

s22

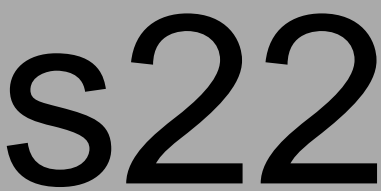
**From:** s22  
**Sent:** Thursday, 21 March 2019 1:33 PM  
**To:** Paul Murphy  
**Cc:** s22  
**Subject:** For Clearance by 22 March - GoCIFFF export approval decision brief [SEC=UNCLASSIFIED]

Hi Paul

- Can you please consider the following decision brief and **sign items 1, 8, 9 and 10 below**.
- Your decision by **Friday 22 March 2019** would be appreciated.
- The brief requests 3-year export approval and amendment to Part 13 protected species approval for the Queensland Gulf of Carpentaria Inshore Fin Fish Fishery (GoCIFFF).
- A LENS amendment is not required in this case.

Thank you to s22 for drafting the assessment package.

1. [Draft-decision brief-GoCIFFF assessment-March 2019](#) (for signature)
2. [Attachment A1-QDAF application for assessment-March 2017](#)
3. [Attachment A2-Queensland Government Sustainable Fishing Strategy-background information](#)
4. [Attachment B-Assessment 2019-GoCIFFF](#)
5. [Attachment C1-Joint public submission AMCS WWF and HSI](#)
6. [Attachment C2-Public submission](#) s47F
7. [Attachment D-QDAF Response to public comments](#)
8. [Attachment E-WTO Instrument-GoCIFFF](#) (for signature)
9. [Attachment F-Part 13 variation-instrument-GoCIFFF](#) (for signature)
10. [Attachment G-Letter to QDAF-outcome of decisions](#) (includes notice of appeal rights) (for signature)



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The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

To: Paul Murphy A/S Wildlife Trade and Biosecurity Branch (For Decision)

**QUEENSLAND GULF OF CARPENTARIA INSHORE FIN FISH FISHERY (GOCIFFF)  
WILDLIFE TRADE OPERATION APPROVAL UNDER THE EPBC ACT**

Timing: 22 March 2019, to renew fishery export approval before expiry (29 March 2019).

**Recommendations:**

That you:

1. Grant export approval for the GoCIFFF for three years, by declaring the fishery an approved wildlife trade operation under Part 13A the EPBC Act. Approved / Not approved
2. Reaccredit the GoCIFFF management regime under Part 13 of the Act. Approved / Not approved
3. Give effect to your decisions by signing the instruments at Attachments E1 and F. Signed / Not signed
4. Sign the letter at Attachment G advising the Queensland Department of Agriculture and Fisheries of your decisions. Signed / Not signed

**Delegate:** *Please note that expiry dates for future WTOs are better set as part of the conditions (discussed with s22 thx s11C(1)(a))* **Date:** 27/3/19

Paul Murphy  
Assistant Secretary  
Wildlife Trade and Biosecurity Branch  
(Delegate of the Minister for the Environment)

**Comments:**

|                   |     |     |         |
|-------------------|-----|-----|---------|
| Clearing Officer: | s22 | s22 | Ph: s22 |
| Contact Officer:  | s22 | s22 | Ph: s22 |

**Key Points:**

1. This brief seeks your consideration of the Queensland Government's application to renew export approval for the GoCIFFF under the EPBC Act (**Attachment A1**).
2. Following a preliminary assessment, the fishery was granted export approval in September 2017. This approval was extended four times during 2018 and now expires on 29 March 2019. The last full assessment was undertaken in 2014.
3. The fishery is managed by the Queensland Department of Agriculture and Fisheries (QDAF) under the Queensland *Fisheries Act 1994*. It operates in all tidal waterways out to 25 nautical miles, from Slade Point near the tip of Cape York Peninsula, westward to the Queensland-Northern Territory border. The fishery includes Commonwealth waters, and waters used by recreational and Indigenous fishers, as well as other stakeholders.

4. The fishery uses various net methods, including gillnets which are known to interact with protected species. Concerns have been raised about potential misreporting of these interactions and the impact that this may have on understanding and managing impacts on these species.
5. The fishery targets fin fish and shark species, many of which are also significant for non-commercial sectors. Two of the three key target species have a depleting stock status, and another species (Black Jewfish) is currently subject to unsustainable levels of harvest. QDAF is taking actions to address this, and conditions proposed for the fishery's export approval seek to ensure these actions are taken as soon as possible.
6. The GoCIFFF is one of Australia's more contentious fisheries and like the adjacent East Coast Inshore Fin Fish Fishery (ECIFFF), has been the subject of campaigns focussed on stopping the use of gillnets and reducing risks to protected species such as dolphins, dugongs, turtles and some shark species.
7. The management of commercial fisheries in Queensland has lagged behind reforms in other jurisdictions over the last decade. Reforms are now underway as part of the Queensland Government's Sustainable Fishery Strategy: 2017–2027. An overview of the strategy is at **Attachment A2**.
8. The Department considers that improving data collection, validation and monitoring for the fishery is a crucial first step in allowing ecological risks to be better assessed, monitored and managed by QDAF.
9. The conditions outlined in section 4 of the Department's assessment of the fishery (**Attachment B**) seek improvements in the fishery by addressing risks and issues identified in the assessment and support the Queensland Government's reforms that will:
  - a. Improve data collection, validation and monitoring of species caught in the fishery.
  - b. Improve the management of sharks, including implementing the Threatened Species Scientific Committee's recommendations for the recovery of the Conservation Dependent listed Scalloped Hammerhead Shark.
  - c. Continue to improve the understanding of the status of all commercially and recreationally important species in the fishery.
  - d. Finalise and implement ecological risk assessments and harvest strategies to assess the fishery's impact on target and non-target species, including protected species, and implement those measures to mitigate the ecological risks in the fishery.
  - e. Address risks to stocks that are overfished or subject to overfishing.
10. The fishery's inclusion on the List of Exempt Native Specimens was last amended in December 2018 and remains valid while a wildlife trade operation is in place.
11. The Department considers the accreditation of the GoCIFFF management regime under Part 13 of the Act remains valid, but should be re-made, subject to conditions that encourage QDAF to:
  - a. work with relevant stakeholders to determine an improved data collection and validation approach that can validate the number of interactions with all bycatch, which will include protected species
  - b. implement appropriate mitigation measures to ensure interactions with protected species are kept to a minimum.
12. Although the conditions proposed for Part 13 (regarding interactions with protected species in Commonwealth waters) appear to overlap with those proposed for the Part

13A export approval, the Part 13 conditions would apply while the fishery operates in Commonwealth waters, regardless of whether the fishery exports product or not. The Part 13 conditions are consistent with those applied to the ECIFFF in December 2018.

### **Consultation**

13. The Department's assessment considered public comments received during consultation from 6 April to 26 May 2017 (**Attachments C1 and C2**), QDAF's response to these comments (**Attachment D**), and subsequent engagement with QDAF throughout the assessment process. The public comments express concern about impacts on sawfish and sharks, alleged overfishing of some target species, and sustainability of the inshore net sector.
14. The Department also considered the impacts on hammerhead sharks, which are protected under the Convention on International Trade in Endangered Species (CITES).
15. QDAF has advised that the proposed conditions in section 4 of **Attachment B** are acceptable and achievable.

### **Outcome of assessment**

16. The assessment found that, subject to the proposed conditions, the fishery meets the requirements of the EPBC Act sufficient for you to extend its export approval. Instruments to extend the fishery's export approval are available for your signature at **Attachments E and F**.

### **Sensitivities and Handling**

17. Similar ecological risks and issues were found in the ECIFFF. Conditions placed on export approval for that fishery (December 2018) were well received by environmental campaigners, but the decision to grant export approval is now subject to two separate requests for statements of reasons (MS19-000144).
18. Environmental campaigners may view the Department's proposed conditions for the GoCIFFF as insufficient to address what they consider are immediate and significant risks to EPBC Act protected species.
19. The commercial fishing industry may not be supportive of some of the Queensland Government's fishery reforms, or the requirements specified in the conditions, especially where these impose change to existing practices and/or increase cost to their businesses.
20. A draft letter to the Queensland Department of Agriculture and Fisheries advising of your decision is available for your signature at **Attachment G**.

### **Attachments**

- A1:** QDAF application for assessment.
- A2:** Queensland Government's Sustainable Fisheries Strategy – background
- B:** Department of Environment and Energy fishery assessment report.
- C1:** Public comments received (AMCS, HSI, and WWF joint submission).
- C2:** Public comments received (s47F [REDACTED]).
- D:** QDAF response to public comments.

- E:** Part 13A wildlife trade operation, instrument **for signature.**
- F:** Part 13 accreditation of management regime, variation instrument **for signature.**
- G:** Letter to Queensland Department of Agriculture and Fisheries, **for signature.**

## Queensland Government's Sustainable Fisheries Strategy - background information

1. The Queensland Government's Sustainable Fisheries Strategy: 2017–2027 is informed by extensive ongoing stakeholder engagement. The majority of more than 11,800 submissions to the Queensland Government support the reform agenda, and QDAF is working closely with stakeholders as they implement the reforms. A Sustainable Fisheries Expert Panel provides independent expert advice on the appropriateness and feasibility of fisheries management proposals and strategies, and Working Groups, which include conservation and commercial fishing interests, and provide operational advice.
2. The Strategy sets out the Queensland Government's reform agenda for the next ten years and is the biggest fisheries reform in Queensland's history. The reforms will help ensure healthy fish stocks that will support thousands of Queensland jobs.
3. The Queensland Government is investing an additional \$20 million over three years to support its fisheries reforms. Recreational and commercial sectors also currently contribute around \$5 million a year to Queensland's fisheries management. The proposed conditions (**Attachment B**) do not require additional funding from the Commonwealth.
4. The Queensland Government has already initiated a feasibility study and proof-of-concept trial in some fisheries to improve data validation and monitoring, as part of implementing key reforms under its Sustainable Fisheries Strategy.
5. The Queensland Government's approach to assessing and managing risks to all target and non-target species is consistent with that embodied in Commonwealth policies, including the Commonwealth Harvest Strategy and Commonwealth Bycatch policies published in November 2018.



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The Director  
Sustainable Fisheries Section  
Department of the Environment  
GPO Box 787  
CANBERRA ACT 2601

02 June 2017

Dear Director

**Reference: Queensland Gulf of Carpentaria Inshore Finfish Fishery Wildlife Trade Operation approval**

Thank you for the opportunity to provide comment on the Gulf of Carpentaria Inshore Fin Fish Fishery (GoCIFFF) as part of the assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for the Wildlife Trade Operation (WTO) approval for this fishery.

The GoCIFFF is yet another Queensland fishery that has gone backwards in its management arrangements since WTO reporting process was first introduced, and indeed, since the last assessment for export approval. The cessation of its management plan, rudimentary fisheries observer program (FOP) and performance measurement system (PMS), along with resource sustainability concerns for target and bycatch species, should be sufficient for this fishery's WTO approval to be suspended by the Department of Energy and Environment (DoEE).

The limited effort by Fisheries Queensland in the management of this fishery and in the preparation of its submission to DoEE highlights the urgent need for significant investments in the management of Queensland's fisheries. The agency's submission contains a number of factual errors and does not fully address the majority of the conditions and recommendations the DoEE had previously placed on this fishery.

While we recognise and support the major reforms currently being considered by the Queensland government, this fishery is not a 'priority fishery' within the Fisheries Green Paper. As such, WWF and the Australian Marine Conservation Society (AMCS) cannot support any further accreditation of this fishery under the current management arrangements given the

potential for interaction by this fishery with a large number and wide range of endangered species.

Furthermore, the advice provided to all Queensland commercial fishers on 29 May 2017 in relation to proposed management actions to address the sustainability concerns of hammerhead populations (Attachment 1) does little to address our concerns on the poor standards of Queensland's fisheries management. The absence of any commitment to implement an observer program has significant implications for this fishery's assessment and also the assessment of the status of hammerhead and other shark and ray populations.

Details of our concerns in relation to Fisheries Queensland's WTO submission are provided following this letter. A further issue that has been highlighted by this submission is there appears to be no coordination of State and Commonwealth Governments agencies to deliver programs like the Commonwealth Marine Reserve Network (CMRN) and the Rivershark and Sawfish Recovery Plan. This lack of coordination for the region's key programs is frustrating to conservation stakeholders and likely even more so for other stakeholder groups.

WWF and AMCS have developed 26 recommendations in response to the documentation provided by Fisheries Queensland for the WTO reassessment that need to be addressed prior to the accreditation of this fishery. Many of these conditions are identical to our recommendations provided for the East Coast Otter Trawl (ECOTF) and East Coast Spanish Mackerel Line Fishery, and relate to the fisheries reform, transparency of management arrangements and better information.

If you would like clarification of any issues raised in this letter, the accompanying detailed submissions or the attached reports, please contact me directly on 0409 544 158 or [jhiggs@wwf.org.au](mailto:jhiggs@wwf.org.au)

Yours sincerely

s11C(1)(a)

**Mr Jim Higgs**  
**Tropical Fisheries and Aquaculture**  
**Manager**  
**WWF Australia**

s11C(1)(a)

**Tooni Mahto**  
**Senior Marine Campaigner**  
**Australian Marine Conservation Society**



## Response to the Fisheries Queensland submission “Application for reassessment under the EPBC Act of the Gulf of Carpentaria Inshore Fin Fish Fishery”

The following comments highlight concerns and recommendations we have with various components of the General Information document submitted within Fisheries Queensland’s application for ecological sustainability.

### Area of the Fishery

**WWF and AMCS comment:** Unless the Fisheries Queensland plans to abolish most of the N12<sup>i</sup> fishing area and all of the N13<sup>ii</sup> fishing area, this map is incorrect and needs to be updated.

Combining the inshore and offshore fisheries into a single fishery for the convenience of the WTO assessment process is not appropriate. The spatial separation of the different fishing operations and differing gear types are likely to have differing levels of interactions with a range of protected species. Clearly the N3, N12 and N13 fisheries are separate fisheries and should be assessed as such. Without doing so risks the application of ‘penalties’ in the form of conditions from one fishery being applied equally across all GoC net fishing operations.

**WWF and AMCS Recommendation 1.** Clarification is required as to whether this fishery will continue to operate to the full extent of the N12 and N13 licence areas.

**WWF and AMCS Recommendation 2.** The GoCIIFF must be separated into its individual subcomponents to ensure appropriate assessments are developed for the individual fisheries that occur in the region.

### Gear Used

**WWF and AMCS comment:** The summary information provided for the gears used in this ‘fishery’ highlight our concerns about assessing multiple fisheries in a single WTO submission. Clearly, the GoCIIFF has three components based on gear type and fishing locations – they need to be treated as separate fisheries to allow for appropriate assessments.

Furthermore, while it is acknowledged not all Queensland net fisheries have restrictions on ‘drop length’, the drop lengths outlined for the GoCIIFF seem inappropriately large. For example, the River and Creek maximum is 50 drops, equating to a drop of between 8 and 10.75 metres whereas the available research suggests the most common net drop was 33 m<sup>vii</sup>. A net depth of this size in inshore waters is likely to cause problems for air breathing species as it can form a ‘mesh envelope’ above them as they try and surface. This is further exacerbated by the net attendance rules of Rivers and Creeks and Nearshore Waters where the mandated distance would not enable the removal of air breathing protected species like dugongs and dolphins from the nets before they drown. To highlight our concerns: the ‘horizon’ distance from a small boat is likely to be 4.7 km (even if the nets were in ‘line of sight’) so fishers will not see any interactions with species like dugong or dolphins until it is too late; and, travelling at 20 knots it would take 15 minutes to get to the net – this is considerably longer than it takes for a dugong or inshore dolphin to drown.

**WWF and AMCS Recommendation 3.** The attendance rules must be standardised across all Queensland net fisheries to reflect the risks gill netting creates for the sustainability of protected species like dugongs, dolphins and sawfish.

### Management Plan

**WWF and AMCS comment:** It unacceptable a fishery of this size, which operates within a global hotspot for a range of endangered species including dugong, sharks, rays and inshore dolphin, does not have a formal management plan in place. Furthermore, the agency submission provides no evidence that the

Queensland state government has progressed any of the following Priority 1 action identified in the Sawfish and River Sharks Recovery Plan, 2015:

- 1a. Ensure actions (for example, changes to management arrangements and fishing practices) to reduce levels of interaction with, and mortality of, sawfish and river shark species are adopted and evaluated in commercial fisheries.
- 1b. Consider new management arrangements to reduce bycatch rates by commercial fishers.
- 1c. Improve the ability of fishery monitoring programs to provide accurate (validated) data on the nature and extent of fishery interactions with sawfish and river shark species. (Linked to action 1a)
- 2a. Enhance the capabilities of enforcement and compliance agencies for sawfish and river shark species
- 2b. Encourage and educate recreational fishers to identify sawfish and river shark species to species level and report any interactions, thus enabling an estimation of the level of interaction with, and mortality of, these species in recreational fisheries
- 8a. Design and implement a cost effective monitoring program for sawfish and river shark species that takes account of their biology and population structure.
- 8b. Develop a portal for the synthesis of information on sawfish and river shark species to ensure that decision makers and resource managers have the best and most up-to-date information available

**WWF and AMCS Recommendation 4.** A formal management plan must be re-implemented for this fishery with clear management objectives that include a harvest strategy with performance triggers, and appropriate enhanced science, compliance and consultation processes.

**WWF and AMCS Recommendation 5.** The management plan must also specify how the new arrangements will address actions in species recovery plans like the Sawfish and River Sharks recovery plan.

### Annual Report

**WWF and AMCS comment:** The Queensland fishery summary report<sup>iii</sup> only provides basic catch and effort information and does not provide summary information for the three net fisheries that operate in the GoC. No understanding of the status of the key target species or any bycatch species can be deduced from this annual report.

**WWF and AMCS Recommendation 6.** Fisheries Queensland must provide an appropriate fishery summary that adequately addresses the issues of targeted versus bycatch events to enable accurate trends in catch rates to be determined by stakeholders. These catch rates need to include historical information and comparisons with similar fisheries to provide stakeholders with a clearer interpretation of the catch details.

**WWF and AMCS Recommendation 7.** For all fisheries with significant recreational catch, annual fisheries summaries must include the relevant harvest and post release mortality estimates for the recreational sector to address Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'

## Stock assessments

### WWF and AMCS comment:

#### a) Whaler and hammerhead sharks

**WWF and AMCS comment:** The Whaler and Hammerhead Stock Assessment independent review was critical of the available information used in this stock assessment and stated *“If the management authority is genuinely interested in assessing the status of shark resources, there has to be a serious investment in data collection. It is the opinion of this reviewer that the most effective way to collect the additional information required to conduct an improved and more credible assessment of shark resources in the area is to resurrect the Fishery Observer Program. This would provide crucial pieces of information on the annual catch of gillnet fisheries: species compositions, length compositions, status and fate of captured animals, development of an alternative relative abundance index, and collection of biological samples for life history and genetic studies”*.

Clearly the reviewer had deep concerns on the quality of information currently available for shark assessments in Queensland and the consequences this has for model outcomes – a view we strongly support. This review was published in February 2016; however, there has been no action by the department to reinstate their FOP. Furthermore, the advice provided by Fisheries Queensland to all Queensland commercial licence holders on 29 May 2017 made no mention of the need for a formal observer program. This is not appropriate for a developed country like Australia.

The need for a formal observer program for all Queensland shark fisheries is highlighted by the recent reduction in the official GBR shark harvest which has decreased by 83 tonnes and 76 tonnes in 2014/15 and 2015/16, or approximately 25 and 20 per cent respectively. Apparently, this decrease occurred because a single operator had reported catches of sharks he had discarded which are not accommodated in the current Queensland reporting system. This highlights the fishery either has a major discarding issue for shark species (including hammerheads) or logbook records are not being accurately completed since the abandonment of the prior to landing reporting system in 2012. Presumably the DoEE was advised of the decision to change the official catch records given the consequences this change has to the reliability of shark stock assessments and the assessment by the Threatened Species Scientific Committee (TSSC) for hammerhead sharks.

**WWF and AMCS Recommendation 8.** An independent observer program must be commenced by the start of 2018 at a rate of 20 per cent of all sea days for N3 operators, and 100 per cent for all offshore operations, to establish a baseline of interaction rates for the GoCISFF prior to determining the most appropriate level of observer coverage for each GoCISFF sector based on independent expert advice.

#### b) FRDC Status of Australian Fish Stocks (SAFS)

**WWF and AMCS comment:** Given the issues raised with the application of the SAFS methodology in the submission to the ECOTF and Spanish mackerel assessments, we have grave concerns about the ability for this process to accurately determine the status of Queensland’s GoCISFF stocks given the lack of observer programs and associated fisheries assessments for target, byproduct and bycatch species.

**WWF and AMCS Recommendation 9.** If SAFS reporting is to be used to ‘represent’ the sustainability of fish stocks in future WTO assessments, they must be appropriately conducted with external review to provide credibility to the stock status and SAFS reporting methodology.

### c) Queensland stock status assessments

**WWF and AMCS comment:** Below is an overview of the “Summary of Stock Status for Queensland Species 2016<sup>iv</sup>” as relevant to listed GoC species

| Species                   | Stock Status           |
|---------------------------|------------------------|
| Mangrove Jack*            | Overfished             |
| Barramundi – Northern GoC | Sustainable            |
| Barramundi – Southern GoC | Transitional Depleting |
| Black Jewfish             | Undefined              |
| Golden Snapper*           | Sustainable            |
| Grey Mackerel             | Sustainable            |
| King threadfin            | Transitional Depleting |
| Red emperor               | Undefined              |
| Saddletail Snapper*       | Sustainable            |
| Blacktip sharks           | Undefined              |

\* Developmental Finfish Trawl target species with coastal connectivity.

The above summary does not represent a fishery that is being well managed for its primary target species, let alone the bycatch species it interacts with. The fact this fishery only commenced at a serious scale in the 1960's is probably its fading saving grace and the reason why there are still populations of endangered species in the region.

**As per WWF and AMCS Recommendation 6, 7 and 8.**

### Ecological Risk Assessment

**WWF and AMCS comment:** We support the concept of a formal ERA structure, however this particular ERA<sup>v</sup> was conducted 10 years ago and does not address all of the current management arrangements and therefore is not a reliable or relevant input. Furthermore, it would appear from the ERA workshop participant list that there were no marine mammal, shark, dugong or conservation experts involved in an evaluation process that was heavily weighted with commercial operators and Fisheries Queensland staff.

The ERA identified two high risk species (guitar fish and grey mackerel) and ten other species/species groups that were of moderate risks. The submission by the Fisheries Queensland does not explain how these risks have been addressed, nor how the moderate risks to three species groups discarded by the net fishery fishery have been addressed (bottlenose dolphins, spartooth sharks and sawfishes).

It is noted that a new ERA process is proposed, with a timing of June 2017. As mentioned in our ECSMLF submission, we are concerned that given the cutbacks to the fisheries administration in recent years, the proposed new ERA will again be data limited and not include a full suite of expert stakeholders. The timing of the release of the ERA is also inappropriate as the date of the expiry of the WTO assessment has been set in place for three years and the ERA should have been available to guide the outcomes of this assessment. We are concerned that this ERA process has not been conducted in conjunction with experts on protected species from outside of the fisheries department. For example, WWF is unaware of any approach for access to GoC inshore dolphin research conducted by WWF supported researchers.

**WWF and AMCS Recommendation 10.** A formal ERA is completed for all GoC net fisheries to determine the direct and indirect risks net fishing poses to target stocks, bycatch species and the environmental systems within the region. This ERA should specifically include an assessment of the impacts of fishing, both direct and indirect, for all marine protected species that occur within the GoC and include

stakeholders with relevant experience in marine conservation.

**WWF and AMCS Recommendation 11.** The ERA must be completed prior to the issue of a new WTO permit and be accompanied by new management arrangements that address all identified high and medium risks.

### Target Species

**WWF and AMCS comment:** Fisheries Queensland does not appear to have assessed all of the listed target species in the SAFS or Annual Stock Status Assessments, as blue salmon and grunter do not appear in either reporting tool. The ERA lists blue salmon as a species that has high discard mortality associated with the release of undersize fish from nets. Grunter is a key target species for the seasonal recreational fishery that migrates to the GoC in the winter months and the focus of considerable sustainability concerns from some stakeholders<sup>vi</sup>.

**WWF and AMCS Recommendation 12.** All target species should be subject to an appropriate assessment of their stock.

**As per WWF and AMCS Recommendation 4, 5, 8, 10, 11**

### Byproduct Species (retained)

**WWF and AMCS comment:** Winghead sharks (*Eusphyr a blochii*) are classified as ‘Endangered’ under the IUCN Red List, and are within the family Sphyrnidae, which includes other hammerhead species. There are concerns that this species looks similar to other hammerhead species once its ‘hammer’ has been removed, as is often the case in gill net fisheries. The importance of winghead sharks is best documented in the 2010 Annual Status Report<sup>viii</sup> where this species represented over 20 per cent of the total shark harvest in some years (from Figure 7). The limited fisheries observer data in that annual report also highlighted that bycatch was 44 per cent by number of fish observed, and of these 18% were winghead sharks. This equates to 8 per cent of all fish capture by the fishery being winghead sharks.

A review of the N9 logbook layout<sup>vii</sup> highlights there is no separation for the great and scalloped hammerhead by fishers, with a separate field for winghead sharks. Furthermore, while the fishers are required to report number and weight of sharks, this information has not been made available in any reports or via the departments logbook reporting website (QFISH). There is also no facility for the reporting of discarded target or bycatch species. Likewise, there is no opportunity to report bycatch in the inshore logbook<sup>viii</sup>, with shark reporting categories further reduced – with only a single hammerhead reporting category.

**WWF and AMCS Recommendation 13.** All byproduct species should be subject to an appropriate assessment of their stock and be included in a formal harvest strategy with appropriate reference points and management actions.

**As per WWF and AMCS Recommendation 4, 5, 8, 10, 11**

### Bycatch species (non-retained)

**WWF and AMCS comment:** The details in this section appear to reflect the information contained within the 10 year old ERA and not including data reported in earlier annual reports. There are more than half a dozen catfish and trevally species taken in the GoC net fisheries (Higgs pers obs), each of which with their

own life histories and associated fishing related risks. Not breaking these major components down to individual species does not adequately address the risk of fishing to these species.

Furthermore, unlike the east coast net fisheries, there is no data to capture the release of low value shark species and no process to limit the take of sharks.

**As per WWF and AMCS Recommendation 4, 5 6, 7, 8 10 and 11.**

### **Protected Species**

**WWF and AMCS comment:** With reference to earlier departmental annual reports<sup>ix</sup>, the term ‘The fishery may interact with...’ must be replaced with ‘The fishery does interact with protected species’. The earlier, but since abandoned PMS contained protected species measures for both the N3 and N9 (now N12 and N13) fisheries. The performance measures for the N9 fishery<sup>viii</sup> below for which, inappropriately, no management interventions were required included annual interaction rates of:

- Green Turtles – 21
- Flatback Turtles – 24
- Indo-Pacific humpback dolphins – 13
- Indian Ocean Bottlenose Dolphins - 48

The fact this fishery, with such high interaction rates with marine mammals, has been allowed to operate for so long without a formal observer program to identify mechanisms to reduce the interactions rates to as close to nil as possible brings into question the effectiveness of the entire EPBC WTO reporting process. The remoteness of this fishery is no longer an excuse for government inaction. Based on the limited available data that has been made public, these fisheries are obviously impacting populations of a number of protected species with no intervention by the state of Commonwealth governments.

Without an appropriately designed and implemented FOP, external stakeholders can only assess the fishery based on the scant ‘facts’ that have been published in various agency reports. An expansion of the small number of observer days to represent the total fishing effort for the Gulf of Carpentaria in 2009 suggests over 9700 protected species were interacted by the fishery during the year, including approximately 480 spartooth shark (*Glyphis glyphis*) mortalities and 640 saltwater crocodiles mortalities (DEEDI 2010<sup>x</sup>). More disturbingly, the results for this fishery for 2008 (DEEDI 2009<sup>xi</sup>) suggest there were over 580 bottlenose dolphin mortalities, and approximately 200 freshwater and 200 saltwater crocodile mortalities. While we are hopeful these are not actual numbers of interactions for the GoCIIFF<sup>1</sup>, there is no way the community can be sure because of the abandonment of the FOP and the lack of transparency around the reporting to DoEE.

The Fisheries Queensland ‘report<sup>xii</sup>’ provided by DoEE on 30 May 2017 to address Recommendation 5 is not of appropriate detail to show the state government is serious about reducing this fishery’s interaction with a number of protected species. It does not appear to be consistent with the FOP details provided in the 2008, 2009 and 2010 Annual Reports, and provides no details for the offshore section of the fishery. It is also based on a financial year which is inconsistent with the fishing season which operates over a calendar year because of the summer fisheries closures.

The report does not progress stakeholder’s understanding of the rate of interactions this fishery has with protected species, with no indication of the number of observer days the report summaries. Nor does the report address the consequences of these interactions with protected species populations. It also

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<sup>1</sup> These numbers have been calculated using a simple expansion of the observed number of interactions per year by the proportion of fishing days when observers were present.

does not address the 2011 WTO Recommendation 5: *Within 2 years, DPI&F to analyse the number, rate and type of protected species interactions of the SOCI data compared to the observer data available and review the adequacy of the protected species information collection system. DPI&F to implement further measures to mitigate interactions, if necessary*". The department's response to this WTO recommendation highlighted their awareness of the inaccuracy of industry SOCI reporting<sup>xiii</sup>: *"Preliminary analysis of reported SOCI interactions available now indicate there are inconsistencies with the number, rate and type of protected species interactions reported in the SOCI logbook and those reported by fisheries observers."* This must be addressed before a further extension or new WTO is provided for this fishery which causes the death of significant numbers of protected species a year.

By accepting this report as a comprehensive assessment of the impacts this fishery has on protected species, the DoEE is implicitly approving the substandard management arrangements in this fishery that are leading to the deaths of protected species.

**As per WWF and AMCS recommendation 8**

**WWF and AMCS Recommendation 14.** All reports provided by Fisheries Queensland as part of the WTO reporting and amendment processes must be publically available in electronic format from the DoEE website.

**WWF and AMCS Recommendation 15.** Estimated total fishery interactions with all protected species must be publically released with dialogue on the impacts these interactions have on population status and a timeframe to implement management interventions that would deliver fisheries improvements to reduce ongoing interactions with protected species.

## Progress against previous EPBC Conditions

**Condition 1:** Operation of the fishery will be carried out in accordance with the management regime for the Gulf of Carpentaria Inshore Fin Fish Fishery in force under the Queensland *Fisheries Act 1994* and the Queensland Fisheries Regulation 2008.

**Progress reported by Fisheries Queensland:** Met.

**WWF and AMCS comment:** While we recognise this fishery is being operated under the Queensland *Fisheries Act 1994* and Queensland Fisheries Regulation 2008, it is deeply concerning that this fishery once had a formal management plan which has since been subsumed into the Regulation. More so, it is concerning stronger management interventions for shark, including a total allowable commercial catch, included in a public benefit<sup>xiv</sup> test for this fishery were not implemented at that time.

Without a formal management plan, management activities developed in response to earlier WTO conditions and recommendations have been abandoned. Instead of continual improvement, the fishery has 'gone backwards' over recent years with the abandonment of the Performance Measurement System (PMS<sup>xv</sup>) and FOP presumably in response to budgetary restrictions.

While we recognise there is an ongoing review process occurring in Queensland, there has been no formal commitment to any of the 'Green Paper' actions or recommendation from the earlier 'Taking Stock: modernising fisheries management in Queensland' independent consultants review. Furthermore, the GoCIFFF was not included as priority fishery in the 2016 Fisheries Reform Green Paper which suggest it is of lower priority than other higher profile fisheries like the ECOTF, east coast inshore finfish fishery and the crab fisheries.

**WWF and AMCS Recommendation 16.** Fisheries Queensland must establish a formal stakeholder consultation process by 30 June 2017 that includes not only representatives from the fishing industry, but also wildlife researchers and eNGOs to increase the transparency of this fishery's management, compliance and research.

**WWF and AMCS Recommendation 17.** The fisheries reforms as outlined in the Green Paper must be fully funded in the 2017-18 Queensland budget. This will require the injection of additional staff and financial resources to oversee the reforms of the GoC inshore finfish fisheries and other fisheries in a timely manner.

**WWF and AMCS Recommendation 18.** An audit of all WTO conditions and recommendations is conducted to determine their status for this (and other) fisheries before any extension to existing permits or new permits are issued by the DoEE.

**Condition 2:** The Queensland Department of Agriculture, Fisheries and Forestry to inform the Department of the Environment of any intended amendments to the management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.

**Progress reported by Fisheries Queensland:** Met



**WWF and AMCS comment:** Given the reversal of management arrangements like the PMS and observer programs, we are deeply concerned that the DoEE is not appropriately upholding its responsibility for the oversight of the *Environment Protection and Biodiversity Conservation Act 1999* and the associated fishing related impacts to protected species. While Fisheries Queensland may have provided the Department with compelling reasons for these management changes, stakeholders have not been afforded the opportunity to provide comment on how these changes impact on the management of the suite of protected species the WTO accreditation covers.

**WWF and AMCS Recommendation 19.** All reports provided by fisheries agencies as part of the WTO reporting and amendment processes must be publically available in electronic format from the DoEE website.

**Condition 3:** The Queensland Department of Agriculture, Fisheries and Forestry to produce and present reports to the Department of the Environment annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Progress reported by Fisheries Queensland:** Met.

**WWF and AMCS comment:** All reports provided by fisheries agencies to the Department need to be made publically available to promote greater transparency in the management of Australia's publically owned aquatic resources. Preferably these reports should be provided electronically in a centralised location like the Department's website along with other sustainability reporting documents. Currently there is no means for external groups to evaluate Fisheries Queensland's progress on this condition noting our concerns in relation to the quality of information provided to the Department identified in the 2017 ECOTF WTO submission and other earlier submissions that identified significant errors. Errors included in this Fisheries Queensland submission also highlight the limited oversight and consideration that has been applied to the WTO process presumably as a result of limited available resources.

Furthermore, we are deeply concerned that many of the actions included in the Guidelines are not currently being met. The demise of management activities like the PMS and observer programs which are central activities conducted by responsible management agencies typifies our concerns. The re-establishment of a formal observer program is critical for this and other Queensland fisheries and must be completed as a matter of urgency given its ability to deliver information for target, byproduct and bycatch species, as well as providing an avenue for the extension of information to the fishers.

**As per WWF and AMCS recommendation 19**

**WWF and AMCS Recommendation 20.** Results from the audit identified in WWF and AMCS Recommendation 18 should be used to review the performance of the GOCIFF against the Guiding Principles to determine the management activities required before the re-issue of an export approval.

**Condition 4:** The Queensland Department of Agriculture, Fisheries and Forestry to:

- a) taking into account the outcomes of recent research and in conjunction with the Department of the Environment, evaluate the effectiveness of the current management measures and operation of the Gulf of Carpentaria Inshore Fin Fish Fishery in minimising interactions with and mortality of spartooth sharks, to ensure the survival and recovery of important populations of the species. This may include consideration of, for example, habitats fished, specifications of the gear used, the timing of fishing operations (seasonal, monthly, daily, tidal), etc. *(Note: This evaluation may be undertaken as part of the ecological risk assessment update referred to in Recommendation 1.)*
- b) encourage further relevant research, for example, as indicated by the Australian Government Multispecies Issues Paper for Sawfish and River Sharks and any recovery plan for the spartooth shark, to assist in determining if Gulf of Carpentaria Inshore Fin Fish Fishery operations are affecting the survival or recovery of the spartooth shark

**Progress reported by Fisheries Queensland:** In progress

**WWF and AMCS comment:** WWF congratulates the department for reviewing the ERA but questions the timing of the planned release for some time after this assessment. Furthermore, as identified above, the true value of a risk assessment is only delivered with the correct mix of participants. Given the 'imminent' timing of the ERA release, we can only assume there have been no national conservation groups involved in the development of this ERA and that it is likely to be heavily favoured by commercial fishing participants and internal departmental officers. We also question how the comment '*An evaluation of the effectiveness of current management and GoCIFFF operations in minimising interactions with, and mortality of, spartooth sharks, will form part of that assessment and go some way to identifying fishery-related sources of risk and their mitigation as described in the objectives of the Australian Government Sawfish and River Sharks Recovery Plan, 2015*' will be delivered given the demise in FOP and research presence in the GoC. Of particular concern is the increase in grey mackerel catch which appears to be increasingly based on the more northern section of the GoC which is a global stronghold for the world's remaining sawfish and river shark populations. Increases in grey mackerel catches seem to have occurred despite the effort control interventions by the department – again highlighting the need to have a regional and quota based system for all of Queensland's target species.

The research quoted does not address the key actions identified in the Recovery Plan. The absence of a FOP or active research means Fisheries Queensland is not capable of addressing this condition. We do not believe this condition has been sufficiently progressed since it was first drafted. Work to progress this condition should have included:

- a. maintenance of a suitable robust FOP to identify habitat preferences and likely locations for interactions between the protected species and the fishery
- b. in conjunction with the Commonwealth Marine Reserve Network (CMRN) process, the establishment of a net free areas for the northern Cape region from Weipa north to create a global shark reserve for river sharks and sawfish. This could have been delivered at minimal cost to the fishing industry and to the department implementing the CMRN.

**As per WWF and AMCS recommendation 8, 19**

**WWF and AMCS Recommendation 21.** Approval for this fishery should not proceed until: netting is excluded from areas of known sawfish and river shark populations; and, the priority 1 actions of the Sawfish and River Shark Recovery Plan have been completed.

## **PROGRESS AGAINST PREVIOUS EPBC RECOMMENDATIONS**

**Recommendation 1:** The Queensland Department of Agriculture, Fisheries and Forestry to update the ecological risk assessment for the Gulf of Carpentaria Inshore Fin Fish Fishery in conjunction with relevant stakeholders, including the Department of the Environment, and make public the results of the risk assessment.

**Progress reported by Fisheries Queensland:** In progress.

**WWF and AMCS comment:** As elsewhere in this submission, we believe that is it totally unacceptable for an anticipated delivery time for a new ERA report to be scheduled after the WTO expires.

**As per WWF and AMCS recommendation 6, 10, 11, 16 19**

**Recommendation 2:** QDAFF to continue to encourage relevant research on shark species at risk from fishing in the Gulf of Carpentaria Inshore Fin Fish Fishery through consultation at appropriate intra- and inter-state forums and apply relevant research outcomes to the fishery as appropriate..

**Progress reported by Fisheries Queensland:** Ongoing.

**WWF and AMCS comment:** As mentioned earlier, there appears to be no commitment from Fisheries Queensland to address concerns identified by the shark stock assessment independent review. It is unclear what, if any shark measures have been applied to this fishery to address sustainability issues for shark and ray populations. The Summary of Queensland Stock Status suggests that the stock status for sharks, at best, is undefined which highlights the lack of 'relevant research' that has been applied to this fishery.

**Recommendation 3:** The Queensland Department of Agriculture, Fisheries and Forestry to:

- a. report annually on the management and monitoring of all species listed on Appendix II of CITES<sup>2</sup> which are permitted to be retained in the Gulf of Carpentaria Inshore Fin Fish Fishery

**Progress reported by Fisheries Queensland:** Ongoing.

**WWF and AMCS comment:** As mentioned earlier in this and other submissions, internal reporting between government agencies does not provide community confidence in the sustainability of the fishery or the performance of the management agency. Given the lack of fisheries dependent data that has been collected by the department in recent years, stakeholders can only speculate at the accuracy of the reports provided by Fisheries Queensland. An assessment from 2009 (DEEDI 2010) highlights the problems of using industry provided information, with observer coverage of just 0.33 of the total net effort recording substantially more SOCI interactions than the entire industry reported through the SOCI logbook program.

**As per WWF and AMCS recommendation 6, 10, 11, 16 19**

**Recommendation 3:** The Queensland Department of Agriculture, Fisheries and Forestry to:

- b. in consultation with the Department of the Environment and Australia's CITES Scientific Authority, annually evaluate the management arrangements for species listed on Appendix II of CITES which are permitted to be retained in the fishery, to ensure that CITES non detriment findings can continue to be made, and

**Progress reported by Fisheries Queensland:** Ongoing.

**WWF and AMCS comment:** It is difficult to understand what additional information is being provided to the DoEE and the TSSC given the abandonment of the FOP and the known errors in the SOCI reporting system. This information void is also particularly concerning if the potential increase in grey mackerel catches reported in the offshore component of this fishery have been interacting with a different suite of species or have a significantly different mortality rate than the inshore fisheries. Historical FOP data needs to be released at the fishery scale and not for the all netting operations in the GoC to enable stakeholders to accurately assess the impacts to protected species at an appropriate fishery scale.

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<sup>2</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora

**As per WWF and AMCS recommendation 6, 10, 11, 16 19**

**WWF and AMCS Recommendation 22.** Historical FOP data should be released for each of the GoCIFFF GoC net fishing effort – rivers, nearshore and offshore sectors so that stakeholders can gain a better understanding of the impacts of the fisheries on protected species populations.

**Recommendation 3:** The Queensland Department of Agriculture, Fisheries and Forestry to:

- c. continue and encourage further co-operation with relevant jurisdictions to pursue increased knowledge and complementary management of CITES listed species encountered in the fishery across fisheries and across jurisdictions

**Progress reported by Fisheries Queensland:** Ongoing.

**WWF and AMCS comment:** In relation to Fisheries Queensland response, it appears strange that they have not considered conservation groups as a stakeholder worthy of consideration for involvement in the development of management arrangements to address concerns for hammerhead species. WWF is a forty per cent share holder of the major east coast shark fishery, and has also been approached to invest in several components of the GoCIFFF because of industry sustainability concerns. As with all government policy, not including diversity of views in the development stage is likely to develop the stage for ongoing dispute and not lead to a resolution. We find it inappropriate that no conservation groups were consulted in the development of management arrangements for a publically owned resource that is accessed by a limited number of commercial operators for personal gain.

**As per WWF and AMCS recommendation 6, 10, 11, 16 19**

**Recommendation 4:** Taking into account all available information and in collaboration with other relevant jurisdictions, the Queensland Department of Agriculture, Fisheries and Forestry to encourage research into alternate best practice compliance measures to deter illegal finning of sharks in the Gulf of Carpentaria Inshore Fin Fish Fishery.

**Progress reported by Fisheries Queensland:** Ongoing.

**WWF and AMCS comment:** While we are glad that shark finning compliance is the agencies highest focus for compliance and enforcement, and acknowledge the rate of compliance with the legislation by the commercial sector, we are concerned that without an observer program there is a no estimate of the number of sharks caught and returned to the water dead. We also question why the best practice of not processing sharks at sea is not applied to this fishery that interacts with a wide range of protected species including the critically endangered river shark and a number of sawfish species.

Furthermore, as proposed in the joint 2020 Vision document (Attachment 2), all commercial vessels accessing a public resource should have electronic vessel tracking that can be monitored by the compliance agency to increase its efficiency and therefore provide a benefit for tax payer's resources. This technology is not new, and can be applied to the relatively small vessels that operating in the inshore component of this fishing area where compliance is limited because of the remoteness and costs of conducting covert operations.

The Pleizier et al. (2015) scientific paper<sup>xvi</sup> cited in the agency submission suggests *“Our data also reveal that smaller sharks have relatively greater fin weight, the most valuable portion of the carcass. However, the fins of larger sharks are considerably more valuable per unit of weight than those of smaller sharks”* and that *“Both the data from Macbeth et al. (2009) and our study indicate that fishers in NSW may not be targeting the sharks with less wastage and greater relative fin weight (Table 3) but rather, those with larger, more valuable fins.”* Given there is not cap on the harvest of shark species in the GoC, nor any maximum size restrictions for the net fisheries, we are deeply concerned with the status of some shark species in this region as the management arrangements in Queensland are rudimentary compared to those proposed in the Pleizier et al (2015) paper. If Queensland is to adopt a true shark ‘gauntlet fishery’ approach, it must first determine relative sustainable take levels of the individual species encountered in Queensland water and then justify the selectivity claims of net fishing operations for target and bycatch species.

**As per WWF and AMCS recommendation 6, 10, 11, 16 19**

**WWF and AMCS Recommendation 23.** All commercial fishing boats should be electronically tracked to ensure compliance with legislation and to provide validation options for the representativeness of the FOP.

**WWF and AMCS Recommendation 24.** All targeted shark netting should cease until such time the fishery quantifies impacts to target, byproduct and bycatch species.

Recommendation 5: By 31 December 2015, the Queensland Department of Agriculture, Fisheries and Forestry to analyse and report to the Department of the Environment the results of the past Fisheries Observer Program in the N3 (inshore) sector of the Gulf of Carpentaria Inshore Fin Fish Fishery for interactions with species protected under the Environment Protection and Biodiversity Conservation Act 1999

**Progress reported by Fisheries Queensland:** Met.

**WWF and AMCS comment:** As stated earlier and in previous WTO responses, we are deeply concerned about the rate of SOCI interactions and lack of transparency that is created when reports are provided directly to the DoEE without opportunity for stakeholder review. Furthermore given the lack of observers, the report provided to the DoEE is likely to be under representative of actual fisheries interactions with protected species and therefore meaningless when it comes to modifying fisheries arrangements to reduce interactions into the future. Without an acknowledgement by industry that it does have impacts on SOCI populations, it is hard to work with this (and other Queensland) industry groups, to build effective cooperative relationships to find appropriate mitigation solutions.

While we note the observer report was made publically available (after the submissions closed for this fishery) we are concerned that the report does not address stakeholders concerns in relation to the impacts fishing operations have on the status of protected species populations.

**As per WWF and AMCS recommendation 6, 10, 11, 16 19**

Recommendation 6: By 30 November 2016, taking into account the outcomes of relevant research, the Queensland Department of Agriculture, Fisheries and Forestry to identify areas where fishing effort in the Gulf of Carpentaria Inshore Fin Fish Fishery overlaps with known and likely important habitats of inshore dolphin and sawfish species and seek to identify locations, areas or regions with higher or lower risk of interactions and/or mortalities occurring.

**Progress reported by Fisheries Queensland:** In Progress.

**WWF and AMCS comment:**

As highlighted above, Fisheries Queensland are aware of the chronic SOCI under reporting identified by independent researchers<sup>xvii</sup> for the ECOTF and in their own observer program for the GoC. Any reliance, whatsoever on the SOCI information to accurately report interactions with protected species represents serious mismanagement of a fishery accessing a public resource and causing fatalities within globally important populations of protected species.

The lack of observer program and electronic tracking of commercial net fisheries operating in the GoC suggests the outcomes from this recommendation (better stock conditions for sawfish and dugong populations) is unlikely to be achieved in the near future because of the lack of information

The report submitted to address Recommendation 5 does not provide any information that would help address this recommendation. The FOP data contained within the report was limited (from presumably around 50 sea days) and was from the period 2008/09 which was not even in the same WTO reporting period.

**As per WWF and AMCS recommendation 6, 10, 11, 16 19 23**

**WWF and AMCS Recommendation 25.** To help better inform the management arrangements, an opportunity for comment on the GoCIIFF ERA must be provided to external stakeholders prior to the report being finalised and provided for external peer review

**WWF and AMCS Recommendation 26.** Outcomes from the ERA must be incorporated into management arrangements that would form the basis for the issue of a new WTO accreditation, noting any delays in the public release of a peer reviewed ERA should not be used to provide an extension to the existing WTO accreditation.

**Recommendation 7:** QDAFF to encourage relevant research into sawfish and inshore dolphin species found in the Gulf of Carpentaria Inshore Fin Fish Fishery to **ensure that fishing operations do not affect the survival or recovery of sawfish species** protected under the *Environment Protection and Biodiversity Conservation Act 1999* or the **conservation status of inshore dolphin species**.

**Progress reported by Fisheries Queensland:** In Progress.

**WWF and AMCS comment:** As indicated in the above recommendation, the progress against this recommendation has been limited given the absence of the observer program and lack of fine scale information on where nets are being used. Since the abandonment of the limited FOP there appears (from the Fisheries Queensland submission) to have been no additional fisheries dependent data collected that could substantiate the impact the fishery has on the recovery of sawfish species or the conservation status of inshore dolphin species.

Moreover, the abandoned PMS specifically ‘endorsed’ levels of dolphin catches below which there would be no management interventions. In doing so, the management agency endorsed fishing operations that killed significant numbers of dolphins without addressing the issue of marine mammal interactions. In this day and age, it is expected that fisheries agencies would take appropriate interventions to avoid interactions with marine mammals and conduct appropriate monitoring and reporting activities – this does not seem to be the case in the GoCIFFF. Given the issue of poor reporting processes and dolphin mortalities (nine only over two years) led to the demise of the Queensland Fisheries Management Authority<sup>xviii</sup>, and the banning of purse seine netting in Queensland waters<sup>xix</sup>, Queensland and Commonwealth officials should be aware of the consequences of inappropriate management of protected species interactions.



## References

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- <sup>x</sup> DEEDI (2010) Annual status report 2010. Gulf of Carpentaria Inshore Fin Fish Fishery. Department of Employment, Economic Development and Innovation.
- <sup>xi</sup> DEEDI (2009) Annual status report 2009. Gulf of Carpentaria Inshore Fin Fish Fishery. Department of Employment, Economic Development and Innovation.
- <sup>xii</sup> Species of Conservation Interest interaction in the N3 sector of the Queensland Gulf of Carpentaria Inshore Finfish Fishery. A summary of the fishery observer records for 2008-08. November 2015.
- <sup>xiii</sup> <http://www.environment.gov.au/system/files/pages/1ddff562-c493-4b0f-9966-97d78302e556/files/conditions-recommendations-2010.pdf>
- <sup>xiv</sup> <https://cabinet.qld.gov.au/documents/2010/Sep/Fin%20Fish%20Fishery/Attachments/Gulf-RIS-web.pdf>
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Queensland  
Government

Department of  
**Agriculture and Fisheries**

Reference: CTS 17353/17

03 JUL 2017

s22

Sustainable Fisheries Section, Wildlife Heritage and Marine Division  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

s22

Thank you for recently forwarding a copy of the public submission on Queensland Gulf of Carpentaria Inshore Finfish Fishery Wildlife Trade Operation approval for Fisheries Queensland's consideration.

Fisheries Queensland has made a thorough assessment of issues raised and recommendations in the submission and a detailed response is attached. The submission covers many of the initiatives proposed under the Queensland Government's Sustainable Fisheries Strategy. These include ecological risk assessments, harvest strategies, vessel tracking of all commercial boats (including all net boats by the end of 2018), additional monitoring and research, improved engagement and communication and more responsive decision-making.

If you require any further information, please contact s47F

Yours sincerely

s47F

Scott Spencer  
**Deputy Director General**  
**Fisheries and Forestry**

## DAF response to GoCIFF reassessment public comment submission

The [Queensland Sustainable Fisheries Strategy](#) sets out the government's reform agenda for the next 10 years. It will pave the way for Queensland to have a world-class fisheries management system. It is the biggest fisheries reform in Queensland's history and will ensure healthy fish stocks that will support thousands of Queensland jobs.

This Strategy sets out clear targets to be achieved by 2020 and 2027 and a range of actions to deliver on the vision and targets. There are 33 actions across ten reform areas.

Key actions include: additional monitoring and research (including new technologies); setting clear sustainable limits for each of our fish stocks; working groups and a Sustainable Fisheries Expert Panel to engage stakeholders; establishing harvest strategies for all fisheries which set clear targets for fishery performance, triggers for action, and clear decision rules for the actions that will be taken; piloting regionally based fisheries management; satellite tracking on all commercial fishing vessels; and helping facilitate industry led structural adjustment to reduce the number of fishing licences and improve sustainability and profitability.

To implement the reforms, the Queensland Government is investing more than \$20 million of additional funding over three years which will deliver more compliance officers, monitoring and research, improved engagement with stakeholders and more responsive decision-making.

This Strategy will be reviewed in five years to ensure it is effectively delivering the vision for sustainable fisheries management in Queensland and ensure the targets and actions are being successfully implemented.

| Submission recommendation /issue  | DAF response—includes action proposed/taken   |
|---|---|
| <b>Recommendation 1</b><br>Clarification is required as to whether this fishery will continue to operate to the full extent of the N12 and N13 licence areas.                                     | Maps showing operational areas for commercial net fishing symbols (N3, N11, N12 and N13) of the GoCIFFF are publicly available <sup>1</sup> . Currently, there is no proposal to change the boundary of N12 or N13 symbol fishing areas as prescribed in the <i>Fisheries Regulation 2008</i> <sup>2</sup> .  |
| <b>Recommendation 2</b><br>The GoCIFFF must be separated into its individual subcomponents to ensure appropriate assessments are developed for the individual fisheries that occur in the region. | A review of management arrangements for Queensland's Fisheries will be conducted in line the Fisheries Regulation review outlined below, and with the development of harvest strategies. In 2017-18, harvest strategy development for Crab, ECIFFF and ECOT fisheries will be expedited. Other fisheries including the GoCIFFF have been prioritised for harvest strategy development in 2018-19. |
| <b>Recommendation 3</b><br>The attendance rules must be standardised across all Queensland net fisheries to reflect the risks gill  | A comprehensive review of the <i>Fisheries Regulation</i> will be undertaken in 2018. The aim of this review will be to simplify regulations where possible. The fishery-specific working group, as proposed in the Sustainable Fisheries Strategy (SFS) <sup>3</sup> , industry and other fishery stakeholder views will be taken into account in making any proposed changes.                   |

<sup>1</sup> <https://www.business.qld.gov.au/industries/farms-fishing-forestry/fisheries/licences/fisheries-symbols>

<sup>2</sup> <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/F/FisherR08.pdf>

<sup>3</sup> <https://www.daf.qld.gov.au/fisheries/consultations-and-legislation/sustainable-fisheries-strategy>

|  |   |
|--|---|
| <p>netting creates for the sustainability of protected species like dugongs, dolphins and sawfish.</p>   |   |
| <p><b>Recommendation 4</b></p> <p>A formal management plan must be re-implemented for this fishery with clear management objectives that include a harvest strategy with performance triggers, and appropriate enhanced science, compliance and consultation processes.</p>  | <p>There is no proposal current to reintroduce a management plan for the GoCIFFF. Development of harvest strategies for all Qld fisheries is a major reform identified in the SFS. In 2017-18, harvest strategy development for the East Coast Inshore Fin Fish Fishery will be expedited. A harvest strategy guideline will be developed to inform harvest strategy development. Other fisheries including the GoCIFFF have been prioritised for harvest strategy development in 2018-19. In addition to harvest strategy development, improved scientific monitoring and research, compliance and stakeholder engagement are major SFS reform areas.</p>  |
| <p><b>Recommendation 5</b></p> <p>The management plan must also specify how the new arrangements will address actions in species recovery plans like the Sawfish and River Sharks recovery plan.</p>   | <p>Performance criteria for the GoCIFFF under the Sawfish and River Sharks recovery plan are being addressed through the ERA currently under way. Once the ERA is completed, Fisheries Qld will consider what actions as may be necessary to ensure that fishery related risks to sawfish species and spartooth shark are mitigated.</p>  |
| <p><b>Recommendation 6</b></p> <p>Fisheries Queensland must provide an appropriate fishery summary that adequately addresses the issues of targeted versus bycatch events to enable accurate trends in catch rates to be determined by stakeholders. These catch rates need to include historical information and comparisons with similar fisheries to provide stakeholders with a clearer interpretation of the catch details.</p> | <p>Stakeholders have access to aggregated data from commercial, recreational and charter fisheries on Fisheries Queensland's QFish web page<sup>4</sup>including the GoCIFFF as recorded through logbooks &amp; Statewide surveys. For specific data not available through QFish, or if there are questions regarding QFish data, the Fisheries Queensland Data Coordinator may be contacted at: <a href="mailto:fishdatacoordinator@daf.qld.gov.au">fishdatacoordinator@daf.qld.gov.au</a>. Confidentiality constraints apply to requests for data which may identify individuals or small groups of fewer than five fishers. Fisheries summary reports are provided annually for target species in all fisheries. As part of the SFS, work will be undertaken to provide data in a more dynamic and visual way that is accessible for the public. This will also include more rapid assessments to ensure that key statistics (such as biomass or standardised catch rates) can re reported regularly and inform harvest control rules in harvest strategies.</p> |
| <p><b>Recommendation 7</b></p> <p>For all fisheries with significant recreational catch, annual fisheries summaries must include the relevant harvest and post release mortality estimates for the recreational sector to address Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'</p>  | <p>As for Recommendation 6. Also a copy of the most recent (2013/14) State-wide and Regional Recreational Fishing Survey results may be obtained by contacting the DAF Customer Service Centre<sup>5</sup>.</p> <p>Recreation catch and effort information is considered as part of the annual stock status process and where available, data are provided in the SAFS report.</p> <p>Harvest strategies will include recreational, commercial and indigenous harvest.</p>  |

<sup>4</sup> <http://qfish.fisheries.qld.gov.au>

<sup>5</sup> <https://www.daf.qld.gov.au/fisheries/monitoring-our-fisheries/recreational-fisheries/statewide-and-regional-recreational-fishing-survey/key-findings>



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| <p><b>Recommendation 8</b></p> <p>An independent observer program must be commenced by the start of 2018 at a rate of 20 per cent of all sea days for N3 operators, and 100 per cent for all offshore operations, to establish a baseline of interaction rates for the GoCIIFF prior to determining the most appropriate level of observer coverage for each GoCIIFF sector based on independent expert advice.</p>   | <p>Independent validation of fishery data is a priority action for DAF and is being addressed at a state-wide level as a priority action under the SFS. an alternative to observers, DAF is investigating independent data validation by a range of mechanisms in the GoCIIFF and other Qld managed fisheries. DAF is further building relationships with technology partners and is developing a data validation plan that will identify suitable technologies to and implement field trials to assess their operational efficacy. The roll out of VMS across all fisheries will immediately assist with validation of effort and location data.</p>  |
| <p><b>Recommendation 9</b></p> <p>If SAFS reporting is to be used to 'represent' the sustainability of fish stocks in future WTO assessments, they must be appropriately conducted with external review to provide credibility to the stock status and SAFS reporting methodology.</p>  | <p>The FRDC coordinates peer review of all SAFS assessments and ensures their adherence to the SAFS methodology. The National SAFS process is currently best practice and DAF is collaborating with FRDC and other State fisheries management agencies to further improve the process<sup>6</sup>. In addition DAF is committed to peer review of quantitative stock assessments that inform SAFS assessment and status classification of target stocks.</p>   |
| <p><b>Recommendation 10</b></p> <p>A formal ERA is completed for all GoC net fisheries to determine the direct and indirect risks net fishing poses to target stocks, bycatch species and the environmental systems within the region. This ERA should specifically include an assessment of the impacts of fishing, both direct and indirect, for all marine protected species that occur within the GoC and include stakeholders with relevant experience in marine conservation.</p> | <p>Environmental Risk Assessments (ERAs) for all Qld fisheries is a foundational reform under the SFS<sup>4</sup>. Development of a published guideline on assessing ecosystem impacts of fishing activities, including a process for prioritising and undertaking ERAs against national standards is currently being drafted and priority fisheries have been identified for an ERA to be conducted by 2020. In the interim and as an intermediary step toward addressing GoCIIFF WTO Recommendations, DAF is drafting a new iteration of the 2006 GoCIIFF ERA using the revised method of Fletcher <i>et al.</i>, 2015<sup>7</sup>. When completed the ERA will determine fishery related risk to target, byproduct and bycatch species including SoCI. As a first priority, DAF is currently fully committed to assessing risk to spartooth shark against criteria set out in the Sawfish and river shark recovery plan. DAF also intends to conduct a combined risk assessment on sawfish and inshore dolphins subsequent to completion of a draft of the spartooth shark risk assessment.</p> <p>The suggestion that the GoCIIFF 2006 ERA working group lacked SoCI expertise is refuted. <sup>s47F</sup><br/> [REDACTED] was an obvious presence at the October 2004 workshop—providing detailed factual information on the ecology and conservation requirements of SoCI considered in the ERA. Appropriate consultation with Qld Government marine conservation officers will again be undertaken as a matter of course during the</p> |

<sup>6</sup> Flood MJ, *et al.*, 2016, Multijurisdictional fisheries performance reporting: How Australia's nationally standardised approach to assessing stock status compares, Fisheries Research 183 (2016) 559–573

<sup>7</sup> Fletcher, WJ, 2015, Review and refinement of an existing qualitative risk assessment method for application within an ecosystem-based management framework, ICES Journal of Marine Science, 72 (3), 1043-1056. doi:10.1093/icesjms/fsu142.

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|   | stakeholder review phase of the ERA. GoC inshore dolphin researchers will be pursued once this process begins.   |
| <p><b>Recommendation 11</b></p> <p>The ERA must be completed prior to the issue of a new WTO permit and be accompanied by new management arrangements that address all identified high and medium risks.</p>  | <p>The GoCIFFF ERA currently in progress will as a priority, assess fishery species not considered through the Stock Status process. This includes retained species assessed to be at high risk of overfishing in the 2006 ERA, e.g. grey mackerel and guitarfish, and bycatch species including all SoCI that received a medium risk rating in the 2006 ERA<sup>8</sup> and other SoCI listed under the EPBC Act known to or which may potentially, interact with the fishery<sup>9</sup>. The ERA report will include an evaluation of GoCIFFF management arrangements since 2004 in terms of their impact on fishery related risk to these species. Recommendations from the ERA may include management proposals to further substantiate and where appropriate mitigate, unsustainable fishery related risk.</p> |
| <p><b>Recommendation 12</b></p> <p>All target species should be subject to an appropriate assessment of their stock.</p> <p>Fisheries Queensland does not appear to have assessed all of the listed target species in the SAFS or Annual Stock Status Assessments, as blue salmon and grunter do not appear in either reporting tool.</p> | <p>These species were considered in the 2015 Qld stock status process, at which time they were classified as sustainable and undefined respectively. This may not have been made clear in the DAF submission.</p>  |
| <p><b>Recommendation 13</b></p> <p>All byproduct species should be subject to an appropriate assessment of their stock and be included in a formal harvest strategy with appropriate reference points and management actions.</p> <p>As per WWF and AMCS Recommendation 4, 5, 8, 10, 11</p>   | <p>In the current 2017 stock status process, DAF is reviewing the status of six species/species groups, which are taken as byproduct in the GoCIFFF<sup>10</sup>. The results of the stock status assessments and supporting information when finalised will be included in the ERA, summarised and made publicly available on the DAF website.</p> <p>Also see response to Recommendation 12.</p> <p>Under the Qld SFS, DAF will develop harvest strategies for all Qld fisheries including the GoCIFFF. Rapid stock assessment methods are also being developed to provide timely information on more species.</p>   |

<sup>8</sup> Includes spartooth shark, sawfishes and dolphin species

<sup>9</sup> <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

<sup>10</sup> Cobia, dart, garfish, grunter, queenfish, trevally

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| <p><b>Recommendation 14</b><br/>All reports provided by Fisheries Queensland as part of the WTO reporting and amendment processes must be publically available in electronic format from the DoEE website.</p>  | <p>DAF supports making all assessment reports publicly available including those submitted to DoEE to fulfil WTO Condition requirements. DAF is working with DoEE to progress this.</p>   |
| <p><b>Recommendation 15</b><br/>Estimated total fishery interactions with all protected species must be publically released with dialogue on the impacts these interactions have on population status and a timeframe to implement management interventions that would deliver fisheries improvements to reduce ongoing interactions with protected species.</p>  | <p>SOCI interaction reporting in Qld fisheries is collected and provided to DoEE under a Memorandum of Understanding. DoEE may publicly release these data through the DoEE website. Management proposals appropriate to mitigating risk will be considered once the results of the GoCIIFF ERA are reviewed with stakeholder input and finalised. Risk assessments for spartooth shark and sawfish and inshore dolphins are being progressed as priorities and will be provided to DoEE for review in the near future.</p>   |
| <p><b>Recommendation 16</b><br/>Fisheries Queensland must establish a formal stakeholder consultation process by 30 June 2017 that includes not only representatives from the fishing industry, but also wildlife researchers and eNGOs to increase the transparency of this fishery's management, compliance and research.</p> <p><b>Recommendation 17</b><br/>The fisheries reforms as outlined in the Green Paper must be fully funded in the 2017-18 Queensland budget. This will require the injection of additional staff and financial resources to oversee the reforms of the GoC inshore finfish fisheries and other fisheries in a timely manner.</p> | <p>The Sustainable Fisheries Strategy outlined a new engagement and communication process, including establishment of fishery working groups and a Sustainable Fisheries Expert Panel. An expression of interest will be circulated to stakeholders to nominate for the working groups. Conservation groups will be represented on the working groups.</p> <p>To support implementation of the Sustainable Fisheries Strategy, the Queensland Government has announced it will invest more than \$20 million over the next three years to kick start the reforms. Funding will deliver more compliance (including vessel tracking and 20 more compliance officers), more monitoring, more responsive decision making and better engagement.</p> |
| <p><b>Recommendation 18</b><br/>An audit of all WTO conditions and recommendations is conducted to determine their status for this (and other) fisheries before any extension to existing permits or new permits are issued by the DoEE.</p>  | <p>N/A</p>  |

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| <p><b>Recommendation 19.</b> All reports provided by fisheries agencies as part of the WTO reporting and amendment processes must be publically available in electronic format from the DoEE website.</p>  | <p>As for Recommendation 14</p>  |
| <p><b>Recommendation 20.</b> Results from the audit identified in WWF and AMCS Recommendation 18 should be used to review the performance of the GOCIFF against the Guiding Principles to determine the management activities required before the re-issue of an export approval.</p>      | <p>N/A</p>   |
| <p><b>Recommendation 21.</b> Approval for this fishery should not proceed until: netting is excluded from areas of known sawfish and river shark populations; and, the priority 1 actions of the Sawfish and River Shark Recovery Plan have been completed.</p>                            | <p>Priority 1 actions under the Sawfish and River Shark Recovery Plan listed therein to achieve the operational objective: <i>Reduce and, where possible, eliminate adverse impacts of commercial and recreational fishing on spartooth shark and sawfishes</i> will be considered and reported against through the GoCIIFF ERA currently being conducted (see response to Recommendation 10).</p>   |
| <p><b>Recommendation 22.</b><br/>Historical FOP data should be released for each of the GoCIIFF GoC net fishing effort – rivers, nearshore and offshore sectors so that stakeholders can gain a better understanding of the impacts of the fisheries on protected species populations.</p> | <p>A report of 2000-06 fishery observer data from the offshore (N9) component of the GoCIIFF was provided by DAF to DoEE in 2009. This report included data on interactions with SoCI. DAF released a second 2015 report to DoEE summarising SoCI interactions in the inshore (N3) fishery as required under WTO Recommendation 5. DAF apprehends that DoEE may consider publicly releasing SoCI interaction data from Qld fisheries in the near future.</p> |
| <p><b>Recommendation 23</b><br/>All commercial fishing boats should be electronically tracked to ensure compliance with legislation and to provide validation options for the representativeness of the FOP.</p>   | <p>As for Recommendation 8</p>   |
| <p><b>Recommendation 24</b><br/>All targeted shark netting should cease until such time the fishery quantifies impacts to target, byproduct and bycatch species.</p>   | <p>DAF has assessed the current status of the GoCIIFF hammerhead shark stock in the 2017 stock status workshop, results of which will be made available in the near future. Further consideration of fishery related risk to hammerheads will be considered in the GoCIIFF ERA (see response to Recommendation 10).</p>  |



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| <p><b>Recommendation 25</b></p> <p>To help better inform the management arrangements, an opportunity for comment on the GoCIIFF ERA must be provided to external stakeholders prior to the report being finalised and provided for external peer review</p>   | <p>Stakeholder input to the GoCIIFF ERA is necessary to ensure a wide range of views is considered in rating fishery related risk to ecological components. It is proposed to provide a draft report to DoEE for comment prior to subsequent stakeholder review. A formalised process for stakeholder engagement in future ERAs is currently being developed for inclusion in a published ERA guideline that will outline national standards best suited to the prioritisation and assessment of risk.</p> |
| <p><b>Recommendation 26</b></p> <p>Outcomes from the ERA must be incorporated into management arrangements that would form the basis for the issue of a new WTO accreditation, noting any delays in the public release of a peer reviewed ERA should not be used to provide an extension to the existing WTO accreditation.</p> | <p>see response to Recommendation 10</p>   |