



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Assessment of the
**Western Australian Shark Bay Crab (Interim)
Managed Fishery**

October 2011

© Commonwealth of Australia 2011

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth, available from the Department of Sustainability, Environment, Water, Population and Communities. Requests and inquiries concerning reproduction and rights should be addressed to:

Assistant Secretary
Marine Biodiversity Policy Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
Canberra ACT 2601

Disclaimer

This document is an assessment carried out by the Department of Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities on the fishery in relation to decisions under Part 13 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for Sustainability, Environment, Water, Population and Communities or the Australian Government.

While reasonable efforts have been made to ensure that the contents of this report are factually correct, the Australian Government does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this report. You should not rely solely on the information presented in the report when making a commercial or other decision.

Contents

Contents	3
----------------	---

Table 1: Summary of the Western Australian Shark Bay Crab (Interim) Managed Fishery.....	4
---	----------

Table 2: Progress in implementation of conditions and recommendations made in the 2007 assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery.....	8
--	----------

Table 2 contains an update on the progress that has been made by the fishery's management agency in implementing the conditions and recommendations from the previous assessment of the fishery.

Table 3: The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A.....	13
---	-----------

Table 3 contains the department's assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery management arrangements against all the relevant parts of the *Environment Protection and Biodiversity Conservation Act 1999* that the delegate must consider before making a decision.

Final Recommendations to the Department of Fisheries Western Australia for the Western Australian Shark Bay Crab (Interim) Managed Fishery.....	21
--	-----------

This section contains the department's assessment of the performance of the fishery against the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition* and outlines the reasons the department recommends that product derived from the fishery be included in the list of exempt native specimens for a five year period.

Table 4: Western Australian Shark Bay Crab (Interim) Managed Fishery Assessment– Summary of Issues and Recommendations October 2011.....	22
---	-----------

Table 4 contains a description of the issues identified by the department with the current management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery and outlines the proposed recommendations that would form part of the delegate's decision to include product derived from the fishery in the list of exempt native specimens for a five year period.

Table 1: Summary of the Western Australian Shark Bay Crab (Interim) Managed Fishery

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • Western Australian <i>Fish Resources Management Act 1994</i> • Western Australian <i>Fish Resources Management Regulations 1995</i> • Western Australian <i>Shark Bay Crab Fishery (Interim) Management Plan 2005</i> (the Management Plan) • <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) • Department of Fisheries Western Australia Final Application to the Australian Government Department of the Environment and Heritage on the Shark Bay Experimental Crab Fishery - August 2004 • Department of the Environment and Heritage Assessment Report - 2004 • Department of Fisheries Western Australia State of the Fisheries Report - 2003/04 - 2009/2010 • Department of Fisheries Western Australia Gascoyne Coast Bioregion Report - 2006/2007 • Department of the Environment and Water Resources Assessment Report - 2007 • Application to Department of Sustainability, Environment, Water, Population and Communities on the Western Australian Shark Bay Crab (Interim) Managed Fishery May - 2011
<p>Area</p>	<p>The Western Australian Shark Bay Crab (Interim) Managed Fishery is located in the northern waters of Shark Bay, Western Australia, approximately 800 km north of Perth. Shark Bay is a marine embayment covering 13,000 square kilometres located in the Gascoyne region. The Western Australian Shark Bay Crab (Interim) Managed Fishery covers the waters of Shark Bay north of Cape Inscription, to Bernier and Dorre Islands and Quobba Point. In addition, two Shark Bay Crab permit holders are permitted to fish in the Shark Bay waters south of Cape Inscription due to their long standing histories of targeting crabs in Shark Bay.</p>
<p>Fishery status</p>	<p>Blue swimmer crabs are primarily taken by commercial trap fishers in the Western Australian Shark Bay Crab (Interim) Managed Fishery. Additional catch of blue swimmer crabs in Shark Bay is taken by trawlers operating in the Western Australian Shark Bay Prawn Managed Fishery, and to a lesser extent trawlers operating in the Western Australian Shark Bay Scallop Managed Fishery.</p> <p>Following a significant increase in the landed catch of blue swimmer crabs by both trawl and pot sectors in recent years, the Department of Fisheries Western Australia undertook a review of the status of blue swimmer crabs in 2011. This assessment concluded that there was a potential for overfishing of the spawning stock with the increased level of catch in the fishery.</p>

	In response to the 2011 stock review, the Department of Fisheries Western Australia has adopted a precautionary approach to the management of all commercial fishing for this stock. The annual total allowable catch limit has been capped at 700 tonnes and the size limit was increased to protect spawning stocks.
Target Species	<p>The fishery targets blue swimmer crabs (<i>Portunus pelagicus</i>).</p> <p>Information on the biology of this species can be found in the 2004 assessment of the fishery located on the Department of Sustainability, Environment, Water, Population and Communities website:</p> <p>http://www.environment.gov.au/coasts/fisheries/wa/shark-bay/report.html</p>
Byproduct Species	<p>Operators in the Western Australian Shark Bay (Interim) Managed Fishery are permitted to retain coral crabs (<i>Charybdis cruciata</i>) and sand crabs (<i>Overlipes australiensis</i>) as byproduct. However, the take of these two species is very low and considered negligible.</p> <p>Ongoing monitoring of the crab catches is undertaken by the Department of Fisheries Western Australia's observers two to three times per year, usually over a three to four day period in April, August and November. Monitoring to date has indicated such a low level of catch of coral crabs and sand crabs that the Department of Fisheries Western Australia considers that this level of monitoring is sufficient.</p>
Gear	The Western Australian Shark Bay (Interim) Managed Fishery uses purpose designed crab pots that must be in a series of not less than 20 crab traps joined together by a negatively buoyant rope. Pots are designed to enable the escape of non target species and undersized target species of less than approximately 120 mm. This specialised design requirement for escape gaps is included in all pots used in the fishery.
Season	All year.
Commercial harvest for 2010	<p>The trap sector's annual blue swimmer crab landings typically averages between 490 tonnes (t) and 560 t with an effort level of 310,000-350,000 trap lifts.</p> <p>The Shark Bay Prawn and Shark Bay Scallop Managed Fisheries retained an annual catch of 338 t.</p> <p>The 2010 total blue swimmer catch across Shark Bay was the highest on record at 828 t. This was comprised of a trap catch of 490 t and a trawl catch of 338 t.</p>
Value of commercial harvest for 2008/2009	\$3,500,000

Take by other sectors	<p>Information regarding the recreational take of blue swimmer crabs in the inner gulfs of Shark Bay has been obtained in the past from recreational surveys targeting pink snapper. These surveys indicated that recreational crab catch was minimal compared to the take by commercial fisheries operating in the gulfs. Past surveys provided the following estimates of recreational take:</p> <ul style="list-style-type: none"> • 2005 - 0.7 t; • 2006 - 1.7 t; and • 2007 - 1.3 t. <p>The recreational crab catch is estimated to account for approximately 1 per cent of the total catch of blue swimmer crabs in Shark Bay.</p>
Commercial licences issued	<p>There are currently five operators in the Western Australian Shark Bay (Interim) Managed Fishery. Authorisations are issued by exemption and/or permit and conditions on the Fishing Boat Licence.</p>
Management arrangements	<p>The fishery is managed by the Department of Fisheries Western Australia under the Western Australian <i>Fish Resources Management Act 1994</i> and the <i>Fish Resources Management Regulations 1995</i>. Management measures include:</p> <p><u>Input Controls</u></p> <ul style="list-style-type: none"> • pot number restrictions for the trap fleet; • seasonal and daily time restrictions; • vessel restrictions; • gear restrictions; • regulation of the number of licences; and • spatial restrictions. <p><u>Output Controls</u></p> <ul style="list-style-type: none"> • total allowable catch limit for crabs of less than 700 t; • carapace width limits of 135 mm set for commercial fishers; • carapace width limits of 127 mm set for recreational sectors; • minimum size limits well above the sexual maturity for male crabs; and • prohibition of take of berried females. <p><u>Measures to monitor performance</u></p> <ul style="list-style-type: none"> • work practices to reduce the mortality of returned undersized and berried crabs caught in commercial traps to negligible level; • voluntary daily logbooks; • compulsory catch and effort return; and • observers present two to three times per year usually over a three to four day period in April, August and November.
Export	<p>While the majority of the product is sold through local and interstate markets, several Shark Bay fishers have been developing markets in south-east Asia focusing on the value adding of product for the domestic market. The crab catch from the Pilbara region is sold through local and interstate markets.</p>

Bycatch	Changing from gillnets to traps in most blue swimmer crab fisheries has greatly reduced the amount of bycatch. Pots are designed specifically to minimise the capture of non-target species. Fish are able to escape through the entrance gaps when the pot is soaking or being hauled up. Any fish that are captured are returned.
Interaction with Protected Species¹	The crab trap longline system has little possibility of interacting with protected species such as marine turtles, sea snakes and dolphins. The impact on protected species is considered to be low. The fishery is conducted in a manner that avoids mortality of, or injury to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.
Ecosystem Impacts	Fishing with traps results in limited habitat disturbance, with only minor dragging of traps on the bottom during trap retrieval. Sand and associated biota are not brought to the surface in commercial blue swimmer crab traps as the mesh used on the traps is sufficiently large to allow the escape of any sand-dwelling organisms. Although seagrass is occasionally brought to the surface with the trap, the infrequent nature of this occurrence, and the small amount of living seagrass removed, results in minimal habitat damage.
If relevant: Impacts on World Heritage property	The previous assessment considered the possible impacts on the World Heritage values of the Shark Bay World Heritage Area. Given that areas of Shark Bay are closed to fishing, the Western Australian Shark Bay Crab (Interim) Managed Fishery is relatively small in scale and the fishing methods are relatively benign, it is considered that the Western Australian Shark Bay Crab (Interim) Managed Fishery is unlikely to compromise the World Heritage values for which Shark Bay was listed. On this basis the Department of Sustainability, Environment, Water, Population and Communities considers that an action taken by an individual fisher, acting in accordance with the Management Plan, would not be expected to have a significant impact on the World Heritage values of the Shark Bay World Heritage Area, and therefore would not be expected to have a significant impact on a matter protected by the EPBC Act.

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

Table 2: Progress in implementation of conditions and recommendations made in the 2007 assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery.

Condition	Progress	Recommended Action
1. Operation of the fishery will be carried out in accordance with the <i>Shark Bay Crab Fishery (Interim) Management Plan 2005</i> and management regime for the fishery in force under the <i>Western Australian Fish Resources Management Act 1994</i> and <i>Fish Resources Management Regulations 1995</i>	The department considers that the Western Australian Shark Bay (Interim) Managed Fishery has continued to operate in accordance with the management regime in force under the <i>Western Australian Fish Resources Management Act 1994</i> and <i>Fish Resources Management Regulations 1995</i>	The department considers that this condition has been met. The department recommends that this action be continued (see Recommendation 1, Table 4).
2. The Department of Fisheries Western Australia to advise the department of any material change to the Western Australian Shark Bay Crab (Interim) Managed Fishery's legislated management regime and/or arrangements that could affect the criteria on which EPBC Act ² decisions are based, within three months of that change being made.	The department recognises that even though extensions have been made to the Western Australian Shark Bay (Interim) Managed Plan 2005, there has been no material change thus far to the management arrangements. The department accepts that the fishery will notify the department of any progress regarding material management changes when it arises.	The department considers that this condition has been met. The department recommends that this action be continued (see Recommendation 2, Table 4).

² *Environment Protection and Biodiversity Conservation Act 1999.*

Condition	Progress	Recommended Action
<p>3. Department of Fisheries Western Australia to produce and present reports to the Department of Environment and Heritage annually as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.</p>	<p>The Western Australia Department of Fisheries has provided reports annually to the department.</p> <p>The department was provided with an Aquatic Management Ecologically Sustainable Development Status report in October 2010.</p> <p>In January 2011, the department received an updated annual status report for the fishery.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that this action be continued (see Recommendation 3, table 4).</p>

Recommendation	Progress	Recommended action
<p>1. Within two years, the Department of Fisheries Western Australia to review and update performance measures, indicators, management responses and information requirements for blue swimmer crab in the fishery. As part of this review, the Department of Fisheries Western Australia to develop a total acceptable catch range for blue swimmer crab as a performance measure.</p>	<p>As stated in the Department of Fisheries Western Australia Research Division's January 2011 report 'Advice on the Current Status of the Western Australian Shark Bay Blue Swimmer Crab Stock', provided by the Department of Fisheries Western Australia, the current monitoring program is not capable of providing the data required for the estimation of precise sustainable catch levels for the blue swimmer crabs including any annual forecasts.</p> <p>To ensure that the uncertainty around the sustainable catch level does not lead to overfishing, the Department of Fisheries Western Australia has limited the overall commercial catch (including both trawl and trap sectors) to 700 tonnes per year and increased the minimum landing size to protect spawning stocks until additional research is carried out which provides the basis to estimate the sustainable harvest level.</p> <p>The department acknowledges that precautionary performance measures have been set and is satisfied that appropriate measures are in place to meet this recommendation.</p> <p>An external review of the current research and monitoring program for the Western Australian Shark Bay Crab Fishery commenced in May 2011. This review will seek to identify if there are any significant gaps in knowledge regarding the Shark Bay crabs.</p>	<p>The department considers that this recommendation has been partially met but further action is required (see Recommendation 4, table 4).</p>

Recommendation	Progress	Recommended action
<p>2. Within two years, the Department of Fisheries Western Australia to develop performance measures based on the best available information, for the two byproduct species.</p>	<p>The Department of Fisheries Western Australia Research Division observers are present on the vessels two to three times per year usually over a three to four day period in April, August and November. The ongoing monitoring by observers indicates a very low level of catch of the two byproduct crab species. The Western Australian Department of Fisheries considers that due to the low levels of bycatch, there is no longer a need to direct additional resources to this area. The department acknowledges this and is satisfied that these performance measures for byproduct species are not required.</p>	<p>The department considers that this recommendation has been met.</p>
<p>3. Department of Fisheries Western Australia to monitor performance measures and indicators for the Shark Bay Crab (Interim) Management Fishery. Within three months of becoming aware that a performance measure has not been met, Department of Fisheries Western Australia to develop potential management responses and timeframes for implementation.</p>	<p>The Department of Fisheries Western Australia has continued to monitor blue swimmer crab catches in Shark Bay and has been working with stakeholders in developing a more precautionary management approach for this fishery. The commercial catch limit has been set at a limit of 700 tonnes until there is greater scientific certainty on the exact sustainable take for the Shark Bay crabs. The department acknowledges that precautionary performance measures have been set and is satisfied that appropriate measures are in place to meet this recommendation.</p>	<p>The department considers that this recommendation has been met.</p>

<p>4. In its review of the management arrangements of the fishery, Department of Fisheries Western Australia to take into consideration the findings of the FRDC³ project (2001/068) and any other relevant research.</p>	<p>The department has been informed of the findings of the Fisheries Research and Development Corporation project by the Western Australian Department of Fisheries and is satisfied that this information has been taken into consideration.</p> <p>The recommendations were:</p> <ul style="list-style-type: none"> • to implement fishery research; • encourage fishers to disperse fishing effort to utilise all areas available and provide additional information of stocks in the area; • continue funding for research, monitoring and scientific input to future management decisions; • improve the participation and accuracy of compulsory logbooks returns; and • continue the extension of the catch monitoring program. 	<p>The department considers that this recommendation has been met.</p>
--	---	--

³ Fisheries Research and Development Corporation

Table 3: The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A.

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Parts 13 and 13A. A complete version of the EPBC Act can be found on the DSEWPaC website.

Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Western Australian Shark Bay Crab (Interim) Management Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy 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; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery in place under the Western Australian <i>Fish Resources Management Regulations 1995</i> in force under the Western Australian <i>Fish Resources Management Act 1994</i>, was accredited in December 2005. The management arrangements for the Western Australian Shark Bay Crab (Interim) Managed Fishery have not significantly changed since this accreditation was granted. Hence the Department of Sustainability, Environment, Water, Population and Communities considers that the management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery requires that all reasonable steps are taken to avoid the killing or injuring of listed threatened species.</p> <p>The Department of Sustainability, Environment, Water, Population and Communities also considers that the fishery does not, or is not likely to, adversely affect the survival in nature of listed threatened species or populations of those species.</p>

Part 13 (cont.)

Division 2 Migratory species Section 222A Minister may accredit plans or regimes	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to; adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery in place under the Western Australian <i>Fish Resources Management Regulations 1995</i> in force under the Western Australian <i>Fish Resources Management Act 1994</i>, was accredited in December 2005. The management arrangements for the Western Australian Shark Bay Crab (Interim) Managed Fishery have not significantly changed since this accreditation was granted. Hence the Department of Sustainability, Environment, Water, Population and Communities considers that the management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery requires that all reasonable steps are taken to avoid the killing or injuring of listed migratory species.</p> <p>The Department of Sustainability, Environment, Water, Population and Communities also considers that the fishery does not, or is not likely to, adversely affect the survival in nature of listed migratory species or populations of those species.</p>

Part 13 (cont.)

Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery in place under the Western Australian <i>Fish Resources Management Regulations 1995</i> in force under the Western Australian <i>Fish Resources Management Act 1994</i>, was accredited in December 2005. The management arrangements for the Western Australian Shark Bay Crab (Interim) Managed Fishery have not significantly changed since this accreditation was granted. Hence the Department of Sustainability, Environment, Water, Population and Communities considers that the management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery requires that all reasonable steps are taken to avoid the killing or injuring of whales and other cetaceans.</p> <p>The Department of Sustainability, Environment, Water, Population and Communities also considers that the fishery does not, or is not likely to, adversely affect the survival in nature of whales and other cetaceans or populations of those species.</p>

Part 13 (cont.)

Division 4 Listed marine species Section 265 Minister may accredit plans or regimes	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Shark Bay Crab (Interim) Managed Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>The management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery in place under the Western Australian <i>Fish Resources Management Regulations 1995</i> in force under the Western Australian <i>Fish Resources Management Act 1994</i>, was accredited in December 2005. The management arrangements for the Western Australian Shark Bay Crab (Interim) Managed Fishery have not significantly changed since this accreditation was granted. Hence the Department of Sustainability, Environment, Water, Population and Communities considers that the management regime for the Western Australian Shark Bay Crab (Interim) Managed Fishery requires that all reasonable steps are taken to avoid the killing or injuring of listed marine species.</p> <p>The Department of Sustainability, Environment, Water, Population and Communities also considers that the fishery does not, or is not likely to, adversely affect the survival in nature of listed marine species or populations of those species.</p>

Part 13 (*cont.*)

Section 303AA Conditions relating to accreditation of plans, regimes and policies	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Shark Bay Crab (Interim) Managed Fishery
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The department recommends that the Western Australian Shark Bay Crab (Interim) Managed Fishery be 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: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	No condition has been imposed on the Western Australian Shark Bay Crab (Interim) Managed Fishery to satisfy section 208A, 222A, 245 and 265 under Part 13.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	

Part 13A

Section 303BA Objects of Part 13A

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

- (a) to ensure that Australia complies with its obligations under CITES⁴ and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and
- (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora

Section 303DC Minister may amend list	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Western Australian Shark Bay Crab (Interim) Managed Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (a) including items in the list; (b) deleting items from the list; or (c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (d) varying of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (e) correcting an inaccuracy or updating the name of a species. 	
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>The public comment period on the Western Australian Shark Bay Crab (Interim) Managed Fishery submission sought comment on the annual reports/submission for the Western Australian Shark Bay Crab (Interim) Managed Fishery and provided sufficient opportunity for consultation with other persons and organisations.</p> <p>A letter to the Hon Norman Moore MLC will be sent to advise him of the intention to declare the fishery exempt from the export provisions of the EPBC Act.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the Western Australian Shark Bay Crab (Interim) Managed Fishery made under section 303DC will be gazetted and made available on the Department of Sustainability, Environment, Water, Population and Communities' website.</p>

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The Department of Sustainability, Environment, Water, Population and Communities assessment of the Shark Bay Crab (Interim) Managed Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The precautionary principle has been considered when making a decision to include specimens in the list of exempt native specimens.
(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.	

The Department of Sustainability, Environment, Water, Population and Communities' final recommendations to the Department of Fisheries Western Australia for the Western Australian Shark Bay Crab (Interim) Managed Fishery.

The material submitted by the Department of Fisheries Western Australia indicates that the Western Australian Shark Bay Crab (Interim) Managed Fishery operates in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd edition*.

Entry to the fishery is limited to five permits with a maximum of 300 traps. Annual catch is primarily taken by commercial trap fishers in the Western Australian Shark Bay Crab (Interim) Managed Fishery and trawlers operating in the Western Australian Shark Bay Prawn Managed Fishery, with a negligible amount taken by trawlers operating in the Western Australian Shark Bay Scallop Managed Fishery. Although current reports state that a precise sustainable catch level can not at this time be determined, the Department of Fisheries Western Australia has established a precautionary total allowable catch for the fishery. The commercial sector has a more restricted minimum size limit than the recreational sector offering increased biological protection to the breeding stock (a minimum 135 mm carapace width applies to the commercial trap sector, 138 mm for the trawl sector and 127 mm for the recreational sector). The fishery is managed consistent with the Western Australian *Fish Resources Management Act 1994*. The Department of Sustainability, Environment, Water, Population and Communities considers that the range of management measures are sufficient to ensure that the fishery is conducted in a manner that does not lead to overfishing and that stocks are not currently overfished.

Taking into account that harvesting occurs using purpose designed pots, resulting in no reported interactions with protected species, no byproduct issues and very low bycatch, the department considers that fishing operations are managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

The department considers that product taken in the fishery should be exempt from the export controls of Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*, with that exemption to be reviewed in five years. To contain and minimise the risks in the longer term the recommendations listed in Table 4 have been made. Unless a specific time frame is provided in the recommendation, each recommendation should be addressed during the five year period.

**Table 4: Shark Bay Crab (Interim) Managed Fishery Assessment– Summary of Issues and Recommendations
October 2011**

	Issue	Recommendation
1	<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of Sustainability, Environment, Water, Population and Communities needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.</p>	<p>Recommendation 1: Operation of the fishery will be carried out in accordance with the Western Australian <i>Shark Bay Crab Fishery (Interim) Management Plan 2005</i> and management regime for the fishery in force under the Western Australian <i>Fish Resources Management Act 1994</i> and <i>Fish Resources Management Regulations 1995</i>.</p> <p>Recommendation 2: The Western Australian Department of Fisheries to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the Western Australian Shark Bay Crab (Interim) Managed Fishery’s legislated management regime and management arrangements that could affect the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>

2	<p>Annual Reporting</p> <p>It is important that reports be produced and presented to the Department of Sustainability, Environment, Water, Population and Communities 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 (five years).</p> <p>Annual reports should follow Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i> (the Guidelines) and include: a description of the fishery; management arrangements in place; research and monitoring outcomes; recent catch data for all sectors of the fishery; status of target stock; interactions with protected species; impacts of the fishery on the ecosystem in which it operates; and, progress in implementing the department’s recommendations. Electronic copies of the Guidelines are available from the department’s website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html</p> <p>Further, while noting the low levels of non-target species caught in the fishery, the department encourages the Western Australian Department of Fisheries to incorporate catch summaries of byproduct and bycatch into the annual State of the Fishery reporting to demonstrate the negligible take of byproduct and bycatch species. To quantify the amount of bycatch in the fishery, the Department of Fisheries Western Australia has advised the department that it will undertake one season of quarterly onboard bycatch monitoring.</p>	<p>Recommendation 3: The Department of Fisheries Western Australia to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>.</p> <p>These reports should also include updates regarding catch summaries of bycatch and byproduct.</p>
---	--	--

3	<p><u>Sustainable catch levels</u></p> <p>The January 2011 report '<i>Advice on the Current Status of the Western Australian Shark Bay Blue Swimmer Crab Stock</i>', provided by the Department of Fisheries Western Australia shows that the current monitoring program is not capable of providing the data required for the estimation or precise sustainable catch levels for blue swimmer crabs, including annual forecasts. The report identified the spawning stock is at high risk of overfishing and recommended a precautionary approach be implemented until a robust sustainable catch level can be estimated.</p> <p>To ensure that the uncertainty around the sustainable catch level does not lead to overfishing, the Department of Fisheries Western Australia has limited the overall commercial catch (including both trawl and trap sectors) to 700 tonnes per year and increased the minimum landing size to protect spawning stocks until additional research is carried out which provides the basis to estimate the sustainable harvest level.</p> <p>An external review on the current research and monitoring program for Shark Bay Crabs commenced in May 2011. The purpose of this review is to identify significant gaps in knowledge regarding Shark Bay crabs and plan for future targeted research. The Department of Sustainability, Environment, Water, Population and Communities recommend that the Department of Fisheries Western Australia utilise the external review to foster research that will enable a robust estimate of a sustainable catch level. When this information becomes available the Department of Fisheries Western Australia should review and update performance, indicators, management responses and information requirements for blue swimmer crabs in the fishery.</p>	<p>Recommendation 4: Within five years, the Department of Fisheries Western Australia to review and update performance measures, indicators, management responses and information requirements for blue swimmer crab in the fishery. As part of this review, the Department of Fisheries Western Australia to develop a total acceptable catch limit for blue swimmer crab as a performance measure.</p>
---	--	---

