



Australian Government

Department of the Environment

Assessment of the

QUEENSLAND MARINE AQUARIUM FISH FISHERY

November 2014

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Disclaimer

This document is an assessment carried out by the Department of 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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TABLE 1: SUMMARY OF THE QUEENSLAND MARINE AQUARIUM FISH FISHERY

<p>Key documents relevant to the fishery</p>	<ul style="list-style-type: none"> ▪ Queensland <i>Fisheries Act 1994</i> ▪ Queensland Fisheries Regulation 2008 ▪ Queensland <i>Marine Parks Act 1982</i> ▪ <i>Great Barrier Reef Marine Park Act 1975</i> ▪ Fisheries (Coral Reef Fin Fish) Management Plan 2003 ▪ <i>Marine Aquarium Fish Fishery – 2013 Fishing Year Report</i> ▪ <i>Marine Aquarium Fish Fishery – 2012 Fishing Year Report</i> ▪ <i>Marine Bioregional Plan for the Temperate East Marine Region – 2012</i> ▪ <i>A guide to the Queensland Marine Aquarium Fish Fishery and the Queensland Coral Fishery – 2009</i> ▪ <i>Performance Measurement System – Queensland Marine Aquarium Fish Fishery – 2009</i> ▪ <i>Ecological Risk Assessment of the Queensland Marine Aquarium Fishery – 2008</i>
<p>Area</p>	<p>The Queensland Marine Aquarium Fish Fishery operates in state and Commonwealth waters, and encompasses the waters off the Queensland east coast from the tip of Cape York south, to the New South Wales border (see Figure 1).</p> <p>The fishery is open to holders of a Commercial Harvest Fishery Licence endorsed with an 'A1' or 'A2' fishery symbol. The majority of commercial fishing in the fishery occurs in coastal and reef waters in northern Queensland within the Great Barrier Reef Marine Park.</p> <p>Limited access applies to special management areas in the Cairns, Whitsundays, Keppel, Sunshine Coast, and Moreton Bay areas, due to these areas being regarded as potential 'high use' areas.</p> <p>A small area of the fishery occurs in the Temperate East Marine Region.</p>



Figure 1: Area covered by the Queensland Marine Aquarium Fish Fishery (Source: 2013 Fishing Year Report).

	<p>Figure 1: Area covered by the Queensland Marine Aquarium Fish Fishery (Source: 2013 Fishing Year Report).</p>
<p>Target Species</p>	<p>A large number of fish species and invertebrates are of interest for harvesting for aquaria, and are potentially targeted in the fishery. Fish families commonly targeted in the fishery include:</p> <ul style="list-style-type: none"> • damselfish (family Pomacentridae) • butterflyfish and bannerfish (family Chaetodontidae) • angelfish (family Pomacanthidae) • wrasses (family Labridae) • surgeonfish (family Acanthuridae) • gobies (family Gobiidae). <p>Invertebrates targeted include coral shrimp, sea cucumbers, molluscs and sponges.</p>
<p>Fishery status</p>	<p>The stock status of the Queensland Marine Aquarium Fish Fishery target species has not been assessed.</p> <p>An ecological risk assessment for the fishery was finalised in 2008.</p> <p>Resulting from the ecological risk assessment, two species of angel fish were identified as at moderate risk from the operation of the fishery. Six species were identified as at low risk, including some anemone fish</p>

	<p>species, tusk fish, blue tang and pineapple fish. The remainder of species assessed were identified as at negligible risk.</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry has been monitoring these species through the Performance Management System. No species were found to be at high risk.</p> <p>The Department's 2008 and 2011 assessment reports noted that the information available for reef fish may limit the ability to fully assess the risk of localised depletion for reef based species. However in 2010, the Queensland Marine Aquarium Fish Fishery logbook was revised to include species specific columns for anemone fish and syngnathids to record finer resolution data for these species. In the 2011 assessment of the fishery, the Department considered that the logbooks would provide sufficient data to monitor areas at risk from localised depletion.</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry has advised that an updated ecological risk assessment is planned for 2015.</p>
Byproduct Species	The fishery does not distinguish between target and byproduct species.
Gear	<p>Collection occurs by hand using various gear types including fishing lines (with a single barbless hook), cast nets, scoop nets, seine nets and/or rods (as herding devices).</p> <p>Divers in the commercial fishery also collect species by using self-contained underwater breathing apparatus (SCUBA) or 'hookah' (surface-supplied air from hookah apparatus).</p> <p>Hand collection while wading/snorkelling (with no surface breathing apparatus) is the method which must be used by recreational fishers.</p>
Season	The fishery operates year round. For management purposes the fishing season starts on 1 January and closes on 31 December of each year.
Commercial harvest	<p>The <i>2013 Fishing Year Report</i> indicates that the commercial catch for 2013 was 79 909 individual fish and invertebrate species.</p> <p>The report also indicates a gradual decline in catch since 2011, with a catch of 127 831 (individuals) in 2011 and 102 887 in 2012.</p> <p>However, the report data suggests that the decline in catch reflects the decline in effort during this period (2011 – 2013).</p>
Value of commercial harvest	<p>No figure available for 2013 specifically for the Queensland Marine Aquarium Fish Fishery.</p> <p>An estimate of \$10–12 million has been provided for 2008 – 2009 (<i>2013 Fishing Year Report</i>). This is a combined figure for the Queensland Marine Aquarium Fish Fishery and the Queensland Coral Fishery.</p>

<p>Take by other sectors</p>	<p>The <i>2013 Fishing Year Report</i> indicates the recreational catch figure was 'unknown'. The report also indicated that there was no harvest of aquarium fish or invertebrates reported during the <i>2010 Statewide Recreational Fishing Survey</i>. Compliance and enforcement inspections conducted in 2013 detected six recreational offences. However, the Queensland Department of Agriculture, Fisheries and Forestry considers the recreational take to be low in the fishery and unlikely to be significant, as reflected in the 2010 Recreational Fishing Survey.</p> <p>There are gear restrictions, size limits and bag limits in place in the Queensland Marine Aquarium Fish Fishery to manage the recreational take in the fishery.</p> <p>There is no known Indigenous harvest of specimens in this fishery.</p>
<p>Commercial licences issued</p>	<p>There are 26 active licences in the fishery.</p> <p>Two types of commercial licence can be operated in the Queensland Marine Aquarium Fish Fishery, A1 and A2 licences.</p> <p>The total number of A1 licences issued is 42. These licences are not subject to possession limits. Some A1 licences can operate in Special Management Areas, based on historical access to these areas.</p> <p>The total number of A2 licences issued is three. A2 licences are subject to possession limits, and can't operate in Special Management Areas.</p> <p>(see http://www.business.qld.gov.au/industry/fisheries/commercial-fishing/licences-and-fees/commercial-fishing/licences/fisheries-symbols).</p>

<p>Management arrangements</p>	<p>The fishery is managed in accordance with the Queensland <i>Fisheries Act</i> 1994, the Queensland Fisheries Regulation 2008 and the Fisheries (Coral Reef Fin Fish) Management Plan 2003.</p> <p>The fishery is managed by the Queensland Department of Agriculture, Fisheries and Forestry.</p> <p>The Queensland Marine Aquarium Fish Fishery adjoins the Coral Sea Fishery (Commonwealth). Harvest levels are determined through ecological risk assessments which take into account harvest from both fisheries.</p> <p>Management arrangements for the commercial fishery include:</p> <ul style="list-style-type: none"> • limited entry • boat limits per licence • limit on number of collectors operating under a licence at any one time • limited access to defined Special Management Areas by A1 licences only • possession limits for A2 licence holders • limits on the use of apparatus, including the requirement for a single barbless hook for fishing lines. <p>There are four Special Management Areas within the fishery. Fishers require an A1 fishery symbol to access these areas. The Special Management Areas are in the vicinity of Cairns, the Sunshine Coast, Moreton Bay and Keppel. Most collection occurs in the Cairns Special Management Area. Collection in the (former) Whitsunday Special Management Area has stopped, although is currently still included in the Fisheries Regulation 2008. Access to Special Management Areas is based on historical access to the areas.</p> <p>Management arrangements for the recreational fishery include:</p> <ul style="list-style-type: none"> • size and possession limits as set out in the Fisheries Regulation 2008 • no selling or trading of catch • use of artificial breathing apparatus (scuba or hookah) is not permitted • limits on the use of apparatus. <p>There are a number of no take species which apply to all commercial fisheries in Queensland, and additional no take species apply specifically for the Queensland Marine Aquarium Fish Fishery.</p> <p>Possession limits for certain species of fish, sharks and rays are in place for commercial and recreational fishing. In addition, some zones within the Great Barrier Reef Marine Park and State Marine Park are closed to commercial and recreational fishing.</p>
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	<p>A performance management system for the fishery operates as a reporting framework for evaluating the performance of the fishery against management objectives.</p> <p>For further details of management arrangements in the fishery, see <i>A guide to the Queensland Marine Aquarium Fish Fishery and the Queensland Coral Fishery</i>.</p> <p>The Department of Agriculture, Fisheries and Forestry issues some General Fisheries Permits for the aquarium industry for collection of fish specimens which are larger than standard size limits, species that are not permitted under the fishery management arrangements, or for use of equipment not permitted under the fishery's management arrangements.</p> <p>General Fisheries Permits therefore operate outside the management arrangements for the Marine Aquarium Fish Fishery, and will not be covered by the approved wildlife trade operation declaration for the fishery.</p>
Export	Product supplies the domestic and international market, with the majority of product exported live to America, Asia and Europe.
Bycatch	Due to the targeted method of harvesting of species (hand collection), the incidence of bycatch is negligible.
Interaction with Protected Species¹	<p>Queensland commercial fishery operators are required to report any interactions with protected species in the species of conservation interest logbook; including species protected under Part 13 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) and species protected under Queensland environment legislation.</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry has a performance measurement system in place for the Queensland Marine Aquarium Fish Fishery, including performance measures for interactions with species of conservation interest. The Queensland Department of Agriculture, Fisheries and Forestry confirmed there have been no reported interactions with protected species (other than syngnathids – see below) since the last assessment in 2011.</p> <p>The fishery currently takes a small amount of syngnathids in state waters in south-east Queensland, outside the Great Barrier Reef Marine Park. Syngnathids are a listed marine species under the EPBC Act, and as such cannot be taken in Commonwealth waters. Around 30 specimens were collected from state waters in 2013.</p> <p>In the past, take of freshwater sawfish (<i>Priston microdon</i>), which are listed as vulnerable under the EPBC Act, has been allowed in the fishery under General Fisheries Permits issued by the Queensland Department of Agriculture, Fisheries and Forestry. All sawfish are currently no take species in Queensland commercial fisheries, and so cannot be taken under Queensland Marine Aquarium Fish Fishery management</p>

¹ 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and listed threatened, listed marine and listed migratory species.

	<p>arrangements.</p> <p>Under the current approved wildlife trade operation declaration, harvest of Part 13 listed species for export, such as syngnathid species and freshwater sawfish (<i>Pristis microdon</i>), is not permitted.</p> <p>Harvest for export of species under General Fisheries Permits issued by the Queensland Department of Agriculture, Fisheries and Forestry, which are not covered by the current management arrangements for the Marine Aquarium Fish Fishery, will not be covered by the approved wildlife trade operation declaration for the Queensland Marine Aquarium Fish Fishery.</p>
Ecosystem Impacts	<p>Due to the targeted method of harvesting of species (hand collection) in the fishery, impacts to the ecosystem as a result of the operation of the fishery are considered to be low.</p>
Impacts on CITES species	<p>The assessment also considered the possible impacts on species harvested in the Queensland Marine Aquarium Fish Fishery which are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p> <p>The Queensland Marine Aquarium Fish Fishery allows harvest of several species which are listed under CITES. Hammerhead sharks and seahorses (<i>Hippocampus</i> species) are listed under Appendix II of CITES and may be harvested in small numbers.</p> <p>As a party to the Convention, Australia applies CITES provisions through the EPBC Act to imports and exports of CITES listed species. Under these provisions, export of CITES specimens may only occur where a permit, supported by a non-detriment finding, has been issued by the CITES Management Authority of the country of export.</p> <p>The fishery currently takes a small number of syngnathids in state waters, in south-east Queensland, outside the Great Barrier Reef Marine Park. Seahorses, which are syngnathids in the <i>Hippocampus</i> genus, are listed under Appendix II of CITES. There is no non-detriment finding in place for <i>Hippocampus</i>, so these cannot be exported.</p> <p>Under the current approved wildlife trade operation declaration, harvest of syngnathid species for export is not permitted. The Queensland Department of Agriculture, Fisheries and Forestry have advised that industry is aware of the export restrictions applying to these species.</p> <p>One operator in the fishery is planning to take a small number of juvenile hammerheads in the fishery for aquarium display. Hammerheads are a permitted species in the Queensland Marine Aquarium Fish Fishery, up to a length of 1.5 metres.</p>

Australia's CITES Scientific Authority has made a non-detriment finding for the export of CITES-listed hammerhead shark species which takes into account all known harvest within Australian waters: *Sphyrna lewini* (scalloped hammerhead shark), *Sphyrna mokarran* (great hammerhead shark), *Sphyrna zygaena* (smooth hammerhead shark),

The approved wildlife trade operation declaration to be in place from November 2014 will allow take of hammerhead species for export. As a result of the CITES listing, specimens of hammerhead sharks taken from the wild or bred in captivity may only be exported with an appropriate CITES permit.

In the past, very limited numbers of humphead maori wrasse (*Cheilinus undulates*) and freshwater sawfish (*Pristis microdon*) have been collected for public education purposes in the area of the fishery under General Fishery Permits. Humphead maori wrasse is listed on Appendix II of CITES and freshwater sawfish is listed on Appendix I of CITES. Both these species are no-take species in all Queensland commercial fisheries, and therefore cannot be taken under the current management arrangements for the fishery. As freshwater sawfish is listed on Appendix I of CITES, specimens cannot be harvested for commercial export.

The approved wildlife trade operation declaration for the fishery will not include harvest of humphead maori wrasse and freshwater sawfish.

The Queensland Department of Agriculture, Fisheries and Forestry advised that any upcoming take of humphead maori wrasse for the aquarium export trade is expected to occur from the adjacent Coral Sea Fishery. Two MAFF collectors hold licences for this Commonwealth managed fishery.

The current *Non-Detriment Finding for the Export of CITES-Listed Humphead Maori Wrasse (Cheilinus undulatus) harvested from the Coral Sea Fishery, November 2013 to November 2016 (NDF)*, takes into account the harvest of this species from the Aquarium sector of the adjoining Commonwealth Coral Sea Fishery only. The NDF notes that while some humphead maori wrasse are collected in the Queensland Marine Aquarium Fish Fishery in Queensland state managed waters, those specimens are for the purpose of public display and/or public education or broodstock for aquaculture and are not to be exported.

Impacts on World Heritage property/RAMSAR site	<p>Impacts on the environment in the Great Barrier Reef Marine Park and the Great Barrier Reef World Heritage Area are likely to be minimal, as:</p> <ul style="list-style-type: none">• the Queensland Marine Aquarium Fish Fishery is a targeted hand collection fishery with very low expected ecosystem impacts• approximately 30 per cent of the area of the Great Barrier Reef Marine Park is designated sanctuary zones, providing protection for reef habitats, and• the 2008 Ecological Risk Assessment determined that no Queensland Marine Aquarium Fish Fishery retained species were at high risk from fishing, with most species determined to be at negligible or low risk. <p>On this basis the Department considers that an action taken by an individual fisher, acting in accordance with the Queensland Marine Aquarium Fish Fishery management arrangements in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland Fisheries Regulation 2008, would not be expected to have a significant impact on a matter protected by the EPBC Act.</p>
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TABLE 2: PROGRESS IN IMPLEMENTATION OF CONDITIONS AND RECOMMENDATIONS MADE IN THE PREVIOUS ASSESSMENT OF THE QUEENSLAND MARINE AQUARIUM FISH FISHERY

Condition	Progress	Recommended Action
<p>1. Operation of the Queensland Marine Aquarium Fish Fishery will be carried out in accordance with the management arrangements in force under the Queensland <i>Fisheries Act 1994</i> and the Queensland Fisheries Regulation 2008.</p>	<p>The Queensland Department of Agriculture, Fisheries and Forestry advised that the Queensland Marine Aquarium Fish Fishery has operated in accordance with the Queensland <i>Fisheries Act 1994</i> and the Queensland Fisheries Regulation 2008.</p>	<p>The Department considers that this condition has been met.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the Queensland Marine Aquarium Fish Fishery specifies a similar condition (see Condition 1, Table 4).</p>
<p>2. Queensland Department of Agriculture, Fisheries and Forestry to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the management arrangements for the Queensland Marine Aquarium Fish Fishery that could affect the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>	<p>Since the last assessment, there have been no amendments to the management arrangements for the Queensland Marine Aquarium Fish Fishery.</p>	<p>The Department considers that this condition has been met.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the Queensland Marine Aquarium Fish Fishery specifies a similar condition (see Condition 2, Table 4).</p>
<p>3. Queensland Department of Agriculture, Fisheries and Forestry to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per <i>Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>	<p>The Queensland Department of Agriculture, Fisheries and Forestry provided annual reports through the Marine Aquarium Fish Fishery fishing year reports.</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry advised that there were discrepancies with annual totals in the 2011 and 2012 reports (the totals were combined with the Commonwealth managed Coral Sea Fishery logbook data).</p>	<p>The Department considers that this condition has been met.</p> <p>The Department considers that a new approved wildlife trade operation declaration for the Queensland Marine Aquarium Fish Fishery specifies a similar condition (see Condition 3, Table 4).</p>

<p>(Condition 3 contd.)</p>	<p>Due to these discrepancies, the Queensland Department of Agriculture, Fisheries and Forestry confirmed that it will not be possible to compare the 2013 report data with the previous reports.</p> <p>The 2013 report has been provided with the 2014 submission.</p>	
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Recommendation	Progress	Recommended Action
<p>1. Queensland Department of Agriculture, Fisheries and Forestry to put in place arrangements which ensure that management tools for the Marine Aquarium Fish Fishery, including the ecological risk assessment and performance measurement system, are subject to periodic reviews to ensure that they:</p> <ul style="list-style-type: none"> • take into account new information as it becomes available; and • remain relevant and capable of identifying when a management response is needed to maintain the ecological sustainability of the fishery. <p>Queensland Department of Agriculture, Fisheries and Forestry to continue to monitor the status of the fishery in relation to the performance measures and report annually against those measures, including any management actions implemented in response to performance triggers and the rationale for any nil management response.</p>	<p>An ecological risk assessment was completed for the fishery in 2008. This was the first ecological risk assessment conducted in the fishery.</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry advised that it will be conducting a review of the Ecological Risk Assessment for the Queensland Marine Aquarium Fish Fishery.</p> <p>Following the 2015 ecological risk assessment review, there will be adjustments to existing indicators and the implementation of new performance indicators implemented in the fishery.</p> <p>In addition, the Queensland Department of Agriculture, Fisheries and Forestry will continue to conduct an annual assessment of indicators relating to unsustainable harvesting in the Special Management Areas which is carried out through the Performance Measurement System.</p> <p>A number of species identified as low and medium risk in the 2008 ecological risk assessment triggered a performance measure in 2013 relating to an annual catch indicator. The Queensland Department of Agriculture, Fisheries and Forestry has indicated that this was a result of variable effort during the period and does not indicate sustainability issues.</p>	<p>The Department considers that this recommendation is ongoing.</p> <p>(See Recommendation 1, Table 4).</p>

<p>(Recommendation 1 Contd.)</p>	<p>The Department notes that the Queensland Department of Agriculture, Fisheries and Forestry will be continuing to conduct regular reviews to ensure appropriate management measures and responses are in place in the fishery.</p> <p>However, given that there has been no stock status assessments for target species and that the ecological risk assessment for the fishery was completed in 2008, the Department encourages the Queensland Department of Agriculture, Fisheries and Forestry to ensure the ecological risk assessment review occurs in 2015, followed by implementation of revised performance indicators in the Performance Measurement System where appropriate.</p>	
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Recommendation	Progress	Recommended Action
<p>2. Queensland Department of Agriculture, Fisheries and Forestry to implement appropriately precautionary possession limits to manage recreational take in the Marine Aquarium Fish Fishery.</p>	<p>The Department acknowledges that this recommendation has not been progressed since the last two assessments.</p> <p>However, the Queensland Department of Agriculture, Fisheries and Forestry advised that the recreational take is low in the fishery. The 2010 Recreational Fishing Survey reflects this, reporting no fish or invertebrates harvested.</p> <p>In addition there are gear restrictions, size limits and bag limits in place in the Queensland Marine Aquarium Fish Fishery to manage the recreational take in the fishery.</p> <p>Taking this into account, the Department considers this recommendation to be no longer necessary, and therefore discontinued.</p> <p>The Department understands that the Queensland Department of Agriculture, Fisheries and Forestry will, however, ensure ongoing monitoring of the recreational take, and implement further appropriate precautionary limits as necessary.</p>	<p>The Department considers that this recommendation is no longer necessary due to the continued low level of recreational take in the fishery, and has been discontinued.</p>

Table 3: The Department of the Environment’s assessment of the Queensland Marine Aquarium Fish Fishery against the requirements of the EPBC Act related to decisions made under Part 13A.

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13A. A complete version of the EPBC Act can be found at <http://www.comlaw.gov.au/>.

Part 13A

Section 303BA Objects of Part 13A

(1) The objects of this Part are as follows:

- (a) to ensure that Australia complies with its obligations under CITES² and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and
- (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

² Convention on International Trade in Endangered Species of Wild Fauna and Flora

Part 13A

Section 303 CG Minister may issue permits (CITES species)	The Department's assessment of the Queensland Marine Aquarium Fish Fishery
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <p>(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to:</p> <p>i. the survival of any taxon to which the specimen belongs; or</p> <p>ii. the recovery in nature of any taxon to which the specimen belongs; or</p> <p>iii. any relevant ecosystem (for example, detriment to habitat or biodiversity).</p>	<p>Given the fishery's management arrangements in place to monitor and control the level of harvest of CITES species and noting the minimal level of CITES species being harvested by the fishery, the Department considers that the Queensland Marine Aquarium Fish Fishery will not be detrimental to the survival of any taxon to which the CITES specimen belongs in the short to medium term. A condition on the Wildlife Trade Operation declaration for the Queensland Marine Aquarium Fish Fishery includes annual reporting requirements which will allow the Department to monitor the status of CITES specimens harvested in the fishery.</p> <p>The CITES specimens harvested from the fishery are not considered to be over-fished in Queensland. Very low numbers of specimens are collected, and the operations of the fishery are not expected to be detrimental to the recovery in nature of any of these species.</p> <p>Recognising the nature of harvest and gear used in the fishery (hand harvest), the potential for the Queensland Marine Aquarium Fish Fishery to impact unacceptably and unsustainably on any relevant ecosystem generally is considered low.</p> <p>The Department is satisfied that the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>

Part 13A

Section 303DC Minister may amend list	The Department's assessment of the Queensland Marine Aquarium Fish Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none">(a) including items in the list;(b) deleting items from the list; or(c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or(d) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or(e) correcting an inaccuracy or updating the name of a species.	<p>The Department recommends that specimens derived from species harvested in the Queensland Marine Aquarium Fish Fishery, other than:</p> <ul style="list-style-type: none">▪ specimens that belong to species listed under Part 13 of the EPBC Act and▪ specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list), <p>be included in the list of exempt native specimens while the Queensland Marine Aquarium Fish Fishery is subject to a declaration as an approved wildlife trade operation.</p>

<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, 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.</p>	<p>No assessment of the Queensland Marine Aquarium Fish Fishery has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor.</p> <p>The Department considers that the amendment of the list of exempt native specimens to include product taken in the Queensland Marine Aquarium Fish Fishery (excluding specimens of protected species and specimens of CITES listed species) would be consistent with the provisions of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1) ▪ any CITES listed species which may be captured in the fishery are excluded from the inclusion in the list of exempt native specimens ▪ export of CITES listed species from the fishery can only occur in accordance with relevant non-detriment findings and CITES export permits ▪ the operation of the Queensland Marine Aquarium Fish Fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and ▪ the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.

<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>The Department considers that the consultation requirements have been met.</p> <p>On 10 August 2004, the then Minister for the Environment and Heritage wrote to all fisheries ministers seeking their views on inclusion of product derived from commercial fisheries in the list of exempt native specimens, while subject to declaration as approved wildlife trade operations. Responses in support of the proposal were received from all state and territory fisheries ministers and the Commonwealth minister.</p> <p>The application from the Queensland Department of Agriculture, Fisheries and Forestry was released for public comment from 18 August 2014 to 16 September 2014. The public comment period sought comment on:</p> <ul style="list-style-type: none"> ▪ the proposal to amend the list of exempt native specimens to include product derived from the Queensland Marine Aquarium Fish Fishery and ▪ the Queensland Department of Agriculture, Fisheries and Forestry's application for the Queensland Marine Aquarium Fish Fishery. <p>No comments were received.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the Queensland Marine Aquarium Fish Fishery made under section 303DC will be gazetted and made available through the Department's website.</p>

Section 303FN Approved wildlife trade operation	The Department's assessment of the Queensland Marine Aquarium Fish Fishery
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an approved wildlife trade operation for the purposes of this section.	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p>	<p>The Department considers that the operation of the Queensland Marine Aquarium Fish Fishery is consistent with objects of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1) ▪ export of CITES listed species from the fishery can only occur in accordance with relevant non-detriment findings and CITES export permits ▪ the operation of the Queensland Marine Aquarium Fish Fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and ▪ the EPBC Act Regulations do not specify fish as a class of animal in relation to the welfare of live specimens. <p>In relation to the harvesting of CITES listed specimens in the fishery, taking into account:</p> <ul style="list-style-type: none"> ▪ the minor nature of the harvest of Hippocampus species in state waters outside the Great Barrier Reef Marine Park and for domestic trade only ▪ the minor nature of proposed hammerhead harvest, which will occur in accordance with the <i>Non-Detriment Finding for the export of CITES-listed shark species harvested from Australian waters: Sphyrna lewini (scalloped hammerhead shark), Sphyrna mokarran</i>

<p>(b) the operation will not be detrimental to:</p> <ol style="list-style-type: none"> i. the survival of a taxon to which the operation relates; or ii. the conservation status of a taxon to which the operation relates; and 	<p><i>(great hammerhead shark), Sphyrna zygaena (smooth hammerhead shark), Lamna nasus (porbeagle shark), Carcharhinus longimanus (oceanic whitetip shark)</i> (non-detriment finding)</p> <p>the Department considers that the harvest of CITES specimens from the fishery during the period of the recommended declaration as an approved wildlife trade operation is unlikely to be detrimental to the survival of any taxon to which the CITES specimens belongs and that the potential for the harvest of CITES specimens from the Queensland Marine Aquarium Fish Fishery to be detrimental to any relevant ecosystem is low.</p> <p>(Note: The EPBC Act prohibits export of specimens listed on Appendix II of CITES unless a non-detriment finding has been issued by Australia's CITES Scientific Authority. The instrument of declaration for the Queensland Marine Aquarium Fish Fishery provides information to assist exporters and others to determine if CITES Appendix II specimens are covered by a non detriment finding.)</p> <p>The Department considers that the operation of the Queensland Marine Aquarium Fish Fishery during the period of the recommended declaration as an approved wildlife trade operation will not be detrimental to the survival or conservation status of a taxon to which it relates within the next three years, given the management measures currently in place (see Table 1), which include:</p> <ul style="list-style-type: none"> ▪ limited entry ▪ gear restrictions ▪ spatial management/closures ▪ ecological risk assessment ▪ performance measurement system
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<p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p>	<p>The Department considers that the operation of the Queensland Marine Aquarium Fish Fishery as an approved wildlife trade operation will not threaten any relevant ecosystem within the next three years, given the management measures currently in place (see Table 1), which include:</p> <ul style="list-style-type: none"> ▪ limited entry ▪ gear restrictions ▪ spatial management/closures ▪ ecological risk assessment ▪ performance measurement system
<p>(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</p>	<p>The EPBC Act Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.</p>
<p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.</p>

<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>The Department considers that the operation of the Queensland Marine Aquarium Fish Fishery during the period of the recommended declaration as an approved wildlife trade operation will not have a significant impact on any relevant ecosystem, given the management measures currently in place (see Table 1), which include:</p> <ul style="list-style-type: none"> ▪ limited entry ▪ gear restrictions ▪ spatial management/closures ▪ ecological risk assessment ▪ performance measurement system <p>The Department considers that the management arrangements that will be employed for the Queensland Marine Aquarium Fish Fishery, as outlined in Table 1, are likely to be effective.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(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</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The Queensland Marine Aquarium Fish Fishery will be managed under the Queensland <i>Fisheries Act 1994</i>, the Queensland Fisheries Regulation 2008 and the Fisheries (Coral Reef Fin Fish) Management Plan 2003.</p> <p>The Queensland <i>Fisheries Act 1994</i> applies throughout Queensland waters.</p> <p>The Department considers that the legislation is likely to be effective.</p>

<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The Queensland Marine Aquarium Fishery is a commercial fishery.</p>
<p>Section 303FR Public consultation</p>	<p>The Department's assessment of the Queensland Marine Aquarium Fish Fishery</p>
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>The Department considers that the consultation requirements of the EPBC Act for declaring a fishery an approved wildlife trade operation have been met. A public notice, which set out the proposal to declare the Queensland Marine Aquarium Fish Fishery an approved wildlife trade operation and included the fishery's annual reports, was released for public comment which closed on 16 September 2014. No public comments were received.</p>
<p>(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.</p>	<p>A public notice, which set out the proposal to declare the Queensland Marine Aquarium Fish Fishery an approved wildlife trade operation and included the fishery's annual reports was released for public comment on 18 August 2014 and closed on 16 September 2014, a total of 22 business days.</p>
<p>(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.</p>	<p>No public comments about the proposal were received.</p>
<p>Section 303FT Additional provisions relating to declarations</p>	<p>The Department's assessment of the Queensland Marine Aquarium Fish Fishery</p>
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the Queensland Marine Aquarium Fish Fishery will be made under section 303FN.</p>

<p>(3) 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 to the extent that the plan or operation relates to a particular class of specimens. In such a case:</p> <p>(g) the instrument of declaration is to specify that class of specimens; and</p> <p>(h) the plan or operation is covered by the declaration only to the extent that the plan or operation relates to that class of specimens.</p>	<p>The Department considers that the Queensland Marine Aquarium Fish Fishery should be the subject of a declaration under section 303FN only to the extent that it relates to the harvesting of specimens that are, or are derived from, fish or invertebrates, other than:</p> <ul style="list-style-type: none"> • specimens that belong to taxa that are listed under Part 13 of the EPBC Act, and • specimens that belong to taxa listed under section 303CA (Part 13A) of the EPBC Act (Australia’s CITES list), except for: <ul style="list-style-type: none"> - scalloped hammerhead shark (<i>Sphyrna lewini</i>) - great hammerhead shark (<i>S. mokarran</i>) - smooth hammerhead shark (<i>S. zygaena</i>). <p>The instrument of declaration for the Queensland Marine Aquarium Fish Fishery specifies the classes of specimens.</p>
<p>(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:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial fishery wildlife trade operations include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime • notifying the Department of changes to the management regime, and • annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. <p>The approved wildlife trade operation declaration instrument for the Queensland Marine Aquarium Fish Fishery specifies the standard and any additional conditions applied.</p>

(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the Internet.	The instrument for the Queensland Marine Aquarium Fish Fishery made under sections 303FN and the conditions under section 303FT will be gazetted and made available on the Department's website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The Department's assessment of the Queensland Marine Aquarium Fish Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	<p>The Department has accounted for the precautionary principle in the preparation of its advice. The Queensland Department of Agriculture, Fisheries and Forestry has implemented precautionary management measures which reduce the risks of adverse impacts, for example, limited entry, gear restrictions and spatial closures.</p> <p>The fishery management regime for the Queensland Marine Aquarium Fish Fishery sets out performance indicators and trigger points against which the performance of the fishery is evaluated regularly.</p>
(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.	

Part 12

Section 176 Bioregional Plans	The Department's assessment of the Queensland Marine Aquarium Fish Fishery
<p>(5) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.</p>	<p>A small part of the operation of the fishery potentially occurs in the area of the Temperate East Marine Region. The <i>Marine bioregional plan for the Temperate East Marine Region</i> has been considered in the preparation of advice in relation to decisions under section 303DC and section 303FN. Extraction of living resources has been identified as a pressure of regional priority in the Temperate East Marine Region.</p> <p>However given the relatively small scale of the fishery, it is not considered to be a major contributor to this pressure.</p> <p>The <i>Marine bioregional plan for the Temperate East Marine Region</i> identifies conservation values of regional priority including: of 'concern' is the Indo-Pacific humpback dolphin and the Indo-Pacific bottlenose dolphins present in the area; of 'potential concern' are four species of marine turtles; 'concern' for grey nurse shark; 'potential concern' for white sharks; 'potential concern' for breeding sea birds such including petrels; and shelf rocky reefs supporting benthic habitats and communities. The fishery is not expected to interact significantly with any of these conservation values of regional priority.</p>

The Department of the Environment's final conditions and recommendations to the Queensland Department of Agriculture, Fisheries and Forestry for the Queensland Marine Aquarium Fish Fishery

The material submitted by the Queensland Department of Agriculture, Fisheries and Forestry demonstrates that the management arrangements for the Queensland Marine Aquarium Fish Fishery continue to meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Stock Status and Recovery

The Department considers that overall the management regime for the fishery aims to ensure that the fishery is conducted in a manner that does not lead to overfishing and the target species are unlikely to be currently overfished. Management measures in place in the fishery include:

- limited entry
- gear restrictions
- spatial management/closures
- an ecological risk assessment
- annual reviews of the performance of the fishery against indicators and performance measures in the Performance Measurement System.

The Department notes that there have been no stock assessments completed for target species, but that the ecological risk assessment undertaken by the Queensland Department of Agriculture, Fisheries and Forestry in 2008 indicated that no retained species in the fishery were considered as being at high risk.

The Queensland Department of Agriculture, Fisheries and Forestry plans to conduct another ecological risk assessment in 2015.

Ecosystem Impacts

The Department considers that the Queensland Marine Aquarium Fish Fishery will not threaten any relevant ecosystem within the next three years, given the above management measures.

Taking into account the management measures described above, the Department considers that the management regime for the Queensland Marine Aquarium Fish Fishery provides for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

Conclusion

Notwithstanding the progress made to date in the Queensland Marine Aquarium Fish Fishery, the Department considers that there is an ongoing need for the Queensland Department of Agriculture, Fisheries and Forestry to:

- ensure that risks to the sustainability of the species collected in the fishery are identified, managed, monitored and regularly reviewed
- ensure performance indicators are adjusted as appropriate
- implement measures to mitigate any identified high risks resulting from the ecological risk assessment reviews
- ensure that take of EPBC Act listed species permitted under the management arrangements for the fishery, or under General Fisheries Permits allowing take of species for the aquarium trade, has been shown to not have a significant impact on the species, and to not be inconsistent with recovery plans for EPBC Act listed species.

The Department considers that until it can be demonstrated that these issues have been adequately addressed, declaration of the harvest operations of the Queensland Marine Aquarium Fish Fishery as an approved wildlife trade operation for three years, (until 17 November 2017), is appropriate. The Department considers that the declaration should be subject to the conditions listed in Table 4. To contain and minimise the risks in the longer term, recommendations listed in Table 4 have been made.

Unless a specific time frame is provided, each condition and recommendation must be addressed within the period of the approved wildlife trade operation declaration for the fishery.

The Department has also made recommendations relating to take of CITES specimens in the fishery and under General Fishery permits allowing take of CITES specimens for the aquarium trade, to ensure harvest levels are sustainable in the long term and improve the information base for production of future non detriment findings.

Table 4: Queensland Marine Aquarium Fish Fishery Assessment – Summary of Issues, Conditions and Recommendations November 2014

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>Operation of the Queensland Marine Aquarium Fish Fishery will be carried out in accordance with the Queensland <i>Fisheries Act 1994</i>, the Queensland Fisheries Regulation 2008 and the Fisheries (Coral Reef Fin Fish) Management Plan 2003.</p> <p>Condition 2:</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry to inform the Department of the Environment of any intended material changes to the Queensland Marine Aquarium Fish Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p>

Issue	Condition
<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the Department annually in order for the performance of the fishery and progress in implementing the conditions and recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration. Annual reports should follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> and include a description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with EPBC Act protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the Department's conditions and recommendations. Electronic copies of the guidelines are available from the Department's website at http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries</p>	<p>Condition 3:</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry to produce and present reports to the Department of the Environment annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

Issue	Recommendation
<p><u>Ecological Risk Assessment</u></p> <p>The most recent (and only) ecological risk assessment for the fishery was completed in 2008. There has been no other formal assessment of the status of target stocks in the fishery.</p> <p>The Department recommends that the Queensland Department of Agriculture, Fisheries and Forestry should carry out regular ecological risk assessments for the fishery to ensure that any risks to the sustainability of the species collected in the fishery are identified and appropriately managed.</p> <p>The Department understands that the Queensland Department of Agriculture, Fisheries and Forestry aims to conduct a review of the ecological risk assessment for the Queensland Marine Aquarium Fish Fishery in 2015, and supports this intention.</p> <p>The Department also recommends that the Queensland Department of Agriculture, Fisheries and Forestry put in place ongoing arrangements to ensure that the performance measurement system is reviewed and updated as necessary. The performance management system needs to remain capable of monitoring the performance of the fishery, including identifying when a management response is needed to maintain the ecological sustainability of the fishery.</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry also has advised that following the 2015 ecological risk assessment review, it is expected that there will be adjustments to existing indicators, and new performance indicators implemented in the fishery.</p>	<p>Recommendation 1:</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry to:</p> <ul style="list-style-type: none"> a) ensure that risks to the sustainability of the species collected in the fishery are identified, managed, monitored and regularly reviewed b) ensure that existing performance indicators are adjusted and new performance indicators are implemented as appropriate c) put in place appropriate measures to mitigate any high risks identified to target species.

Issue	Recommendation
<p>In addition, the Department recommends that if any target species are identified as at high risk as a result of ecological risk assessments, appropriate management measures to mitigate these risks are put in place.</p> <p>The Department considers that the 2015 ecological risk assessment review, and updating of performance indicators and management responses, to be important pieces of work during the life of the approved wildlife trade operation declaration.</p>	

Issue	Recommendation
<p><u>CITES species</u></p> <p>CITES species allowed to be harvested from the Queensland Marine Aquarium Fish Fishery include <i>Hippocampus</i> species (seahorses) and hammerhead sharks. Syngnathids (which include <i>Hippocampus</i> species) are harvested in state waters in south east Queensland outside the Great Barrier Reef Marine Park.</p> <p>In addition, the Queensland Department of Agriculture, Fisheries and Forestry has issued some General Fishery Permits for take of various species for the aquarium trade, which are not permitted to be harvested in the Queensland Marine Aquarium Fish Fishery. This may have included CITES listed species.</p> <p>Australia's obligations under CITES are met through the EPBC Act. All CITES specimens harvested from the fishery require a CITES permit issued under the EPBC Act to allow export. Prior to export permits for CITES specimens being issued, Australia's CITES Scientific Authority must establish that allowing export will not be detrimental to the species' survival (a non-detriment finding).</p> <p>Australia's CITES Scientific Authority has made a non-detriment finding for the harvest of scalloped, smooth and great hammerhead sharks from Australian managed fisheries. There is no non-detriment finding in place for <i>Hippocampus</i> species, and as such no export permits can be issued and these species cannot be harvested for export.</p> <p>The Department recommends that the Queensland Department of Agriculture, Fisheries and Forestry ensure that harvest of CITES listed sharks in the Queensland Marine Aquarium Fish Fishery is within limits set in the current non-detriment finding, and that harvest of any CITES listed species under General Fisheries Permits also occurs according to limits in relevant current non-detriment findings.</p> <p>As detailed in Australia's CITES Scientific Authority's document <i>Guidance for</i></p>	<p>Recommendation 2:</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry to:</p> <ul style="list-style-type: none"> a) ensure harvest of CITES listed species is limited according to current non-detriment findings b) report annually to the Department of the Environment on the harvest (at species level), management and monitoring of all species listed on CITES which are permitted to be retained in the Marine Aquarium Fish Fishery, and under General Fisheries Permits which allow collection of CITES species for the aquarium trade, to ensure that CITES non-detriment findings can continue to be made c) continue to cooperate with relevant jurisdictions where appropriate to pursue increased knowledge and complementary management of CITES listed species harvested in the fishery.

Issue	Recommendation
<p data-bbox="129 280 1196 389"><i>Domestic Implementation of CITES in Commercial Fisheries – Non-Detriment Findings</i>, information on historical harvest, species catch data and distribution are important considerations in arriving at non detriment findings.</p> <p data-bbox="129 424 1232 612">To monitor the implementation of measures to ensure that harvest levels are sustainable in the long term and improve the information basis for determining future non detriment findings, it is important that information at the species level on CITES listed specimens harvested in the Queensland Marine Aquarium Fish Fishery is provided to the Department as part of annual reporting for the fishery.</p> <p data-bbox="129 659 1232 922">The Queensland Department of Agriculture, Fisheries and Forestry advises that holders of General Fisheries Permits must report all harvest under their General Fishery Permit, and that this take is included in the annual reports for the fishery and in performance measurement system assessments. The Department recommends that the Queensland Department of Agriculture, Fisheries and Forestry continues to provide details of permitted take of all CITES listed species for the aquarium trade occurring under General Fisheries Permits to the Department.</p> <p data-bbox="129 968 1211 1118">The Department also recommends that the Queensland Department of Agriculture, Fisheries and Forestry continues to cooperate with relevant jurisdictions where appropriate, to pursue increased knowledge and complementary management of CITES listed species harvested in the fishery and under General Fisheries Permits.</p>	

Issue	Recommendation
<p><u>Take of EPBC Act protected species</u></p> <p>The Marine Aquarium Fish Fishery management arrangements currently allow take of syngnathids, which are listed as marine species under the EPBC Act. This take only occurs in state waters, and only a small number of specimens are taken annually.</p> <p>In addition, the Queensland Department of Agriculture, Fisheries and Forestry has issued some General Fishery Permits for take of various species for the aquarium trade, which are not permitted to be harvested in the Queensland Marine Aquarium Fishery. This may have included species protected under the EPBC Act. Take of EPBC Act protected species is an offence in Commonwealth waters.</p> <p>It is important that the Department is informed of permitted take of EPBC Act protected species in state waters, either under General Fisheries Permits or fishery management arrangements. The Department recommends that the Queensland Department of Agriculture, Fisheries and Forestry should clearly demonstrate that such take is not having a significant impact on EPBC Act listed species, and is not inconsistent with recovery plans for EPBC Act listed species.</p>	<p>Recommendation 3</p> <p>The Queensland Department of Agriculture, Fisheries and Forestry to:</p> <ul style="list-style-type: none"> a) provide details of any permitted take of EPBC Act listed species under the management arrangements for the fishery, or under General Fisheries Permits allowing take of species for the aquarium trade, to the Department of the Environment b) ensure that take of EPBC Act listed species permitted under the management arrangements for the fishery, or under General Fisheries Permits allowing take of species for the aquarium trade, has been shown to not have a significant impact on the species, and to not be inconsistent with recovery plans for EPBC Act listed species.

REFERENCES

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Roelofs, A (2008) *Ecological Risk Assessment of the Queensland Marine Aquarium Fish Fishery*, Department of Primary Industries & Fisheries, Brisbane.

Roelofs, A & Silcock, R (2008) *A sustainability assessment of marine fish species collected in the Queensland marine aquarium trade*, Department of Primary Industries & Fisheries, Brisbane.

ACRONYMS

CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora

EPBC Act *Environment Protection and Biodiversity Conservation Act 1999*

