



**Australian Government**

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**Department of the Environment and Energy**

**Assessment of the  
West Coast Purse Seine Managed Fishery and  
Development Zones**

January 2020

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This report should be attributed as '*Assessment of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, January 2020*, Commonwealth of Australia 2020'.

## Disclaimer

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

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## EXECUTIVE SUMMARY

On 4 October 2019, the Western Australian Department of Primary Industries and Regional Development submitted an application for the West Coast Purse Seine Managed Fishery and Development Zones, to the Department of the Environment and Energy for assessment under the EPBC Act as an approved wildlife trade operation (WTO), against the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'. A public comment period was open from 18 October to 18 November 2019.

### Fishery management arrangements

The Western Australian West Coast Purse Seine Managed Fishery and Development Zones is a purse-seine net-based fishery, operating in WA waters from the southern coast (east of Cape Leeuwin) to the Northern Territory border. Two development zones are located on the northern and southern sides of the fishery, and are being considered to determine if the fishery should be extended to include more of the west coast. The zones are not yet included in the management plan, given that catch has been low in the fishery and the two zones, since 2007.

Disease (Herpes virus) in stocks was an issue in 1995, with approximately eight to twelve per cent of spawning fish (mature Pilchards) dying. In 1998/1999, approximately 60 to 70 per cent of mature fish died from the virus. As a result, management closed the fishery, and reopened it in 2000 with a conservative Total Allowable Catch limit of 2,328 tonnes (a limit not yet reached due to economic reasons).

The key target species are Pilchards (*Sardinops sagax*) and Scaly Mackerel (Tropical Sardine - *Sardinella lemuru*). Other species targeted include: Perth Herring (*Nematalosa vlaminghi*); Yellowtail Scad (*Trachurus novaezelandiae*); Australian Anchovy (*Engraulis australis*); and Maray (*Etrumeus teres*). Pilchards and Scaly Mackerel form over ninety five percent of the catch (including the development zones). Two small pelagic species, Sandy Sprat (*Hyperlophus vittatus*) and Blue Sprat (*Spratelloides robustus*) are targeted by shore-based operations (this is separate to the purse seine fisheries).

Management of the commercial fishery is based (primarily) through input controls which include: size and type of net used; notional Total Allowable Catch (TAC); catch levels determined through egg surveys and spawning level estimates, and age determination of catch.

### Target stocks

Overall stock status for target species in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones (Pilchards and Scaly Mackerel) has been determined as '**sustainable-adequate**'. The stock status is monitored through historic information, such as egg plankton surveys, and annual catch monitoring. Statutory catch figures are determined through commercial catch and effort returns (known as CAES). Stock status is assessed annually through the 'Status reports of the fisheries and aquatic resources of Western Australia' (SOFAR).

An annual review of management measures (relevance and status) is conducted through the (annual) Ecosystem Based Fisheries Management (EBFM) risk assessment process, and outcomes are published in the 'State of the Fisheries' report (status reports). Status reports from 2011/20012 through to 2017/2018 have been included with the 2019 fishery submission

(most recent status data is on p. 54, 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18 – State of the fisheries', link available in Notes section of this assessment report).

The stock status of Pilchards has been classified as '**sustainable-acceptable**'. The EBFM reports indicator species (Tropical Sardine and Pilchards) as '**sustainable-adequate**'.

### **Protected species (including CITES-listed species) and ecosystems**

There is the potential for interactions with seabirds and dolphins (mainly Common Dolphins). Fishery dependent reporting of protected species reporting began in 2007, with interactions reported through fisher catch and effort returns, and assessed by the Research Division Stock Assessment and Data Analysis (SADA). There have been no interactions reported since 2007. The ERA risk rating has been assessed as 'negligible'.

### **Conclusion**

Following assessment, the Western Australian West Coast Purse Seine Managed Fishery and Development Zones has been found to meet most of the Guidelines (Section 2) and all of the relevant requirements of the EPBC Act (Section 3). On this basis the Department considers that declaration of the harvest operations of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones as an approved wildlife trade operation for three years, until 10 January 2023, is appropriate subject to the conditions at section 4 of this report. Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade operation declaration for the fishery.

## SECTION 1: ASSESSMENT SUMMARY

| Guidelines assessment           | Meets               | Partially meets | Does not meet | Details  |
|---------------------------------|---------------------|-----------------|---------------|--|
| Management regime               | All met             |                 |               | The Western Australian West Coast Purse Seine Managed Fishery and Development Zones is managed under licence conditions in force under the <i>Fish Resources Management Act 1994</i> . Input controls include: size and type of net used; notional Total Allowable Catch (TAC); catch levels determined through egg surveys and spawning level estimates, and age determination of catch.  |
| Principle 1 (target stocks)     | 8 of 11<br>(2 N/A)  | 1               |               | Daily log books (to capture finer scale data) are not used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. Ongoing monitoring to assist in determining any indications of changes in stock status, occurs through monthly commercial CAES (Catch and Effort Statistics) returns. Section 4 of this assessment includes a recommendation to develop and implement a formal harvest strategy which should address the current level of data collection in the fishery. |
| Principle 2 (bycatch and TEPS)  | 8 of 12<br>(3 N/A)  | 1               |               | A code of practice has been developed for the South Coast Purse Seine Fishery which includes guidelines to minimise interactions and mitigate harm, should interactions occur.   |
| Principle 2 (ecosystem impacts) | All met             |                 |               |  |
| EPBC requirements               | Meets               | Partially meets | Does not meet | Details  |
| Part 12                         | All met             |                 |               | Requirements met subject to conditions specified at Section 4 of this report. The Marine Bioregional Plan for the South-west Marine Region 2012 and the Marine Bioregional Plan for the North-west Marine Region 2012 (the Plans) are applicable to the area of the fishery and impact to key ecological features as described in the Plans is considered low.   |
| Part 13                         | 11 of 12<br>(1 N/A) |                 |               | Management arrangements haven't changed substantially, however the Western Australian West Coast Purse Seine Managed Fishery and Development Zones name has changed since previous accreditation. Therefore reaccreditation is needed.   |
| Part 13A                        | 15 of 22<br>(7 N/A) |                 |               | Requirements met subject to conditions specified at Section 4 of this report. Management of the fishery is consistent with the objects of Part 13A.  |

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|         |         |  |  | Inclusion in the list of exempt native specimens is recommended, subject to conditions detailed in Section 4 of this report.  |
| Part 16 | All met |  |  | Requirements met subject to conditions specified at Section 4 of this report. Precautionary management measures, performance measures and monitoring in place in the fishery are considered satisfactory to prevent serious or irreversible environmental damage. |

## **Notes:**

### ***Assessment history:***

Information on previous assessments for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones (formerly the Western Australian West Coast Purse Seine Managed Fishery) is available on the Department's website at <https://www.environment.gov.au/marine/fisheries/wa/purse-seine>.

- 1st assessment finalised November 2005 – Exempt from export approval until 25 November 2008 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to three conditions and ten recommendations.
- 2nd assessment finalised February 2009 – Exempt from export approval until 4 February 2012 while an approved wildlife trade operation (WTO) is in place for the fishery. Export approval was subject to three conditions and seven recommendations.

### **Fishery reporting:**

Annual reports ('State of the Fisheries Report' and bycatch reports) were received as part of the previous submission package received in 2008, with data from 2004 to 2008.

### ***Key links:***

#### **Fishery information**

'Application to Department of Environment and Energy on the West Coast Purse Seine Managed Fishery and Development Zones - 2019' (the fishery submission)

Western Australian Department of Primary Industries and Regional Development

Western Australian Fishing Industry Council (WAFIC)

*Aquatic Resources Management Act 2016 (ARMA)*

Fish Resources Management Regulations 1995

WA fisheries legislation webpage

**Management plan** – West Coast Purse Seine Management Plan ('West Coast Purse Seine Limited Entry Fishery Notice 1989')

**Enforcing legislation** - *Fish Resources Management Act 1994 (FRMA)*

**Harvest strategy** – 'Harvest Strategy Policy and Operational Guidelines for the Aquatic Resources of Western Australia'

**Ecological Risk Assessment** – Annual Ecosystem Based Fisheries Management (EBFM) risk assessment process - reported through the 'Status reports of the Fisheries and Aquatic Resources of Western Australia' (SOFAR).

**Stock assessments** – Status reports of the fisheries and aquatic resources of Western Australia 2016/17

#### **Other**

'West Coast Purse Seine Management Plan and Prohibition on Fishing (Purse Seining) Order 2017'

Purse Seine Development Zone Notice ('Prohibition on Fishing (Purse Seining) Order 2017').



## SECTION 2: DETAILED ANALYSIS AGAINST THE GUIDELINES

| Guidelines criteria   | Comment   |
|---|---|
| <b>THE MANAGEMENT REGIME</b>  |   |
| The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should: |   |
| Be documented, publicly available and transparent.  | <p><b>Meets – The management regime is documented, publicly available and transparent.</b></p> <p>As of 1 July 2017, the Western Australian (WA) Department of Fisheries was amalgamated into the WA Department of Primary Industries and Regional Development (DPIRD).</p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones' various reports and legislation, are made available publicly on the WA DPIRD's website (link accessible in Section 1: Notes).</p>   |
| Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.   | <p><b>Meets – The management regime was developed through a fully open and transparent public process.</b></p> <p>Management strategies are prepared through stakeholder consultation adhering to state legislation. A broad range of stakeholder groups are consulted including: industry (for instance the WA Australian Fishing Industry Council (WAFIC), Recfishwest); government; fishers; and the general public through public comment via the WA DPIRD's website (link accessible in Section 1: Notes).</p>   |
| Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.  | <p><b>Meets – A range of expertise and public interests were involved during the stock assessment process.</b></p> <p>The 'Guideline for stakeholder engagement on aquatic resource management-related processes' outlines the process required consultation involving fishery management changes. Consultation includes:</p> <ul style="list-style-type: none"> <li>• public comment process</li> <li>• researchers</li> <li>• commercial fishers</li> <li>• WAFIC</li> <li>• WA Southern Seafood Producers Association</li> <li>• other agencies where relevant.</li> </ul> |

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| Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured. | <p><b>Meets – Has strategic objectives and performance measures to measure effectiveness.</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones performance reports, outline performance measures and objectives relating the effectiveness of management arrangements. Annual assessments are conducted through the annual Ecosystem Based Fisheries Management (EBFM) risk assessment process, and outcomes are published through the 'Status reports of the fisheries and aquatic resources of Western Australia' (SOFAR).</p>  |
| Be capable of controlling the level of harvest in the fishery using input and/or output controls.                                    | <p><b>Meets – Effective harvest controls are in place.</b></p> <p>Harvest levels are controlled through mainly input controls, including: net size (length and mesh size); fisher limits (number of fishers); boat size; gear type (power or hand operated hauling equipment); and limits on species harvested.</p> <p>There are 12 managed fishery licences that must fish in accordance with the 'West Coast Purse Seine Management Plan' (1989). Four of the licences are classed as supplementary, prohibiting the use of power operated purse seine nets. The northern and southern development zones are managed under the Prohibition on Fishing (Purse Seining) Order 2017, under the fisheries <i>Fish Resources Management Act 1994</i> (FRMA).</p> <p>Specific performance management arrangements are outlined in the FRMA and the Western Australian West Coast Purse Seine Managed Fishery and Development Zones' management plan. A notional Total Allowable Catch (TAC) is also in place for the fishery. Catch and effort levels are monitored through statutory monthly commercial catch and effort returns (CAES) returns.</p> <p>There is a harvest strategy, and although it has not yet been formalised, the annual catch continues to be reported through the 'State of the Fisheries' report.</p> |
| Contain the means of enforcing critical aspects of the management arrangements.  | <p><b>Meets – Effective enforcement capability forms part of the management regime.</b></p> <p>Compliance operational staff, at-sea patrols, and catch inspection (at landing and processing areas), assist in ensuring compliance with critical aspects of management arrangements.</p>  |

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| <p>Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.</p>                                       | <p><b>Meets – Regular performance reviews are built into the management regime for the fishery.</b></p> <p>Annual performance reviews are conducted through the 'State of the Fisheries' reporting which includes risk assessment outcomes. The 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18 – State of the fisheries' indicates stock status of Pilchards as '<b>adequate</b>'. These performance reports provide evaluation of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, against the Ecological Sustainable Development (ESD) policy framework, and include objectives, performance indicators and measures.</p> <p>In addition, periodic reviews are conducted by the Office of the Auditor General. Outcomes of the reviews inform the WA DPIRD annual report provided to the WA Parliament. The reports are published on the WA DPIRD website.</p>  |
| <p>Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates.</p> | <p><b>Meets – The arrangements in place are considered capable of effective management of impacts on the wider marine ecosystem.</b></p> <p>The 'Status reports of the fisheries and aquatic resources of Western Australia 2016/17', indicate the stock status of the small pelagic scalefish resource as '<b>sustainable-adequate</b>'.</p> <p>A risk assessment conducted through the EBFM process, assessed the risk to harvested species as '<b>negligible</b>', as indicated in the 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18 – State of the fisheries'. Catch and effort levels are monitored through statutory CAES returns. Notional TACs are set through a harvest strategy. Although the harvest strategy has not yet been formalised, the annual catch continues to be reported through the 'State of the Fisheries' report.</p> <p>The 'Marine Bioregional Plan for the South-west Marine Region 2012' and the 'Marine Bioregional Plan for the North-west Marine Region 2012' have identified that there are key ecological features present in the area of this fishery. However, there is no evidence to suggest any systematic change to species diversity or richness caused by the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, indicating fishing effort is not having a material impact on the food chain or trophic structure.</p> |
| <p>Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy.</p>           | <p><b>Meets – Management is considered to be compliant with relevant plans and policies.</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is compliant with relevant plans/policies.</p>  |

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| <b>PRINCIPLE 1</b> - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.  |                                 |   |
| <b>Objective 1</b> - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.   |                                 |   |
| <b>Information requirements</b>  |                                 |   |
| <p><b>1.1.1</b> There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.</p>   | <p><b>Partially meets –</b></p> | <p><b>Logbook data is collected, however the data is considered not adequate or incomplete.</b><br/> <b>[Condition 4 at section 4 of this report addresses improved data collection through adoption of a formal harvest strategy]</b></p> <p>The use of log books to capture finer scale data has not been implemented this fishery. Ongoing monitoring to assist in determining any indications of changes in stock status occurs through commercial CAES (catch and effort statistics) returns. CAES returns are statutory documents completed by all commercial fisheries on a monthly basis and include information on the areas fished, gear type, effort, catch species and weight. Returns also include interactions with threatened, endangered and protected species (TEPS). Independent research (plankton surveys, collection of eggs) was completed in the early 2000s.</p>  |
| <b>Assessment</b>  |                                 |   |
| <p><b>1.1.2</b> There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.</p> | <p><b>Meets –</b></p>           | <p><b>Management arrangements are reviewed at regular intervals.</b></p> <p>Management arrangements are set out through various legislation. The arrangements are reviewed regularly and considered to be adaptable to requirements. A performance review of the total catch and target catch levels is conducted annually, and assists in determining any indications of changes in stock status. The resulting data assessment is then reported through the 'State of the Fisheries' report.</p> <p>An ESD risk assessment process was conducted in 2012 (part of which considered potential risks to stocks in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, was subsequently reviewed in 2019). The risks to stock status were identified as follows (based on risk to breeding populations):</p> <ul style="list-style-type: none"> <li>• Scaly Mackerel – '<b>negligible</b>'. Conservative notional TACs apply.</li> <li>• Pilchards – '<b>low</b>'. West coast stock is considered isolated form nearest stocks (along south coast). Spawning stocks need to be maintained, to allow 'self-replacement.' After the 1995 disease outbreak, conservative TAC and management control measures were implemented. Since the mid-2000s, spawning stocks have recovered to levels aligning with pre-1995 levels.</li> </ul> |

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| <p><b>1.1.3</b> The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>  | <p><b>Meets – The distribution and spatial structure of both target species in the fishery is understood.</b></p> <p>The 2019 submission indicates that the distribution and spatial structure of both target species is understood. Spatial data for catch is captured in monthly CAES returns which identify the areas where fishing has occurred during that reporting period. This allows management actions to be implemented for the appropriate spatial area taking into account the distribution and spatial structure of the relevant species.</p> <p>Any identified stock issues can trigger a review of management arrangements and a reduction in fishing effort in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. Any changes to arrangements will be made through amendments to the management plan.</p>  |
| <p><b>1.1.4</b> There are reliable estimates of all removals, including commercial (landings and discards), recreational and Indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.</p> | <p><b>Meets – There are reliable estimates of commercial, recreational and Indigenous take for the fishery</b></p> <p>Estimates of commercial catch are provided through the CAES returns.</p> <p><u>Recreational</u>: Total recreational catch of small pelagic fish is estimated through recreational fishing surveys undertaken by WA DPIRD. Recreational catch estimates are included in annual SOFAR reports. The current estimate of recreational catch for small pelagic species on the West Coast is less than 1 tonne. These estimates are taken into account when undertaking stock assessments.</p> <p>A recent survey of boat-based recreational fishing, indicated that recreational catch of small pelagic species, including Pilchards, is considered low. However, control measures are in place and include a combined daily bag limit of 9L (all baitfish, including Pilchards and Scaly Mackerel). A licence (subject to guidelines) is required for netting of baitfish (set, haul and throw nets).</p> <p><u>Indigenous</u>: WA DPIRD have advised that catch of pilchards and scaly mackerel is mainly by commercial fishermen. Small pelagic species are not a major focus for recreational or customary/Indigenous fishers. A recent survey of boat-based recreational fishers also indicated that the catch of baitfish and pilchards is very low in WA.</p> |

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| <p><b>1.1.5</b> There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.</p>   | <p><b>Meets – Potential productivity estimates in the fishery is advised through recruitment estimates for target species.</b></p> <p>As indicated in the 2019 fishery submission (link is available in Notes section, above):</p> <ul style="list-style-type: none"> <li>• <b>Pilchards</b> - recruitment is considered highly variable, with the Leeuwin current in WA found to influence Pilchard recruitment unfavourably. However, the 2019 fishery submission outlines information relating to the recruitment and population data for target species, such as Pilchard.</li> <li>• The submission indicates that there is a low exploitation rate for Pilchards (particularly being a short-lived species). The TAC for Pilchards is 2,328 tonnes. Future recruitment is expected to be favourable, if the annual catch remains with the TAC.</li> <li>• <b>Scaly Mackerel</b> – future recruitment variation is mainly expected to be influenced by environmental conditions, if the current TACs remain in place. The TAC is 2,700 tonnes in the northern development zone, and 672 tonnes in the main fishery area and the southern development zone, combined.</li> </ul> |
| <p><b>Management responses</b></p>  |  |
| <p><b>1.1.6</b> There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.</p> | <p><b>Meets – Robust reference points are in place.</b></p> <p>There are performance measures in place with reviews triggered if catches are found to be above the TAC. Should this occur, the management plan will be amended to reflect the management measures implemented.</p>   |
| <p><b>1.1.7</b> There are management strategies in place capable of controlling the level of take.</p>  | <p><b>Meets – Management arrangements are in place to control the level of take.</b></p> <p>Input controls are used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones which include:</p> <ul style="list-style-type: none"> <li>• licence restrictions (number of licences)</li> <li>• gear restrictions</li> <li>• notional TAC for annual fishing season</li> <li>• compliance monitoring (for commercial fishers and processors)</li> <li>• annual fishery performance reviews and reporting.</li> </ul> <p>If the level of catch is found to be above the TAC, reductions in the TAC will apply as appropriate. Should this occur, the management plan will be amended to reflect the management measures implemented.</p>  |

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| <p><b>1.1.8</b> Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>   | <p><b>Meets – Fishing methods used result in a very low take of byproduct species.</b></p> <p>Some small pelagic/other finfish species (Perth Herring, Yellowtail Scad, Australian Anchovy, and Maray) are able to be taken in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. This mainly occurs through predation on other fish being caught in deployed nets. Other causes of byproduct species take can be attributed to small demersal species being caught up in the net in shallower waters.</p> <p>However, due to the relatively small quantities of byproduct taken (due to use of sonar which allows targeted selection harvest), the small area fished, and the wide distribution of the above species, the risk to byproduct species has been classified by WA DPIRD as ‘negligible’.</p>   |
| <p>(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)</p>  |   |
| <p><b>1.1.9</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p> | <p><b>Meets – The management response is considered to have a high chance of meeting its objective.</b></p> <p>Precautionary management measures are used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, and include TACs set through a harvest strategy. Although the harvest strategy has not yet been formalised, the annual catch continues to be reported through the ‘State of the Fisheries’ report.</p> <p>The current harvest approach for West Coast Purse Seine Fishery and Development Zones, is documented in the annual SOFAR reports. This includes the catch tolerance levels, used to trigger a management response. The current harvest approach and trigger points are considered adequate based on the management framework and fishery performance. Changes in the management arrangements or performance of the fishery would result in the need to consider prioritising development of a formal harvest strategy.</p> <p>WA DPIRD is progressing the development of formal harvest strategies for all WA fisheries. Development of formal harvest strategies is being progressed using a risk based approach, with fisheries categorised as higher risk being given priority. The West Coast Purse Seine Managed Fishery and Development Zones has been assessed as a ‘low-risk’ so will have its strategy developed after those in the higher risk categories.</p> <p>The framework for priority setting and development of formal harvest strategies is detailed in <i>Fisheries Management Paper No. 271 - Harvest Strategy Policy and Operational Guidelines for the Aquatic Resources of Western Australia</i> (link available in the Notes section above).</p> |

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| <b>If overfished, go to Objective 2:</b><br><b>If not overfished, go to PRINCIPLE 2:</b>  |   |
| <b>Objective 2</b> - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.  |   |
| <b>Management responses</b>   |   |
| <b>1.2.1</b> A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock. | <b>Not applicable</b><br><br>Target species stocks have been classified as adequate, therefore specific recovery/management responses are not required.   |
| <b>1.2.2</b> If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.  | <b>Not applicable</b><br><br>Target species stocks have been classified as adequate, therefore specific recovery/management responses are not required.   |
| <b>PRINCIPLE 2</b> - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.  |   |
| <b>Objective 1</b> - The fishery is conducted in a manner that does not threaten bycatch species.   |   |
| <b>Information requirements</b>   |   |
| <b>2.1.1</b> Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.   | <b>Meets – Information on the composition and abundance of bycatch is collected in the fishery.</b><br><br>The risk to bycatch has been reported through the 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18' as ' <b>negligible</b> '. |



| <b>Assessment</b>   |  |
|---|--|
| <b>2.1.2</b> There is a risk analysis of the bycatch with respect to its vulnerability to fishing.  | <p><b>Meets – Risk analysis of bycatch vulnerability has been conducted.</b></p> <p>The risk of the operation of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, of capture of bycatch species has been assessed and reported through the 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18' as '<b>negligible</b>'.</p> <p>A link to the Status reports of the fisheries and aquatic resources of Western Australia 2017/18', is available in the Notes section above.</p>   |
| <b>Management responses</b>   |  |
| <b>2.1.3</b> Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available. | <p><b>Meets – Management responses are in place.</b></p> <p>Once located, schools of pelagic fish are identified/confirmed as target species by vessel skippers before the net is deployed. This reduces the risk of non-target species being caught. There might still be some bycatch of other finfish species but this is in small quantities. The majority of bycatch are reported to be released unharmed.</p> <p>The risk of the operation of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, of capture of bycatch has been reported through the 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18' as '<b>negligible</b>'. Therefore specific management responses/measures are not required.</p> <p>A link to the 'Status reports of the fisheries and aquatic resources of Western Australia 2017/18', is available in the Notes section above.</p> |
| <b>2.1.4</b> An indicator group of bycatch species is monitored.  | <p><b>Not applicable</b></p> <p>Monitoring of an indicator group of bycatch species is not necessary due to the '<b>negligible</b>' risk of capture of bycatch species in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones.</p>   |
| <b>2.1.5</b> There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.  | <p><b>Not applicable</b></p> <p>Monitoring of an indicator group of bycatch species is not necessary due to the '<b>negligible</b>' risk of capture of bycatch species in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones.</p>   |

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| <p><b>2.1.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>   | <p><b>Meets –           The management response is considered to have a high chance of meeting its objective.</b></p> <p>The risk of the operation of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, of capture of bycatch has been reported through the ‘Status reports of the fisheries and aquatic resources of Western Australia 2017/18’ as ‘negligible’. Therefore specific management responses/measures are not required.</p> <p>Given the above, the management arrangements are considered to be likely of having a high chance of achieving the objective.</p>   |
| <p><b>Objective 2</b> - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.</p> |   |
| <p><b>Information requirements</b></p>   |   |
| <p><b>2.2.1</b> Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.</p>   | <p><b>Meets –           Reliable records are collected that would indicate interactions with endangered, threatened or protected species and threatened ecological communities.</b></p> <p>Reporting is done through monthly CAES statutory returns in place of daily log books. Fishers are required to record all interactions with threatened, endangered, or protected species (TEPS) through the monthly CAES returns. Fishery dependent TEPS reporting commenced in 2007, with no reported interactions with TEPS to date.</p> <p>Sonar technology can also be used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, to selectively detect target species. The above reporting and management measures suggest that interactions with TEPS in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones are considered unlikely.</p> |

| <b>Assessments</b>  |   |
|---|---|
| <p><b>2.2.2</b> There is an assessment of the impact of the fishery on endangered, threatened or protected species.</p> | <p><b>Meets – An assessment of the impact of the fishery on endangered, threatened or protected species has been conducted.</b></p> <p>Annual risk assessments are conducted through the EBFM process and the outcomes are published through the SOFAR reports (annually). The following related to protected species potentially at risk of interaction (capture in nets, or direct interaction with nets):</p> <ul style="list-style-type: none"> <li>• Common Dolphin – ERA risk rating reported as '<b>negligible</b>'. The dolphins sometimes attend nets to predate on small pelagic fish. No reported interactions (i.e. those requiring physical intervention to be released, or where marine species is harmed) with dolphins have occurred since 2007.</li> <li>• Seals and sea birds – ERA risk rating reported as '<b>negligible</b>'. Birds and seals attend nets to feed on caught fish, presenting a risk of birds being entangled. No reported interactions (i.e. those requiring physical intervention to be released, or where marine species is harmed) have occurred since 2007.</li> <li>• Other finfish species – ERA risk rating reported as '<b>negligible</b>' for risk of capture in the nets. Some species are caught predating on small pelagic species, and some demersal species. Most of these predatory species are released unharmed. However, the catch of species not contained within the management plan, is prohibited.</li> </ul> <p>An ERA risk rating of '<b>low</b>' applies to the incidence of collision with nets (once nets are placed around the targeted fish). Entanglement sometimes occurs for smaller species (e.g. Sandy Sprat).</p> <p>Links to the submission and SOFAR reports are available in the Notes section, above.</p> |

**2.2.3** There is an assessment of the impact of the fishery on threatened ecological communities.

**Meets – An assessment of the impact of the fishery on threatened ecological communities has been conducted.**

The EBFM risk assessment process has classified the risk to ecological communities and habitat as '**low**' or '**negligible**' for trophic interactions, seabirds and finfish, translocation of organism, and net contact with seagrass areas.

The WA Department of Primary Industries and Regional Development expect this assessment level to continue to apply/improve over time.

| <b>Management responses</b>   |  |
|---|--|
| <p><b>2.2.4</b> There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p> | <p><b>Partially meets – Management measures are in place to avoid interactions with protected species. The managing fisheries agency has also advised that the industry is also looking to further understand and mitigate potential interactions with seabirds</b></p> <p>Management measures are in place to avoid interactions with protected species. Strategies include:</p> <ul style="list-style-type: none"> <li>• use of sonar technology, to assist in selective location and harvest of target species</li> <li>• fishery dependent TEPS reporting (there have been no reported interactions since commencement of reporting in 2007)</li> <li>• development and implementation of specific mitigation strategies (including a code of practice), if increase in interaction with/mortality of TEPS occurs</li> <li>• WA Government continues working with the Commonwealth Department of Agriculture and Water Resources, and other agencies, to implement the 'National Plan of Action or Minimising Incidental Catch of Seabirds in Australian Capture Fisheries' (recently published).</li> </ul> <p>WA DPIRD has advised that they are committed to implementing the National Plan of Action – Seabirds, to understand and mitigate interaction with seabirds across all commercial and recreational fisheries. This will be used to identify fisheries with seabird interactions and take appropriate steps to mitigate interactions, through implementing best practice approaches and education.</p> <p>A code of practice has been developed for the South Coast Purse Seine Fishery which includes guidelines to minimise interactions and mitigate harm, should interactions occur. WA DPIRD has communicated to the Department that it is possible that this could also be adapted for the WA West Purse Seine Managed Fishery and Development Zones.</p> |
| <p><b>2.2.5</b> There are measures in place to avoid impact on threatened ecological communities.</p>                             | <p><b>Not applicable</b></p> <p>The EBFM risk assessment process has classified the risk to ecological communities and habitat as '<b>low</b>' or '<b>negligible</b>' for trophic interactions, seabirds and finfish, translocation of organism, and net contact with seagrass areas. Given the '<b>low</b>' to '<b>negligible</b>' risk specific management measures are not considered to be required for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones.</p>   |

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| 2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.   | <p><b>Meets -           The management response is considered to have a high chance of meeting its objective.</b></p> <p>Yes, the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is conducted in a way that is likely to be effective in avoiding impacts to protected species and ecological communities.</p> |
| <b>Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.</b>   |  |
| <b>Information requirements</b>  |  |
| 2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fishery's impact on the ecosystem and environment generally.   | <p><b>Meets --           Appropriate data to support a risk assessment in the fishery is collected.</b></p> <p>Appropriate methods of data collection are in place, including the EBFM process and reporting outcomes available through the SOFAR reports.</p>   |
| <b>Assessment</b>  |  |
| <p>2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery.</p> <p>1. Impacts on ecological communities</p> <ul style="list-style-type: none"> <li>• Benthic communities</li> <li>• Ecologically related, associated or dependent species</li> <li>• Water column communities</li> </ul> <p>2. Impacts on food chains</p> <ul style="list-style-type: none"> <li>• Structure</li> <li>• Productivity/flows</li> </ul> <p>3. Impacts on the physical environment</p> <ul style="list-style-type: none"> <li>• Physical habitat</li> <li>• Water quality</li> </ul> | <p><b>Meets -           A risk assessment appropriate to the scale of the fishery has been conducted.</b></p> <p>An ERA is conducted through the EBFM process, addressing the various components of this objective. Outcomes are published in the SOFAR reports (a link to the SOFAR reports is available in the Notes section above).</p>       |

| <b>Management responses</b>  |   |
|--|---|
| <p><b>2.3.3</b> Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>   | <p><b>Meets -            Management actions are in place to ensure significant damage to ecosystems due to fishing activity does not arise.</b></p> <p>Appropriate management actions are in place. Any changes to the ecosystem would be identified through the monthly CAES returns and specific management measures would be implemented in response. Conservative TACs are also in place which further minimise potential impacts on the ecosystem.</p> |
| <p><b>2.3.4</b> There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.</p> | <p><b>Meets -            Mechanisms are in place to trigger further management responses if monitoring detects impacts on selected ecosystem indicators.</b></p> <p>There is an annual EBFM process conducted. If changes to the environment or ecosystem occur, the management plan will be amended to reflect any revised management measures implemented.</p>  |
| <p><b>2.3.5</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>   | <p><b>Meets -            The management arrangements are considered to have a high chance of meeting their objective</b></p> <p>The current management arrangements are considered to have a high chance of achieving this objective.</p>   |

## SECTION 3: ASSESSMENT OF THE FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

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

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

| Section 176 Bioregional Plans                               | Comment  |
|---|--|
| (5) Minister must have regard to relevant bioregional plans | <p><b>Meets</b></p> <p>The 'Marine Bioregional Plan for the South-west Marine Region 2012' and the 'Marine Bioregional Plan for the North-west Marine Region 2012' have identified that there are key ecological features present in the area of this fishery. However, there is no evidence to suggest any systematic change to species diversity or richness caused by the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, indicating fishing effort is not having a material impact on the food chain or trophic structure.</p> <p>Although the purse seine gear can contact the sea floor in some fishing areas, the relatively light construction of the gear suggests that there is no significant impact occurring to the benthos. Areas of hard reef are specifically avoided, minimizing the percentage of ground actually touched, as it is hazardous to the fishing gear.</p> <p>Given the management measures in place, any changes to the ecosystem generally, would be identified through the CAES returns and specific management measures would be implemented in response. Conservative TACs are also in place which further minimise potential impacts on the ecosystem. Based on these factors, impact to key ecological features is considered low.</p> |

### Part 13 – Species and communities

| Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)   | Comment   |
|--|---|
| <p>s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e)</p> <p>Does the fishery have an accreditable plan of management, regime or policy?</p> | <p><b>Meets</b></p> <p><b>Yes</b>, there is an accreditable management regime. The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will be managed under the <i>Western Australian Fish Resources Management Act 1994</i>.</p> |



| Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes   | Comment   |
|---|---|
| <p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?</p> | <p><b>Meets</b><br/> <b>Yes</b>, there are specific measures in place to mitigate the risk to listed threatened species.</p> <p>The management regime for the (then) Western Australian West Coast Purse Seine Managed Fishery, was accredited in November 2005. The management arrangements for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, have not significantly changed since this accreditation was granted.</p> <p>However, the fishery name has changed, given the consideration of the two development zones in management arrangements. Consequently, the fishery name is now the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. Therefore, a new Part 13 accreditation is required to reflect this change.</p>                             |
| <p>(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?</p>  | <p><b>Meets</b><br/> <b>No</b>. Fishers are required to record all interactions with threatened, endangered, or protected species (TEPS), through monthly commercial catch and effort returns (CAES) returns. Fishery dependent TEPS reporting commenced in 2007, with no reported interactions with TEPS to date.</p> <p>Sonar technology can also be used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, to selectively detect target species. The above reporting and management measures, and current evidence, suggest that interactions with TEPS in the fishery are considered unlikely.</p> <p>Therefore, the Department considers the current operation of the fishery is not likely to adversely affect the survival or recovery in nature of listed threatened species.</p> |

| Division 2 Migratory species, Section 222A Minister may accredit plans or regimes   | Comment   |
|---|---|
| (f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing? | <p><b>Meets</b><br/> <b>Yes.</b> There are measures in place to mitigate the risk to listed migratory species. The management regime for the (then) Western Australian West Coast Purse Seine Managed Fishery and Development Zones, was accredited in November 2005. The management arrangements for the fishery have not significantly changed since this accreditation was granted.</p> <p>However, the fishery name has changed, given the consideration of the two development zones in management arrangements. Consequently, the fishery name is now the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. Therefore, a new Part 13 accreditation is required to reflect this change.</p> |
| (g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?   | <p><b>Meets</b><br/> <b>No.</b> Fishers are required to record all interactions with TEPS through monthly CAES returns. Fishery dependent TEPS reporting commenced in 2007, with no reported interactions with TEPS to date.</p> <p>Sonar technology can also be used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, to selectively detect target species. Current evidence suggests that interactions with TEPS in the fishery are considered unlikely. Therefore, the Department considers the current operation of the fishery is not likely to adversely affect the conservation status of a listed migratory species, or a population of that species.</p>                        |
| Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes   | Comment   |
| (f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?                           | <p><b>Meets</b><br/> <b>Yes.</b> There are measures in place to mitigate the risk to cetaceans. The management regime for the (then) West Coast Purse Seine Managed Fishery, was accredited in November 2005. The management arrangements for the fishery have not significantly changed since this accreditation was granted.</p> <p>However, the fishery name has changed, given the consideration of the two development zones in management arrangements. Consequently, the fishery name is now the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. Therefore, a new Part 13 accreditation is required to reflect this change.</p>   |

| <p>(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?</p>   | <p><b>Meets</b><br/> <b>No.</b> Fishers are required to record all interactions with TEPS through monthly CAES returns. Fishery dependent TEPS reporting commenced in 2007, with no reported interactions with TEPS to date.</p> <p>Sonar technology can also be used in the fishery to selectively detect target species. Current evidence suggests that interactions with TEPS in the fishery are considered unlikely.</p> <p>Therefore, the Department considers the current operation of the fishery is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>  |
|---|---|
| <p><b>Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes</b></p>  | <p><b>Comment</b></p>   |
| <p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?</p> | <p><b>Meets</b><br/> <b>Yes.</b> There are measures in place to mitigate the risk to listed marine species. The management regime for the (then) Western Australian West Coast Purse Seine Managed Fishery, was accredited in November 2005. The management arrangements for the fishery have not significantly changed since this accreditation was granted.</p> <p>However, the fishery name has changed, given the consideration of the two development zones in management arrangements. Consequently, the fishery name is now the Western Australian West Coast Purse Seine Managed Fishery and Development Zones. Therefore, a new Part 13 accreditation is required, to reflect this change.</p> |
| <p>(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?</p>   | <p><b>Meets</b><br/> <b>No.</b> Fishers are required to record all interactions with TEPS through monthly CAES returns. Fishery dependent TEPS reporting commenced in 2007, with no reported interactions with TEPS to date.</p> <p>Sonar technology can also be used in the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, to selectively detect target species. Current evidence suggests that interactions with TEPS in the fishery are considered unlikely. Therefore, the Department considers the current operation of the fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>    |

| Section 303AA Conditions relating to accreditation of plans, regimes and policies   | Comment   |
|---|---|
| (1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.  | Given the change of fishery name (since the last accreditation) and the amount of time since export lapsed, the Department recommends that the management regime for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will be re-accredited under sections 208A, 222A, 245 and 265. |
| (2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only:<br>(a) during a particular period; or<br>(b) while certain circumstances exist; or<br>(c) while a certain condition is complied with.<br>In such a case, the instrument of accreditation is to specify the period, circumstances or condition. | No conditions required.   |
| (7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.  | Not applicable.   |

### Part 13A – International movement of wildlife specimens

| Section 303BA Objects of Part 13A   |  |
|---|--|
| (1) The objects of this Part are as follows:<br>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;<br>(b) to protect wildlife that may be adversely affected by trade;<br>(c) to promote the conservation of biodiversity in Australia and other countries;<br>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;<br>(e) to promote the humane treatment of wildlife;<br>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and | The management arrangements for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, have been assessed as consistent with the general guidance provided in the objects of Part 13A as:<br><ul style="list-style-type: none"> <li>the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species</li> <li>there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1)</li> <li>the operation of the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is unlikely to be unsustainable and threaten biodiversity within the next three years, and</li> <li>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.</li> </ul> |

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| (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.   |  |
| <b>Section 303 CG Minister may issue permits (CITES species)</b>   | <b>Comment</b>   |
| <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><b>Not applicable</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones does not harvest species listed under CITES.</p>   |
| <p>(ii) the recovery in nature of any taxon to which the specimen belongs; or</p>  | <p><b>Not applicable</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones does not harvest species listed under CITES.</p>   |
| <p>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and</p>   | <p><b>Not applicable</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones does not harvest species listed under CITES.</p>   |
| <b>Section 303DC Minister may amend list (non CITES species)</b>   | <b>Comment</b>   |
| <p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <p>(a) doing any of the following:</p> <p>(i) including items in the list;</p> <p>(ii) deleting items from the list;</p> <p>(iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject;</p> <p>(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</p> <p>(b) correcting an inaccuracy or updating the name of a species.</p> | <p>The Department recommends that specimens that are or are derived from fish or invertebrates harvested in the fishery, as defined in the management regime in force under the <i>Fish Resources Management Act 1994</i> (Western Australia), but not including:</p> <ul style="list-style-type: none"> <li>specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or</li> <li>specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list)</li> </ul> <p>be included in the list of exempt native specimens while the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is subject to a declaration as an approved wildlife trade operation.</p> |

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| (1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2   | <b>Not applicable</b><br>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones is not managed by the Commonwealth.   |
| (1C) The above does not limit matters that may be considered when deciding to amend LENS.  | <b>Meets</b><br>The Department considers that it has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.   |
| (3) Before amending the LENS, the Minister must consult:<br>(a) other Minister or Ministers as appropriate; and<br>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and<br>(c) other persons and organisations as appropriate. | <b>Meets</b><br>The submission from the Western Australian Department of Primary Industries and Regional Development, was made available on the Department's website from 18 October 2019 to 18 November 2019. No comments were received.  |
| (5) A copy of an instrument made under section 303DC is to be made available for inspection on the internet.   | <b>Meets</b><br>Yes, the instrument made under section 303DC(1)(a) for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will be registered on the Federal Register of Legislation, and a link to the instrument made available through the Department's website.<br><br>Under subsection 56(1) of the <i>Legislation Act 2003</i> (CTH), registration on the FRL meets the requirements for gazettal.                                    |
| <b>Section 303FN Approved wildlife trade operation</b>   | <b>Comment</b>   |
| (2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <b>approved wildlife trade operation</b> for the purposes of this section.   | <b>Meets</b><br>Yes, the instrument to declare the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, as an approved wildlife trade operation under section 303FN will be registered on the Federal Register of Legislation and a link to the instrument made available through the Department's website.<br><br>Under subsection 56(1) of the <i>Legislation Act 2003</i> (CTH), registration on the FRL meets the requirements for gazettal. |

|   |   |
|---|---|
| <p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is <b>satisfied</b> that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p>   | <p><b>Meets</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is consistent with Objects of 13A – see above assessment against the Guidelines.</p>  |
| <p>(b) the operation will not be detrimental to:</p> <p>(i) the survival of a taxon to which the operation relates; or</p> <p>(ii) the conservation status of a taxon to which the operation relates; and</p> <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><b>Meets</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will not be detrimental to the survival or conservation status of a taxon to which it relates, nor will it threaten any relevant ecosystem, within the next <b>three years</b> including: net, given the management measures currently in place, which include: size (length and mesh size); fisher limits (number of fishers); boat size; gear type (power or hand operated hauling equipment); and limits on species harvested.</p> |
| <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><b>Meets</b></p> <p>The Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) do not specify Crustacea or 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><b>Meets</b></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 <b>regard</b> 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>Meets</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will not have a significant impact on any relevant ecosystem within the next <b>three years</b>, given the management measures currently in place, which include the arrangements described above at s303FN 3(b).</p>   |

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| <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>   | <p><b>Meets</b></p> <p>The management arrangements that will be employed for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, as outlined in the assessment against the Guidelines (above), 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 <b>regard</b> 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><b>Meets</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will be managed under the <i>Fish Resources Management Act 1994</i> (Western Australia).</p> <p>The <i>Fish Resources Management Act 1994</i> applies throughout Western Australian 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>(a) the operation is a commercial fishery.</p>  | <p><b>Meets</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones is a commercial fishery.</p>   |
| <p>(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>  | <p><b>Not applicable</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is not managed by the Commonwealth.</p>  |
| <p>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.</p>  | <p><b>Not applicable</b></p> <p>The Western Australian West Coast Purse Seine Managed Fishery and Development Zones, is not managed by the Commonwealth.</p>  |



| Section 303FR Public consultation  | Comment   |
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| <p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <ul style="list-style-type: none"> <li>(a) setting out the proposal to make the declaration; and</li> <li>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</li> <li>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</li> </ul> <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><b>Meets</b></p> <p>A public notice, which set out the proposal to declare the fishery an approved wildlife trade operation and included the application from the Western Australian Department of Primary Industries and Regional Development, was released for public comment on 18 October 2019 to 18 November 2019, for at least 20 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><b>Not applicable</b></p> <p>No public comments about the proposal were received.</p>  |
| Section 303FT Additional provisions relating to declarations   | Comments  |
| <p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>   | <p>A declaration for the Western Australian West Coast Purse Seine Managed Fishery and Development Zones, will be made under section 303FN.</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> <ul style="list-style-type: none"> <li>(a) during a particular period; or</li> <li>(b) while certain circumstances exist; or</li> <li>(c) while a certain condition is complied with.</li> </ul> <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"> <li>• operation in accordance with the management regime</li> <li>• notifying the Department of changes to the management regime, and</li> <li>• annual reporting in accordance with the requirements of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.</li> </ul> <p>The wildlife trade operation instrument for fishery, specifies the standard and any additional conditions applied.</p> |

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| (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 Western Australian West Coast Purse Seine Managed Fishery and Development Zones made under sections 303FN, and the conditions under section 303FT, will be registered as a notifiable instrument and made available through the Department's website. |

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

| Section 391 Minister must consider precautionary principle in making decisions |  | Comment   |
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| (1)  | Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.  | <b>Meets</b><br>Given the annual Ecosystem Based Fisheries Management (EBFM) risk assessment process; annual performance reviews; performance measures and indicators; net size (length and mesh size); fisher limits (number of fishers); boat size; gear type (power or hand operated hauling equipment); and limits on species harvested, precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery. |
| (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. |   |

## SECTION 4: SUMMARY OF ISSUES REQUIRING CONDITIONS

| Issue   | Condition  |
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| <p><b><u>General Management</u></b></p> <p>The export of Australian native flora and fauna is regulated by the Department of the Environment and Energy (the Department) under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). The EPBC Act export approval process is based on an assessment of the fishery's management arrangements that are in force at the time of the decision.</p> <p>Any reference to the Western Australian legislation can only be incorporated in the Commonwealth instruments as point-in-time references (that is, the fishery's management arrangements at the time the Commonwealth instrument commences).</p> <p>Therefore, any changes that are made to Western Australian legislation (including changes to Acts, regulations or management plans) after the Commonwealth instruments commence may not be covered by the export approval.</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 and Energy 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 by-product, bycatch, protected species or the ecosystem.</p> | <p><b>Condition 1:</b></p> <p>Operation of the fishery will be carried out in accordance with the management regime under the <i>Fish Resources Management Act 1994</i> (Western Australia).</p> <p><b>Condition 2:</b></p> <p>The Western Australian Department of Primary Industries and Regional Development, to inform the Department of the Environment and Energy, of any intended material changes to the West Coast Purse Seine Managed Fishery and Development Zones management arrangements that may affect the assessment, against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p> |
| <p><b><u>Annual Reporting</u></b></p> <p>It is important that reports be produced and presented to the Department of the Environment and Energy annually, in order for the performance of the fishery and progress in implementing the recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p> <p>Annual reports should follow Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' and include a description of:</p>   | <p><b>Condition 3:</b></p> <p>The Western Australian Department of Primary Industries and Regional Development to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.</p>   |

| Issue  | Condition  |
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| <p>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 conditions/recommendations identified in the previous assessment report. Electronic copies of the Guidelines are available from the Department of the Environment and Energy's website at <a href="http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries">http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries</a>.</p> <p>The annual reports ('Status reports of the fisheries and aquatic resources of Western Australia') were received as part of the previous submission package received in 2008, with data from 2004 to 2008. Reports are also available on the Western Australian Department of Primary Industries and Regional Development's website.</p>   |  |
| <p><b><u>Formalised harvest strategy</u></b></p> <p>The West Coast Purse Seine Managed Fishery and Development Zones uses conservative Total Allowable Catch delivered through the fishery's harvest management arrangements, to ensure a precautionary and 'best-practice' management approach. Within the last 20 years, research conducted within the fishery has indicated that these measures have been appropriately conservative.</p> <p>The fishery's management is largely based on the view of the stocks being regarded as 'low risk'. Research and reporting has indicated that target stocks are resilient and variable.</p> <p>The Department understands that current harvest levels for the West Coast Purse Seine Managed Fishery and Development Zones, are included in the annual 'Status reports of the fisheries and aquatic resources of Western Australia' and include catch tolerance levels which trigger a management response. Although various research has shown that current management measures are conservative and considered appropriate for potentially low-risk stocks, the Department acknowledges that there is no formal harvest strategy policy in place in the fishery.</p> | <p><b>Condition 4:</b></p> <p>The Western Australian Department of Primary Industries and Regional Development to:</p> <ul style="list-style-type: none"> <li>work towards developing (with the view to implementing) a formal harvest strategy for the West Coast Purse Seine Managed Fishery and Development Zones, detailing predictable and transparent management arrangements, ensuring the future ecological sustainability of the marine resources.</li> </ul> |

| Issue  | Condition |
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| <p>A harvest strategy is important to assist in ensuring ecological sustainability in the fishery. It also ensures that management approaches and responses are clearly outlined, predictable and transparent, assisting in maintaining a reliable foundation for harvest management in the fishery.</p> <p>The Department acknowledges that the Western Australian Department of Primary Industries and Regional Development, is in the process of developing formal harvest strategies for all WA fisheries. Development of formal harvest strategies is being progressed using a risk based approach, with fisheries categorised as higher risk, being given priority. The West Coast Purse Seine Managed Fishery and Development Zones has been assessed as a 'low-risk', so will have its strategy developed after those in the higher risk categories.</p> <p>The fishery has conservative management arrangements in place, and catch levels which are below the precautionary limits. The prioritisation framework for the development of the formal harvest strategies, is explained in the Fisheries Management Paper No. 271 – 'Harvest Strategy Policy and Operational Guidelines for the Aquatic Resources of Western Australia' (link can be found in under the Notes section above).</p> <p>Given that a formal harvest strategy is not yet in place in the fishery, the Department encourages the Western Australian Department of Primary Industries and Regional Development to continue working towards developing (with the view to implementing) a formal harvest strategy for the West Coast Purse Seine Managed Fishery and Development Zones, within the next three years. This will assist to ensure future sustainability of the stocks, through predictable and timely management responses and decision making, in regard to future harvest management arrangements.</p> |           |

## REFERENCES

Department of Sustainability, Environment, Water, Population and Communities (2012), 'Marine Bioregional Plan for the South-west Marine Region', Department of Sustainability, Environment, Water, Population and Communities, Canberra ACT, Available at: <http://www.environment.gov.au/marine/marine-bioregional-plans>.

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Gaughan, D.J. and Santoro, K. (eds). 2018. 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2016/17: The State of the Fisheries'. Department of Primary Industries and Regional Development, Western Australia.

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at: [http://www.fish.wa.gov.au/Documents/management\\_papers/fmp271.pdf](http://www.fish.wa.gov.au/Documents/management_papers/fmp271.pdf)