or strategies. However, there is some compliance with these plans as the current management arrangements for the fishery require the use of BRDs and TEDs, to reduce impact on protected species and to mitigate against bycatch. |

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| **PRINCIPLE 1 -** A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover**.** | |
| **Objective 1 -** The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability. | |
| ***Information requirements*** | |
| ***1.1.1*** There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring. | **Partially meets**<br>Fishers are required to complete a logbook at the end of each fishing day and submit that to QDAF within 15 days of the end of each month. E-logs have been developed for the fishery and are being trialled by some fishers.<br><br>Ongoing biological monitoring also occurs for some species, including scallops and bugs.<br><br>Satisfactory implementation of **Condition 7** (see Section 2) will improve the reliability of information collected in this fishery. Implementation of **Part 13 Condition B** (see section 2) will also improve data collection and validation of bycatch and protected species interactions. |
| ***Assessment*** | |
| ***1.1.2*** There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years. | **Meets**<br>Regular stock assessments and stock status evaluations are done for the fishery. Target species (and some by- product species) are assessed on a biennial basis through the Status of Australian Fish Stocks report and through QDAF's stock status assessment process.<br><br>The *Queensland Sustainable Fisheries Strategy 2017-2027* has specified that stock assessments will be undertaken annually or at least every two years for key target stocks. |
| ***1.1.3*** The distribution and spatial structure of the stock(s) has been established and factored into management responses. | **Meets**<br>The distribution and spatial structure of the target stocks have been established and the information is incorporated into stock modelling and SAFS assessments. |
| ***1.1.4*** There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels. | **Partially Meets**<br>Commercial fishers are required to complete a logbook at the end of each fishing trip and submit that to QDAF. E- logs have also been developed for the fishery and are being trialled by some fishers.<br><br>There are no current estimates available of removals by recreational and Indigenous fishers. |

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| ***1.1.5*** There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested. | **Meets**<br>Productivity has been calculated for target species and some byproduct species with historical records. This data can be found in the SAFS 2020 report. |
| ***Management responses*** | |
| ***1.1.6*** There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken. | **Partially meets**<br>The Queensland Sustainable Fisheries Strategy 2017–2027 and associated Harvest Strategy Policy and Guidelines state that all target stocks in Queensland fisheries will be managed to 40% to 50% of original biomass (maximum sustainable yield) by 2020 and to around 60% by 2027 (maximum economic yield). Additionally, these documents state that stocks assessed as below 20% original biomass, will be subject to a no-take provision. Stock assessments are regularly undertaken for target species and trigger limits are applied.<br><br>The completion of Condition 5 (see Section 2) will help support the recovery of the saucer scallop stock by implementing management measures that will prevent further overfishing of the stock and promote its recovery to more sustainable levels. |
| ***1.1.7*** There are management strategies in place capable of controlling the level of take. | **Partially meets**<br>Under the management system, the level of take is to be controlled by limits on effort units, limited entry and spatial closures. While spatial closures to protect the scallop stock are in place, they are not designed to control overall take and have not proven to be effective in preventing the decline in scallop stocks. |
| ***1.1.8*** Fishing is conducted in a manner that does not threaten stocks of byproduct species. | **Partially meets**<br>Overall effort in the fishery is high and therefore the take of byproduct is also high. The impact on stocks of byproduct species is currently unclear, as the trawl fishing method does not allow effective selection of target vs byproduct species. Minimum legal-size limits and trip limits are in place for a range of byproduct species (i.e. Balmain bugs, blue swimmer crab, three-spotted crab and red champagne lobster).<br><br>Balmain and Moreton Bay bugs are also assessed through the Status of Australian Fish Stocks Reports process. |
| (Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level) | |
| ***1.1.9*** The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective. | **Partially meets**<br>While some controls are in place, there is some uncertainty if management actions will achieve the objective of maintaining target and byproduct species at appropriate levels. To date, the management actions undertaken by QDAF have not achieved its stated objectives in regard to the broader recovery of saucer scallop stocks. |

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| **If overfished, go to Objective 2:**<br>**If not overfished, go to PRINCIPLE 2:** | |
| **Objective 2 -** Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes. | |
| ***Management responses*** | |
| ***1.2.1*** A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock. | **Does not meet**<br>While the majority of target and byproduct species in the fishery are considered to be sustainable, saucer scallops are considered to be 'overfished'. The 2021 stock assessment estimates the biomass to be at 12% of original biomass, a decline from 17% of original biomass in the 2020 stock assessment and 22% in the 2019 stock assessment. This is also well below the 20% limit reference point set out in the *Queensland Sustainable Fishery Strategy 2017-2027.*<br><br>Responding to these levels, the Queensland Department of Agriculture and Fisheries has introduced several waves of management arrangements that sought to address the continued decline of the saucer scallop stocks. This included the closing of all six of the scallop replenishment areas located off Yeppoon, Bustard Head and Hervey Bay, to scallop fishing in 2017. In September 2020, further changes were implemented, which saw reductions in the scallop effort cap, additional closures in the Southern Inshore Trawl Region, and reductions in the trawling period for the Southern Offshore Fishery Region.<br><br>Further measures also came into force on 1 November 2021. These included no take or possession of scallops in the Southern Inshore and Central Trawl Regions until the conditions within the proposed rebuilding harvest strategy are met (i.e. a minimum of 30% biomass level is reached). A reduced season was also implemented for the Southern Offshore Trawl Region.<br><br>However, a formal rebuilding strategy for scallops has not yet been developed. Further management action is required to ensure the scallop stock recovers to ecologically sustainable levels and remain at those levels in future<br><br>The implementation of **Condition 5** (see Section 2), will support efforts to recover saucer scallops to sustainable levels and prevent future overfishing. |
| ***1.2.2*** If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented. | **Partially meets**<br>As per 1.2.1, a range of management responses have been put in place to protect and recover the saucer scallop stock.<br><br>The implementation of **Condition 5** (see Section 2), will support efforts to recover saucer scallops to sustainable levels and prevent future overfishing. |

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| **PRINCIPLE 2 -** Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem. | |
| **Objective 1 -** The fishery is conducted in a manner that does not threaten bycatch species. | |
| ***Information requirements*** | |
| ***2.1.1*** Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch. | **Partially meets**<br>Fishers record catch in daily logbooks. However, reporting of bycatch is not required unless the species is listed as a protected species under the EPBC Act.<br><br>A 2005 paper titled '*Reducing the impact of Queensland's trawl fisheries on sea snakes*' investigated actions to reduce sea snake interactions. Implementation of these actions, along with reduction in effort since this time, should have reduced sea snake captures, however the number of interactions reported to the department is significantly lower than the research predictions, and therefore further investigation into the reliability of the information recorded in logbooks about bycatch is recommended.<br><br>Implementation of **Part 13 Condition A** (see Section 2) will improve the accuracy of monitoring and reporting and implementation of **Part 13 Condition B** (see Section 2) will improve data collection and validation of bycatch and protected species interactions. |
| ***Assessment*** | |
| ***2.1.2*** There is a risk analysis of the bycatch with respect to its vulnerability to fishing. | **Meets**<br>A number of Ecological Risk Assessments have been completed for the fishery. The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park* was finalised in 2012. This considered the management arrangements and effort levels at the time of the assessment and concluded 'risk levels from trawling activities were generally low'.<br><br>The *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2014* was based on the management regime used in the fishery at that time. The report describes the outcomes from the ecological risk assessment that was undertaken as part of a review of the previous *Fisheries (East Coast Trawl) Management Plan 2010*.<br><br>In 2017, a further ERA was undertaken for some of the high-risk bycatch species within the Queensland East Coast Otter Trawl Fishery. The *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery* assessment considered the risk from the fishery in southern Queensland waters. |

| ***Management responses*** | |
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| ***2.1.3*** Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available. | **Meets**<br>Bycatch Reduction Devices (BRDs) and Turtle Exclusion Devices (TED) and have been mandatory in the fishery since 1999 and 2004 respectively. Since this time, reported levels of bycatch have reduced, including catch of sea snakes and large bottom dwelling animals such as some sharks.<br><br>Implementation of **Part 13 Condition A** (see Section 2) will improve practices associated with the handling and release of bycatch species, develop further risk mitigation strategies and continue to look at new and innovative ways of reducing sea snake interactions within the fishery. |
| ***2.1.4*** An indicator group of bycatch species is monitored. | **Does not meet**<br>No indicator species of bycatch are monitored. However, reporting is mandatory for all protected species caught as bycatch. The 2012 ERA also assessed the risks from trawling on bycatch species as low (13 species and species groups) or intermediate-low (29 species and species groups), with three bycatch species assessed as at intermediate risk.<br><br>Implementation of **Condition 7** (see Section 2) will result in a statistically robust monitoring regime with appropriate levels of fisheries independent data, including quantitative data on byproduct and by catch species.<br><br>Implementation of **Part 13 Condition A** (see Section 2) will also result in more accurate monitoring and reporting. |
| ***2.1.5*** There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers. | **Does not meet**<br>As per 2.1.4, an indicator group of bycatch species is not currently monitored. Therefore there are currently no decision rules in place that trigger additional management measures in the fishery harvest strategies.<br><br>Implementation of **Condition 7** (see Section 2) would result in appropriate levels of fisheries independent data. Harvest strategies should include decision rules and triggers for bycatch in addition to target and some byproduct species. |
| ***2.1.6*** The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective. | **Does not meet**<br>Management arrangements do not appear likely to have a high chance of achieving the objective of fishing being conducted in a manner that does not threaten bycatch, as minimal data is available on its overall impact on bycatch.<br><br>Successful implementation of **Part 13 Condition A** (see Section 2) will reduce impacts for bycatch species, by improving measures in place to mitigate bycatch. |

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| **Objective 2 -** The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities. | |
| ***Information requirements*** | |
| ***2.2.1*** Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities. | **Partially meets**<br>While operators are required to report all interactions with protected species, the reliability of reported interactions in logbooks on bycatch is uncertain. For example, there appears to be a discrepancy between the numbers of seasnakes reported as caught by fishers and the numbers scientific research and current fishing effort suggests are probably being caught. This may also be the case for other protected species such as turtles and dugong, which also occur in the vicinity of the fishery.<br><br>Implementation of **Condition 7** (see Section 2) would result in a more statistically robust monitoring regime with appropriate levels of fisheries independent data, including quantitative data on byproduct and by catch species.<br><br>Successful implementation of **Part 13 Conditions A and B** (see Section 2) will improve data collection, validation, monitoring and reporting. |
| ***Assessments*** | |
| ***2.2.2*** There is an assessment of the impact of the fishery on endangered, threatened or protected species. | **Meets**<br>A number of Ecological Risk Assessments have been completed for the fishery. The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park* was finalised in 2012. This considered the management arrangements and effort levels at the time of the assessment and concluded 'risk levels from trawling activities were generally low'.<br><br>The *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2014* was based on the management regime used in the fishery at that time. The report describes the outcomes from the ecological risk assessment that was undertaken as part of a review of the previous *Fisheries (East Coast Trawl) Management Plan 2010*.<br><br>In 2017, a further ERA was undertaken for some of the high-risk bycatch species within the Queensland East Coast Otter Trawl Fishery. The *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery* assessment considered the risk from the fishery in southern Queensland waters. |

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| ***2.2.3*** There is an assessment of the impact of the fishery on threatened ecological communities. | **N/A**<br>There are no threatened ecological communities within the area of the fishery. |
| ***Management responses*** | |
| ***2.2.4*** There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species. | **Partially meets**<br>BRDs and TEDs have been mandatory in the fishery since 1999 and 2004 respectively. Since this time, reported levels of bycatch has reduced. The use of best practice BRDs was regulated in 2015. Based on research, levels of sea snake captures have appeared to have significantly reduced over this period. However, the number of interactions still remains relatively high.<br><br>Successful implementation of **Part 13 Condition A** (see Section 2) should result in improved information on bycatch species and identification of new BRDs and improved BRD use. |
| ***2.2.5*** There are measures in place to avoid impact on threatened ecological communities. | **N/A**<br>There are no threatened ecological communities within the area of the fishery. |
| ***2.2.6*** The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective. | **Partially meets**<br>The management arrangements have a moderate chance of achieving the objective of ensuring that fishing is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.<br><br>Successful implementation of **Condition 7** (see Section 2) will improve the monitoring regime for bycatch species.<br><br>**Part 13 Condition A** (see Section 2) will improve reporting accuracy and **Condition 8** (see Section 2) will address risks to protected species that are identified as being at or above intermediate risk from the impacts of fishing. |

| **Objective 3 -** The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally. | |
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| ***Information requirements*** | |
| **2.3.1** Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fishery's impact on the ecosystem and environment generally. | **Meets**<br>A number of Ecological Risk Assessments have been completed for the fishery. The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park* was finalised in 2012. This considered the management arrangements and effort levels at the time of the assessment and concluded 'risk levels from trawling activities were generally low'.<br><br>The *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2014* was based on the management regime used in the fishery at that time. The report describes the outcomes from the ecological risk assessment that was undertaken as part of a review of the previous *Fisheries (East Coast Trawl) Management Plan 2010*.<br><br>In 2017, a further ERA was undertaken for some of the high-risk bycatch species within the Queensland East Coast Otter Trawl Fishery. The *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery* assessment considered the risk from the fishery in southern Queensland waters. |
| ***Assessment*** | |
| **2.3.2** Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery.<br>1. Impacts on ecological communities<br>• Benthic communities<br>• Ecologically related, associated or dependent species<br>• Water column communities<br>2. Impacts on food chains<br>• Structure<br>• Productivity/flows<br>3. Impacts on the physical environment<br>• Physical habitat<br>• Water quality | **Meets**<br>A number of Ecological Risk Assessments have been completed for the fishery. The *Ecological Risk Assessment of the East Coast Otter Trawl Fishery in the Great Barrier Reef Marine Park* was finalised in 2012. This considered the management arrangements and effort levels at the time of the assessment and concluded 'risk levels from trawling activities were generally low'.<br><br>The *Ecological Risk Assessment of the Southern Queensland East Coast Otter Trawl Fishery and River and Inshore Beam Trawl Fishery 2014* was based on the management regime used in the fishery at that time. The report describes the outcomes from the ecological risk assessment that was undertaken as part of a review of the previous *Fisheries (East Coast Trawl) Management Plan 2010*.<br><br>In 2017, a further ERA was undertaken for some of the high-risk bycatch species within the Queensland East Coast Otter Trawl Fishery. The *Estimating the impacts of management changes on bycatch reduction and sustainability of high-risk bycatch species in the Queensland East Coast Otter Trawl Fishery* assessment considered the risk from the fishery in southern Queensland waters. |
| ***Management responses*** | |

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| ***2.3.3*** Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1. | **Meets**<br>The ERA work has described the potential risk posed by the fishery as low, therefore there are currently no specific management actions in place to mitigate ecosystem damage. However, general management arrangements are in place that can be used to lessen impacts on the ecosystem such as gear controls, BRDs, TEDs and spatial closures. |
| ***2.3.4*** There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach. | **Partially meets**<br>There is an effort cap within the Great Barrier Reef Marine Park which, if triggered, closes the fishery to trawling.<br><br>There are currently no other decision rules in place that trigger further management responses. The collection of data through logbooks and independent validation as described in **Condition 7** (see section 2) would enable QDAF to implement any appropriate management response, if a response was required.<br><br>The *Queensland Harvest Strategy Policy and Guidelines* and associated fishery harvest strategies set out how management will include suitable reference points, decision rules and performance indicators. |
| ***2.3.5*** The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective. | **Partially meets**<br>The management arrangements have a moderate chance ensuring that the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.<br><br>If intermediate and above risks identified in ERAs are addressed and mitigated, as per **Conditions 6 and 8** (see section 2), the management arrangements will have a higher chance of minimising the impact of fishing operations on the ecosystem generally. |

## SECTION 4: ASSESSMENT AGAINST THE EPBC ACT

The table below is not a complete or exact representation of the EPBC Act. It is intended to show that the relevant sections and components of the EPBC Act have been taken into account in the formulation of advice on the fishery in relation to decisions under Part 13 and Part 13A.

### Part 12 – Identifying and monitoring biodiversity and making bioregional plans

| Section 176 Bioregional Plans | Comment |
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| (5) Minister must have regard to relevant bioregional plans | **Meets**<br>The fishery operates in the Coral Sea and the Temperate East Marine Regions. There is no bioregional plan currently in place for the Coral Sea Marine Region.<br><br>The Marine Bioregional Plan for the Temperate East Marine Region has been considered, and its values are unlikely to be compromised by operation of the fishery. While the harvesting of living resources and harvesting of bycatch are pressures of concern in the Temperate East Marine region, specific measures are in place to address this, including mandatory use of bycatch reduction devices and turtle exclusion devices.<br><br>The ERA's conducted in the fishery have determined that the overall risk to the area of the fishery within the GBRMP is low. |

### Part 13 – Species and communities

| Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4) | Comment |
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| s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e)<br>Does the fishery have an accreditable plan of management, regime or policy? | **Meets**<br>Yes, there is an accreditable management regime. The fishery will be managed under the:<br>• *Fisheries Act 1994 (Qld)*<br>• Fisheries (General) Regulation 2019 (Qld)<br>• Fisheries (Commercial Fisheries) Regulation 2019 (Qld)<br>• Fisheries Declaration 2019 (Qld)<br>• Fisheries Quota Declaration 2019 (Qld) |

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| | • *Marine Parks Act 2004 (Qld)*<br>• Marine Parks Regulations 2019 (Qld)<br>• *Great Barrier Reef Marine Park Act 1975 (Cth)*<br>• Great Barrier Reef Marine Park Regulations 2019 (Cth). |
| **Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes** | **Comment** |
| (f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing? | **Meets**<br>Yes. The management regime requires fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing.<br><br>QDAF advised the department of amendments to the management regime for the fishery in April 2021. The department agreed that the amendments did not significantly affect the sustainability of the fishery and that a new Part 13 declaration was not required at that time. The management regime has been reviewed as part of this assessment and a new declaration under Part 13 is recommended, subject to conditions, outlined in Section 2 of this report. |
| (g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species? | **Meets**<br>Given the management arrangements in place such as TEDs, BRDs, spatial and temporal closures, the fishery is not likely to adversely affect the survival or recovery in nature of any listed threatened species. |
| **Division 2 Migratory species, Section 222A Minister may accredit plans or regimes** | **Comment** |
| (f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing? | **Meets**<br>The management regime requires fishers to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of the fishing.<br><br>QDAF advised the department of amendments to the management regime for the fishery in April 2021. The department agreed that the amendments did not significantly affect the sustainability of the fishery and that a new Part 13 declaration was not required at that time. The management regime has been |

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| | reviewed as part of this assessment and a new declaration under Part 13 is recommended, subject to conditions, outlined in Section 2 of this report. |
| (g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species? | **Meets**<br>Given the management arrangements in place such as TEDs, BRDs, spatial and temporal closures, the fishery is not likely to adversely affect the conservation status of any listed migratory species. |
| **Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes** | **Comment** |
| (f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing? | **Meets**<br>The management regime requires fishers to take all reasonable steps to ensure that listed whales and cetaceans are not killed or injured as a result of the fishing.<br><br>QDAF advised the department of amendments to the management regime for the fishery in April 2021. The department agreed that the amendments did not significantly affect the sustainability of the fishery and that a new Part 13 declaration was not required at that time. The management regime has been reviewed as part of this assessment and a new declaration under Part 13 is recommended, subject to conditions, outlined in Section 2 of this report. |
| (g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species? | **Meets**<br>The ERA's conducted in the fishery have determined that the fishery has a negligible direct impact to cetaceans. |
| **Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes** | **Comment** |
| (f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing? | **Partially meets**<br>As described above in Section 2, there are concerns about the number of sea snake interactions and reliability of reporting. The implementation of **Condition 8** will inform the development of future management strategies involving bycatch species, and **Part 13 Condition A** will improve the accuracy of reporting and ensure the correct used of BRDs to reduce sea snake by catch. |

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| | QDAF advised the department of amendments to the management regime for the fishery in April 2021. The department agreed that the amendments did not significantly affect the sustainability of the fishery and that a new Part 13 declaration was not required at that time. The management regime has been reviewed as part of this assessment and a new declaration under Part 13 is recommended, subject to conditions, outlined in Section 2 of this report. |
| (g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species? | **Partially meets**<br>Subject to the successful implementation of **Part 13 Condition A**, which will support reduced sea snake bycatch, the management arrangements in place for the fishery such as TEDs, BRDs, spatial and temporal closures, will not likely adversely affect the conservation status of any listed marine species. |

| Section 303AA Conditions relating to accreditation of plans, regimes and policies | Comment |
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| (1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265. | To satisfy the requirements of sections 208A, 222A, 245, and 265, we recommend the fishery be accredited under Part 13 subject to two conditions that requires QDAF to:<br>**Condition A:**<br>a) by 30 November 2022, develop and implement a best practice management strategy for the Queensland East Coast Otter Trawl Fishery that includes best practice handling and release techniques for non-target species to reduce discard mortality.<br>b) by 30 November 2023 develop and implement mitigation measures to address all risks identified as being at intermediate or above risk from the impacts of fishing in the existing Ecological Risk Assessments, according to protocols described in the *Fisheries Queensland Ecological Risk Assessment Guideline.*<br>c) continue to monitor any new research and development to support consideration of further management actions that respond to the ecological risks that may be posed by the Queensland East Coast Otter Trawl Fishery to sea snakes. This may include additional research and monitoring activities, including at sea trials of any identified improvements to mitigation devices, to guide the uptake of improved sea snake bycatch reduction devices in the fishery.<br>**Condition B:**<br>By 20 May 2024, the Queensland Department of Agriculture and Fisheries must develop and implement a statistically robust, independent, quantitative and validated monitoring and data collection regime in the Queensland East Coast Otter Trawl Fishery. This may involve the use of electronic monitoring, onboard observers, or other means.<br>The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks. The regime needs to gather suitable data on the level of catch, discards and interactions in the fishery to inform the sustainable management of byproduct and bycatch species (including protected species). |
| (2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only:<br>(a) during a particular period; or<br>(b) while certain circumstances exist; or<br>(c) while a certain **Condition** is complied with.<br>In such a case, the instrument of accreditation is to specify the period, circumstances or **Condition**. | |

## Part 13A – International movement of wildlife specimens

| Section 303BA Objects of Part 13A | |
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| (1) The objects of this Part are as follows:<br>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;<br>(b) to protect wildlife that may be adversely affected by trade;<br>(c) to promote the conservation of biodiversity in Australia and other countries;<br>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;<br>(e) to promote the humane treatment of wildlife;<br>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and<br>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife. | The management arrangements for the fishery have been assessed as consistent with the general guidance provided in the objects of Part 13A as:<br>• the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species<br>• there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way<br>• the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and<br>• the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBBC Regulations) do not specify fish as a class of animal in relation to the welfare of live specimens. |
| **Section 303 CG Minister may issue permits (CITES species)** | **Comment** |
| (3) The Minister must not issue a permit unless the Minister is satisfied that:<br>(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to:<br>(i) the survival of any taxon to which the specimen belongs; or<br>(ii) the recovery in nature of any taxon to which the specimen belongs; or<br>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and | **Not applicable**<br>The fishery does not harvest species listed under CITES. |
| **Section 303DC Minister may amend list (non-CITES species)** | **Comment** |
| (1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:<br>(a) doing any of the following:<br>(i) including items in the list;<br>(ii) deleting items from the list;<br>(iii) imposing a **Condition** or restriction to which the inclusion of a specimen in the list is subject; | The Department recommends that specimens derived from species harvested in the Queensland East Coast Otter Trawl Fishery, other than specimens that belong to species listed under Part 13 of the EPBC Act (other than a conservation dependent species), and specimens that belong to taxa listed under section 303CA (Australia's CITES list), be included in the list of exempt native specimens while the fishery is covered by the declaration of an approved wildlife trade operation under section 303FN of the EPBC. |

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| (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or<br>(b) correcting an inaccuracy or updating the name of a species. | |
| (1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2 | **Not applicable**<br>The fishery is not managed by the Commonwealth. |
| (1C) The above does not limit matters that may be considered when deciding to amend LENS. | **Meets**<br>Through the above assessment at Section 4 against the Guidelines, the department has considered all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery. |
| (3) Before amending the LENS, the Minister must consult:<br>(a) other Minister or Ministers as appropriate; and<br>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and<br>(c) other persons and organisations as appropriate. | **Meets**<br>The submission from QDAF was made available on the department's website from 11 May – 15 June 2021.<br><br>Two public comments were received on the submission. The public comments raised concerns about target stock management, lack of mitigation of ecological risks, finer scale management of effort, the ongoing catch of sea snakes and EPBC Act protected species, the lack of independent monitoring and the need for finer scale regional WTO approvals.<br><br>The department's assessment has considered the public comments received on the submission and has addressed the issues raised through the conditions in Section 2 of this report. |

| Section 303FN Approved wildlife trade operation | Comment |
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| (3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:<br>(a) the operation is consistent with the objects of Part 13A of the Act; and<br>(b) the operation will not be detrimental to:<br>(i) the survival of a taxon to which the operation relates; or<br>(ii) the conservation status of a taxon to which the operation relates; and<br>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and | **Partially meets**<br>The fishery is mostly consistent with the Objects of 13A – see above assessment against the Guidelines (section 4).<br><br>To improve the operation of the fishery, so that it is fully consistent with all the Objects of 13 A, the declaration of the operation should be subject to the conditions (in accordance with section 303FT below) articulated in Section 2.<br><br>While most target stocks in the fishery have been assessed as being harvested sustainably, saucer scallops have been determined to be overfished under existing management arrangements. Implementation of **Condition 5** (in accordance with section 303FT below) will ensure that the fishery will not be detrimental to the survival of this stock within the next **3 years**. |
| (c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and | **Not applicable**<br>The EPBC Regulations do not specify Crustacea or fish as a class of animal in relation to the welfare of live specimens. |
| (d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied. | **Not applicable**<br>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations. |
| (4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:<br>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and | **Partially meets**<br>While ecological risk assessments have determined that the overall risk of the fishery to ecosystems is low, some uncertainties remain about the fishery's impact on ecologically sensitive areas. Therefore, the declaration of this fishery as a wildlife trade operation should be subject to **Condition 8**, which will identify and mitigate against unacceptable risks to habitats and species within the next 3 years. |
| (b) the effectiveness of the management arrangements for the operation (including monitoring procedures). | **Partially meets**<br>The effectiveness of the management arrangements for the fishery, including monitoring, will be enhanced with the implementation of: |

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| | • **Condition 8** to address risks to species and habitats at risk from the impact of fishing<br>• **Condition 7** to improve monitoring regime to better inform management arrangements<br>• **Part 13 Condition B** to improve data collection and validation |
| (5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:<br>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and<br>(b) whether the legislation applies throughout the State or Territory concerned; and<br>(c) whether, in the opinion of the Minister, the legislation is effective. | **Meets**<br>The fishery will be managed under the:<br>• *Fisheries Act 1994 (Qld)*<br>• Fisheries (General) Regulation 2019 (Qld)<br>• Fisheries (Commercial Fisheries) Regulation 2019 (Qld)<br>• Fisheries Declaration 2019 (Qld)<br>• Fisheries Quota Declaration 2019 (Qld)<br>• *Marine Parks Act 2004 (Qld)*<br>• Marine Parks Regulations 2019 (Qld)<br>• *Great Barrier Reef Marine Park Act 1975 (Cth)*<br>• Great Barrier Reef Marine Park Regulations 2019 (Cth).<br><br>The department considers that the legislation is likely to be effective, subject to QDAF successfully fulfilling the conditions identified in Section 2. |
| (10) For the purposes of section 303FN, an operation is a wildlife trade operation if, an only if, the operation is an operation for the taking of specimens and:<br>(a) the operation is a commercial fishery. | **Meets**<br>The fishery is a commercial fishery. |
| (10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.<br><br>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section. | **Not applicable**<br>There has been no request or agreement to assess the fishery under Part 10 Division 1, and the fishery is not managed by the Commonwealth, so Part 10 Division 2 does not apply. |

| Section 303FR Public consultation | Comment |
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| (1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:<br>(a) setting out the proposal to make the declaration; and<br>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and<br>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.<br>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.<br>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice. | **Meets**<br>A public notice, which set out the proposal to declare the Queensland East Coast Otter Trawl Fishery an approved wildlife trade operation and included the application from QDAF, was released for public comment on 11 May – 15 June 2021, a total of 25 business days.<br><br>Two public comments were received on the submission. The public comments raised concerns about target stock management, lack of mitigation of ecological risks, finer scale management of effort, the ongoing catch of sea snakes and EPBC Act protected species, the lack of independent monitoring and the need for finer scale regional WTO approvals.<br><br>The department's assessment has considered the public comments received on the submission and has addressed the issues raised through the conditions in Section 2 of this report. |
| **Section 303FT Additional provisions relating to declarations** | **Comments** |
| (1) This section applies to a declaration made under section 303FN, 303FO or 303FP. | A declaration for the fishery will be made under section 303FN. |
| (4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:<br>(a) during a particular period; or<br>(b) while certain circumstances exist; or<br>(c) while a certain condition is complied with.<br>In such a case, the instrument of declaration is to specify the period, circumstances or condition. | The standard conditions applied to commercial fishery wildlife trade operations include:<br>• operation in accordance with the management regime<br>• notifying the department of changes to the management regime, and<br>• annual reporting in accordance with the requirements of the Australian Government Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.<br>The wildlife trade operation instrument for the fishery specifies the standard conditions and four additional conditions described in Section 2. |
| (8) A condition may relate to reporting or monitoring. | One of the standard conditions relates to reporting. |

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| (9) The Minister must, by instrument published in the *Gazette*, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened. | |

## Part 16 – Precautionary principle and other considerations in making decisions

| Section 391 Minister must consider precautionary principle in making decisions | Comment |
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| (1) Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.<br>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage. | **Meets**<br>Given the management arrangements in place such as TEDs, BRDs and an ERA for the GBRMP which includes management actions to reduce the impact of trawling within the Marine Park, precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery. The precautionary principle is identified in the *Fisheries Act 1994*.<br><br>The assessment has identified a range of issues that require attention by QDAF. The conditions proposed for inclusion on Part 13 and 13A approvals are designed to address these issues and compliment a precautionary approach to the management of environmental uncertainty and risk. |

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