



Australian Government

Department of the Environment and Energy

Assessment of the
Tasmanian Rock Lobster Fishery

August 2016

© Copyright Commonwealth of Australia, 2016.



Assessment of the Tasmanian Rock Lobster Fishery August 2016 is licensed by the Commonwealth of Australia for use under a Creative Commons By Attribution 3.0 Australia licence with the exception of the Coat of Arms of the Commonwealth of Australia, the logo of the agency responsible for publishing the report, content supplied by third parties, and any images depicting people. For licence conditions see: <http://creativecommons.org/licenses/by/3.0/au/>.

This report should be attributed as '*Assessment of the Tasmanian Rock Lobster Fishery August 2016*, Commonwealth of Australia 2016'.

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 and Energy 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 and Energy 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

Section 1: Summary of the Assessment for the Tasmanian Rock Lobster Fishery Against the Guidelines for the Ecologically Sustainable Management of Fisheries (2nd Edition)	2
Section 2: Detailed Analysis of the Tasmanian Rock Lobster Fishery Against the Guidelines for the Ecologically Sustainable Management of Fisheries (2nd Edition).....	5
Section 3: Assessment of the Tasmanian Rock Lobster Fishery Against the Requirements of the EPBC Act.....	14

SECTION 1: SUMMARY OF THE ASSESSMENT FOR THE TASMANIAN ROCK LOBSTER FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Purpose: To enable transparent articulation of which commercial fisheries assessed under the EPBC Act clearly meet all legislative requirements and all Guidelines, and those which may require further investigation or assessment to demonstrate requirements are met.

Overview of Tasmanian Rock Lobster Fishery against the relevant requirements of the Guidelines and the EPBC Act.

Guidelines	Meets	Partially meets	Does not meet	Details
Management regime	8 of 9 1 of 9 N/a			The management regime is effective. Management arrangements for the Tasmanian Rock Lobster Fishery (the fishery) are regulated by the Fisheries (Rock Lobster) Rules 2011 (Rock Lobster Rules) and closely monitored by the Department of Primary Industries, Parks, Water and Environment (DPIPWE). Management is transparent, information is publicly accessible, and the general public is involved in consultation processes.
Principle 1 (target stocks)	11 of 11			Robust and active management of target stocks. The fishery is conducted in a manner that is likely to maintain ecologically viable stock levels. Where stocks have been overfished – as is the case in the east coast region – the management arrangements that have been implemented are robust and have a high chance of recovering the stocks to a sustainable biomass.
Principle 2 (bycatch and TEPS)	7 of 12	5 of 12		Risks to bycatch and protected species are generally well managed. Reliable bycatch information is collected and risk to bycatch species is considered low to moderate. Measures are in place to avoid capture and mortality of bycatch (i.e. mandatory escape gap in each lobster pot). Decision rules that trigger a management response are in development for the higher risk bycatch species. Reliable information on threatened, endangered and protected species (TEPS) is collected and the risk from fishing operations is considered low to medium. DPIPWE is in the process of assessing some outstanding risks including threats to the Giant Kelp threatened ecological community (TEC) and concerns regarding 'bait bands'. An emerging TEPS issue, although still unquantified, is the potential for migrating baleen whales to become entangled in pot lines. Currently no measures address the risk posed to TEPS from entanglement in the residual pot line.
Principle 2 (ecosystem impacts)	4 of 5 1 of 5 N/a			Ecological risk is inherently low due to the fishing method used. Impacts on the wider ecosystem from gear have been researched and assessed as having negligible risk. The main ecosystem concern is the link

				between lobster predation of Sea Urchin (<i>Centrostephanus rodgersii</i>) and the formation of urchin 'barrens' when lobster are harvested. Research is underway to try to set limits around a sustainable harvest while also ensuring this species fulfils its ecosystem function in limiting urchin barren formation.
EPBC requirements				
Part 12				Not applicable. There is no fishing activity within areas covered by a bioregional plan.
Part 13	11 of 11			Meets. The management regime for the fishery continues to require operators to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.
Part 13A	1 of 3 1 of 3 N/a	1 of 3		The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A. There is limited consultation if LENS is amended, although sufficient for strict requirements, as per advice to Minister in MS14-002367.
Part 16	1 of 1			The Department has accounted for the precautionary principle in the preparation of its advice.
<p>Conclusion:</p> <p>This fishery targets Southern Rock Lobster (<i>Jasus edwardsii</i>) using baited lobster pots. The management regime is robust and there are sufficient controls in place to ensure that the fishery is conducted in a manner that does not lead to overfishing and there are arrangements to recover any overfished stocks. The ecological risk to the wider ecosystem is inherently low due to the fishing method used and fishing operations are managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.</p> <p><u>Outstanding issue 1:</u> In October 2006, DPIPWE hosted a rock lobster bycatch risk assessment workshop that involved fishery managers from Tasmania, South Australia and Victoria and the former Tasmanian Aquaculture and Fisheries Institute. The risk of the fishery impacting on populations of bycatch species was considered low to moderate. Measures are in place to avoid capture and mortality of bycatch (i.e. mandatory escape gap in each lobster pot). However, decision rules that trigger additional management measures when significant perturbations in bycatch species numbers are identified are in development. The proposed decision rule will identify any considerable change in a bycatch species against a reference time period. The Department supports DPIPWE's approach and considers this development has a high chance of ensuring the impact on bycatch species from the fishery is minimal.</p> <p><u>Outstanding issue 2:</u> An emerging TEPS issue, although still unquantified, is the potential for migrating baleen whales to become entangled in pot lines. DPIPWE is collaborating with the Tasmanian Rock Lobster Fisherman's Association to develop a mitigation strategy to address the risk to TEPS through entanglement in residual line on the surface.</p>				
<p>Final recommendation for the 2016 assessment of the Tasmanian Rock Lobster Fishery:</p> <p>Low risk, eligible for 10 year approval (2016-2026).</p>				

Notes:**Assessment history:**

The assessment history for the Tasmanian Rock Lobster Fishery is available on the Departments website at <http://environment.gov.au/marine/fisheries/tas/rock-lobster>.

1st assessment finalised March 2002 – Exempt from export provisions of Part 13A of the EPBC Act until 5 February 2007 (F2005B02153). Export approval was subject to 11 recommendations. Accredited under Part 13 on 5 February 2002.

2nd assessment finalised January 2007 – Exempt from export provisions of Part 13A of the EPBC Act until 5 February 2012 (F2007L00229). Export approval was subject to eight recommendations. Accredited under Part 13 on 29 January 2007.

3rd assessment finalised February 2012 – Exempt from export provisions of Part 13A of the EPBC Act until 3 February 2017 (F2012L00150). Export approval was subject to four recommendations. Accredited under Part 13 on 1 February 2012

Fishery reporting:

Annual report – last provided in September 2015.

Protected species interactions – Not reported as TEPS interactions considered negligible.

Key links:

The fishery is managed in accordance with provisions in the following Tasmanian legislation and regulations, and is available at <https://www.legislation.tas.gov.au/>:

- *Fisheries (Rock Lobster) Rules 2011*
- *Fisheries (Rock Lobster) Amendment Rules 2014*
- *Fisheries (Rock Lobster) Amendment Rules 2015*

Department of Primary Industries, Parks, Water and Environment 'Rock Lobster Fishery' webpage – <http://dpipwe.tas.gov.au/sea-fishing-aquaculture/commercial-fishing/rock-lobster-fishery>.

Department of the Environment and Heritage 2005 'Fishing risk assessment for the development of a representative system of Marine Protected Areas in the South-east Marine region – report of the Technical Working Group', unpublished report, Department of Environment and Heritage, Canberra ACT.

Department of Primary Industries, Parks, Water and Environment 2015 'Tasmanian Rock Lobster Fishery east coast stock rebuilding strategy 2013-2023, Department of Primary Industries, Parks, Water and Environment, Hobart TAS.

Department of the Environment and Energy 2012 'Listing advice for the Giant Kelp Marine Forests of South East Australia ecological community', Department of the Environment and Energy, Canberra ACT, Available at <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/107-listing-advice.pdf>.

Fisheries Research and Development Corporation (FRDC) 2014 'Status of Key Australian Fish Stocks Reports 2014', Available at http://www.fish.gov.au/Pages/SAFS_Report.aspx, pp. 207-212.

Ford W 2001 'Assessing the ecological sustainability of the Tasmanian Rock Lobster Fishery, May 2001', Department of Primary Industries, Water and Environment, Hobart TAS, Available at <http://www.environment.gov.au/system/files/pages/b005c746-52ba-4880-9ee0-100f32511855/files/tas-rock-lobster-submission.pdf>.

Hartmann K, Gardner C, and Hobday D 2013 'Tasmanian Rock Lobster Fishery 2011/2012 – Fishery assessment report', Institute for Marine and Antarctic Studies, Hobart TAS, Available at http://www.imas.utas.edu.au/__data/assets/pdf_file/0006/743136/Rock-Lobster_2011-12.pdf.

SECTION 2: DETAILED ANALYSIS OF THE TASMANIAN ROCK LOBSTER FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines	Meets	Partially meets	Does not meet	Comment
THE MANAGEMENT REGIME				
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:				
Be documented, publicly available and transparent	Meets. Management arrangements are documented, publicly available and transparent. Fisheries under Tasmanian jurisdiction are administered through the provisions of the Tasmanian <i>Living Marine Resources Management Act 1995</i> (the LMRM Act) and its subordinate legislation. The Fisheries (Rock Lobster) Rules 2011 (Rock Lobster Rules) and associated amendments provide the overarching legislation for the Tasmanian Rock Lobster Fishery (the fishery). All Tasmanian legislation is publicly available on the Tasmanian legislation website (links above). Information on the fishery, and policy frameworks for the management of other Tasmanian fisheries is available on the Department of Primary Industries, Parks, Water and Environment (DPIPWE) website (links above).			
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	Meets. The development of and changes to a management regime must be released for public consultation with all stakeholders and the wider public.			
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	Meets. Advisory committees are formed under the provisions of the LMRM Act to provide advice to the Tasmanian Minister on the management of the state's fisheries, including considerations of stock viability. To ensure a range of expertise and community interests are represented, these advisory committees include a range of expertise from the recreational fishery, management, police, scientists and broader community. Relevant fishing industry representatives are also provided membership to the relevant advisory committees to ensure appropriate representation and consultative processes. The commercial sector is also represented by the Tasmanian Rock Lobster Fisherman's Association (TRLFA).			
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	Meets. The objectives and performance measures for assessing the effectiveness of management arrangements for the harvesting of rock lobster in Tasmania are contained within the 2001 DPIPWE submission on ecologically sustainability (see Ford 2001). The performance measures and trigger points are currently being reviewed and refined. The Institute for Marine and Antarctic Studies (IMAS) produces a yearly Tasmanian Rock Lobster Fishery assessment report. The performance measures are detailed in the Tasmanian Rock Lobster Fishery Assessment 2011/12 (Hartmann, Gardner and Hobday 2013).			

Be capable of controlling the level of harvest in the fishery using input and/or output controls	<p>Meets.</p> <p>Management measures include the following input and output controls:</p> <ul style="list-style-type: none"> • limited entry • restricted seasons • gear restrictions and requirements • annual total allowable commercial catch (TACC) limits, including catch caps for commercial and recreational fishing on the east coast • minimum size limits • prohibition on the harvesting of berried females, and • a comprehensive monitoring regime, including documentation and real time reporting.
Contain the means of enforcing critical aspects of the management arrangements	<p>Meets.</p> <p>The Rock Lobster Rules contain penalties that can be imposed by a Court if an offence is proven. Also, provisions apply for infringement notices with mandated smaller penalties, which can be issued at the discretion of a fisheries officer for lesser or first offences. Enforcement of these rules is undertaken by Tasmania Police, who are authorised fishery officers under the LMRM Act.</p>
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	<p>Meets.</p> <p>All management plans and rules are subject to periodic formal review – generally every ten years. However, if issues arise then more specific reviews can be undertaken if statutory management changes are required. The fishery assessment report contains the performance measures in place for the fishery and reports against those measures on an annual basis (see Hartmann, Gardner and Hobday 2013).</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>Meets.</p> <p>The impact on the wider marine ecosystem from the fishing operations and the gear used is considered to be low. Data is collected from a range of sources, including logbooks, observers and a research pot program, and assessed annually to monitor any impacts on bycatch and protected species. Available information suggests that the current management arrangements are sufficient and that any adverse impacts on the wider marine ecosystem are unlikely.</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>Not applicable.</p> <p>There are no relevant plans or strategies relating to threat abatement, recovery or bycatch with which the fishery is required to be compliant.</p>
<p>PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.</p>	
<p>Objective 1 - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.</p>	

Information requirements	
1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.	<p>Meets.</p> <p>Mandatory logbooks record daily catch and effort. In addition, this data is supplemented by a research pot sampling program that allows fishers to fish with two extra pots with closed escape gaps. The data set provides information on the size structure of the stock and currently has participation from over 50 fishers. Fishery independent information is collected from a catch sampling program which is looking at providing information about growth and reproduction and changes through time. This project samples the same location once a year to keep the data standardised. On-board observers provide further independent verification of catch data. The level of observer coverage was over 200 observer days in the 2015 fishing season, providing a reliable independent information source.</p>
Assessment	
1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.	<p>Meets.</p> <p>The fishery is formally assessed annually by IMAS. A stock assessment model is used to estimate the impact of fishing effort on catch rates, stock abundance and egg production. The most recent full stock assessment was undertaken in 2013. The major tool for conducting the assessment for the fishery is a spatially explicit size structured population model. The stock assessment model has undergone significant review since its inception and is continually refined when new information becomes available. Future model projections are used to provide guidance on setting the TACC and achieving the limit and target reference points.</p>
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	<p>Meets.</p> <p>There is assumed to be one genetically homogeneous population of Southern Rock Lobster across its distribution from Western Australia to Victoria, including Tasmania. The distribution and spatial structure of the stock within Tasmanian waters is well understood, with detailed information collected through numerous studies such as a recent comprehensive genetics project. The Status of Key Australian Fish Stocks (FRDC 2014) provides information on the status of rock lobster at a whole of stock level, including a cross-jurisdictional (WA, SA, Vic & Tasmania) stock analysis.</p>
1.1.4 There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.	<p>Meets.</p> <p>The commercial and recreational harvest of rock lobster is factored into local stock assessments and target species catch levels. Recreational fishing surveys are conducted annually to monitor recreational fishing interest. Although no estimate of Indigenous harvest of rock lobster has been provided, the catch is considered to be low (less than five per cent) and the recreational catch limits also apply to Indigenous fishing. Illegal fishing is known to occur but no estimates of this catch are available.</p>
1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.	<p>Meets.</p> <p>A comprehensive stock assessment is conducted by IMAS using a stock assessment model. The model is based on the virgin biomass of rock lobster and informs managers of potential scenarios to be considered when setting the TACC. The assessment model is robust and capable of evaluating management options with fine spatial resolution.</p>
Management responses	

1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.	Meets. The fishery is quota managed with the TACC based on a robust assessment model (see 1.1.5). Additionally, there are reference points to assess key performance indicators including total catch, catch per unit effort (CPUE), estimated legal size biomass, egg production, relative abundance of undersize stock, recreational catch and bycatch/byproduct species.
1.1.7 There are management strategies in place capable of controlling the level of take.	Meets. Management measures, including the input and output controls identified above, are capable of controlling the level of harvesting of rock lobster in Tasmanian waters.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	Meets. Licensed fishers are permitted to retain a limited amount of byproduct including octopus, giant crab and a variety of finfish species (some of which are commercial such as wrasse). The Rock Lobster Rules set possession limits for the more common byproduct species including octopus, inshore crab and giant crab. The requirements for byproduct reporting was updated in 2007 to improve the accuracy of reporting. Retained product is also differentiated into bait and product for sale. Although byproduct appears under-reported in the fishery, especially for animals used as bait, the level of byproduct is thought to be low. The surveys conducted by IMAS and observer coverage provide a sound harvest estimate of all species. The catch data is monitored and assessed annually and any significant changes in catch rates are investigated. Therefore, all species are regularly monitored including byproduct species that may be used as bait.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets. The capability of the management strategy to constrain the harvest of rock lobster to within sustainable levels is high. The range of management controls is sufficient to ensure that the fishery is conducted in a manner that does not lead to overfishing and that there are arrangements to recover any overfished stocks.
If overfished, go to Objective 2:	
If not overfished, go to PRINCIPLE 2:	
Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
Management responses	
1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within	Meets. A review of the fishery between 2009 and 2011 identified that stocks on the east coast were overfished and a management response was needed. Subsequently, an east coast rebuilding strategy was established. The strategy aims to rebuild the east coast rock lobster stock to greater than 20 per cent of unfished stock and in excess of the peak biomass levels of the mid 2000s by 2023. In addition to rebuilding objectives, the strategy directs setting of TACC so there is a 90 per cent probability that the stock will not reach the limit reference point.

a specific time period appropriate to the biology of the stock.	
1.2.2 If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.	Meets. The management response includes both input and output controls. A combination of seasonal closures and a catch cap system for the east coast will be applied to the commercial and recreational sectors. Furthermore, the practice of multiple night shots has been prohibited within the catch cap zone to reduce the risk of the 'race to fish'.
PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.	
Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.	
Information requirements	
2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.	Meets. Fishers are not required to record bycatch in the logbooks but bycatch information is collected through research trips and also with observers aboard commercial vessels. Using observer data from the catch sampling program is a practical, cost-effective approach to collect a wide range of fishery independent data from the fishery. DPIPWE and IMAS consider this observer data to be representative of the fishery as sampling involves commercial vessels undertaking commercial fishing across a broad range of areas and seasons. The level of observer coverage was over 200 observer days in the 2015 fishing season, providing a reliable independent information source. Bycatch information is also collected from annual research trips, where research pots with no escape gaps are used.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Meets. A tri-state (Tasmania, South Australia and Victoria) rock lobster bycatch risk assessment workshop was facilitated by DPIPWE and the former Tasmanian Aquaculture and Fisheries Institute in October 2006. Workshop participants included the rock lobster managers and researchers from each State and the conservation representative from the Victorian commercial rock lobster and giant crab committee. The workshop considered the bycatch data collected by each state and undertook a risk assessment of the impact of rock lobster fishing on all known bycatch species. Significant bycatch species identified at the workshop included octopus species, Blue-throat Wrasse (<i>Notolabrus tetricus</i>) and other wrasse species, and leatherjacket species. The risk of rock lobster fishing impacting on these bycatch species populations was considered low to moderate.
Management responses	
2.1.3 Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected	Meets. The primary measure in place to avoid capture and mortality of bycatch species is the mandatory escape gap in each pot. In accordance with the Rock Lobster Rules, a pot must have either one escape gap at least 57 mm high and 400 mm wide and not more than 150 mm from the inside lower edge of the pot, or two

species). Steps must be taken to develop suitable technology if none is available.	escape gaps at least 57 mm high and 200 mm wide and not more than 150 mm from the inside lower edge of the pot.
2.1.4 An indicator group of bycatch species is monitored.	Meets. Data from logbook, observer and pre-season surveys is reviewed at least annually for any emerging issues. IMAS is developing an online rock lobster stock assessment reporting project, due to be released in November 2016. The reporting will include an annual analysis of the main bycatch species (standardised number / year) from 2000 to the current assessment year (2016).
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Partially meets. Decision rules that trigger a management response are in development for higher risk bycatch species. DPIPWE, in consultation with IMAS, has initiated the development of a suitable performance measure for significant changes in the numbers of bycatch. The primary focus will be on species that had a low or low/moderate risk ranking from the 2006 tri-state bycatch workshop. The proposed performance measure will identify any considerable change in a bycatch species against a reference time period. If the performance measure is triggered, DPIPWE will investigate the spatial and temporal data in more detail, together with any other relevant information, to understand if there are any implications for the status of the bycatch species and develop an appropriate management response if required. DPIPWE advise this performance measure will be discussed at the next Crustacean Fisheries Advisory Committee meeting in August 2016, with the intent for it to be incorporated into the stock assessment process underway for the next quota year.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Partially meets. The information collected and the measures in place to avoid the capture of bycatch species are sufficient to ensure the fishery does not unacceptably threaten bycatch species. There are no decision rules in which a management response would be triggered at present. However, decision rules are in development.
Objective 2 - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
Information requirements	
2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.	Meets. Fishers are required to record any interactions with protected species and the nature of the interaction in the mandatory logbooks. On-board observers provide independent verification of any interactions that may occur. The level of observer coverage was over 200 observer days in the 2015 fishing season, providing a reliable independent information source.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Partially meets. An ecological risk assessment (ERA) of the impact of interactions with threatened, endangered and protected species (TEPS) and rock lobster pots was conducted by the Technical Working Group (TWG) reporting to the Department of the Environment and Heritage (now the Department of the Environment and Energy) on fishing risk for the development of Marine Protected Areas (MPA) (DEH 2005). The risk assessment report states that there is a low to medium risk of interaction with seals and seabirds. The

	<p>interactions are attributed to attraction to bait in pots and entanglement in pot lines. Future risk assessments should consider the increasing potential for interactions with migrating humpback whales, as populations of this species increase.</p> <p>In consultation with the TRLFA, DPIPWE is developing a mitigation strategy to address the risk to some TEPS through entanglement in residual line on the surface. DPIPWE aim to present the first draft whale mitigation strategy to industry for consultation at the next round of port meetings in October 2016.</p> <p>Sea-lions, seals and sharks have been found to be particularly susceptible to injury or death through entanglement in uncut plastic bait bands. DPIPWE support and encourage all fishers to participate in the industry 'Clean, Green Program'. The program promotes fishing best practice, including the requirement for fishers to remove bait bands prior to going to sea. Furthermore, DPIPWE will raise awareness of the importance of this issue with industry at the port meetings in October 2016.</p>
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	<p>Partially meets.</p> <p>The fishery boundary includes areas associated with the Giant Kelp Marine Forests of South East Australia threatened ecological community (TEC). Threats to this TEC include climate change, sedimentation and removal of urchin predators through fishing. As rock lobsters are an important urchin predator, maintaining a healthy rock lobster stock biomass is important in keeping urchins from becoming over abundant. The east coast stock rebuilding strategy explicitly addresses this issue and will help control urchin numbers by rebuilding the east coast rock lobster stock to above 20 per cent virgin stock biomass within 10 years.</p> <p>In addition, DPIPWE is undertaking a risk assessment of the interaction between rock lobster pots and the Giant Kelp TEC. Outcomes from this assessment will contribute to the future management of the fishery. However, the risk is considered to be low and was not identified as a threat in the listing advice for the Giant Kelp TEC (DoEE 2012).</p>
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	<p>Partially meets.</p> <p>Management arrangements to mitigate interactions with TEPS include area closures, escape gaps, limiting the length of time pots are set (it is mandatory to haul pots within 48 hours), and restricting the amount of fishing effort through quota management. The primary measure in place to avoid capture and mortality of TEPS is the mandatory escape gap in each pot. However, the ERA conducted by the TWG in the development of MPAs recognised a risk to some TEPS through entanglement with residual line on the surface. Furthermore, an emerging TEPS issue, although still unquantified, is the potential for migrating baleen whales to become entangled in pot lines. Currently no measures address the risk posed to TEPS from entanglement in the residual pot line, although a mitigation strategy for interactions between the fishery and whales is under development by DPIPWE and the TRLFA. DPIPWE aim to present the first draft whale mitigation strategy to industry for consultation at the next round of port meetings in October 2016.</p> <p>The DPIPWE's mitigation strategy for reducing the risk to TEPS from entanglement in bait bands is to support and encourage fishers' involvement in the 'Clean, Green Program'. Currently, about 50 per cent of fishers are participating in the program. In addition, DPIPWE are investigating the feasibility of prohibiting the carriage of bait bands to sea. They will discuss this issue with the industry at the port meetings to be held in October 2016.</p>

<p>2.2.5 There are measures in place to avoid impact on threatened ecological communities.</p>	<p>Meets.</p> <p>The east coast stock rebuilding strategy will help control urchin numbers by rebuilding the east coast rock lobster stock to above 20 per cent virgin stock biomass within 10 years. As rock lobsters are an important urchin predator, maintaining a healthy rock lobster stock biomass will reduce the proliferation of urchin barren formation and, ultimately, mitigate a key threat to the Giant Kelp EC.</p>
<p>2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Meets.</p> <p>The current management response has a high chance of achieving the objective.</p>
<p>Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>	
<p>Information requirements</p>	
<p>2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.</p>	<p>Meets.</p> <p>Impacts on the habitat from gear have been researched and assessed as having negligible risk. The main concern regarding the impact of lobster fishing on the ecosystem is the link with urchin barren formation. The Purple Sea Urchin (<i>Centrostephanus rodgersii</i>) can overgraze macro-algae and trigger an ecosystem shift from dense and diverse macro-algae beds to sea urchin 'barrens'. As rock lobster is the main predator of urchins in Tasmania, their removal is a concern. Research is underway to try to set limits around the ecosystem link between lobster predation of sea urchins and the creation of urchin barrens. An interim precautionary measure is to rebuild the lobster stock by implementing quota cuts. The translocation intervention will further restore the lobster stock.</p>
<p>Assessment</p>	
<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> <ol style="list-style-type: none"> 1. Impacts on ecological communities <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities 2. Impacts on food chains <ul style="list-style-type: none"> • Structure • Productivity/flows 3. Impacts on the physical environment 	<p>Meets.</p> <p>The ERA conducted by the TWG in the development of MPAs considers some of the broader ecosystem impacts such as habitat disturbance and TEPS interactions. Impacts on the ecosystem from gear have been researched and assessed as having negligible risk.</p> <p>Food chain impacts are being researched as described in 2.3.1.</p>

<ul style="list-style-type: none"> • Physical habitat • Water quality. 	
Management responses	
2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.	Meets. The impact from the gear was assessed as low risk in the TWGs risk assessment.
2.3.4 There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.	Not applicable. No decision rules considered necessary due to the relatively benign impact of the fishery on the broader ecosystem.
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets. Considering the impact of the fishery on the broader ecosystem is relatively benign, the current management response has a high chance of achieving the objective.

SECTION 3: ASSESSMENT OF THE TASMANIAN ROCK LOBSTER FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a checklist of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13 and Part 13A.

Part 12

	Meets	Partially meets	Does not meet	Comment
Section 176 Bioregional Plans				
(5) Minister must have regard to relevant bioregional plans	Not applicable. There is no fishing activity within areas covered by a bioregional plan.			

Part 13

	Meets	Partially meets	Does not meet	Comment
Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)				
s. 208A (1) (a-e) , s.222A (1) (a-e), s.245A (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	Meets. The Tasmanian Rock Lobster Fishery is managed under the Fisheries (Rock Lobster) Rules 2011 and the Tasmanian <i>Living Marine Resources Management Act 1995</i> .			
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes				
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Meets. The management regime for the fishery prescribes measures that will mitigate any adverse impacts on members of listed threatened species including limited entry, restricted seasons, gear restrictions and TACC.			
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species.	Meets. Due to the selective nature of the fishing method, the likelihood of interactions with listed threatened species is very low. The interactions that do occur are considered to be relatively benign and are unlikely to adversely affect the survival or recovery in nature of the species.			
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes				

(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	Meets. The management regime for the fishery prescribes measures that will mitigate any adverse impacts on members of listed migratory species including limited entry, restricted seasons, gear restrictions and TACC.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	Meets. Due to the selective nature of the fishing method, the likelihood of interactions with listed migratory species is very low. The interactions that do occur are considered to be relatively benign and are unlikely to adversely affect the conservation status of a listed migratory species or a population of that species.
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Meets. The management regime for the fishery prescribes measures that will mitigate any adverse impacts on cetaceans including limited entry, restricted seasons, gear restrictions and TACC.
(g) And is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	Meets. Due to the selective nature of the fishing method, the likelihood of interactions with whales and cetaceans species is very low. The interactions that do occur are considered to be relatively benign and are unlikely to adversely affect the conservation status of a species of cetacean or a population of that species.
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	
(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?	Meets. The management regime for the fishery prescribes measures that will mitigate any adverse impacts on members of listed marine species including limited entry, restricted seasons, gear restrictions and TACC.
(g) And is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	Meets. Due to the selective nature of the fishing method, the likelihood of interactions with marine species is very low. The interactions that do occur are considered to be relatively benign and are unlikely to adversely affect the conservation status of a listed marine species or a population of that species.
Section 303AA Conditions relating to accreditation of plans, regimes and policies	
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	Meets. The management regime for the fishery was most recently accredited under sections 208A, 222A, 245 and 265 of the EPBC Act in February 2012. While DPIPWE has made amendments to the management regime, the Department considers that the amendments do not significantly affect the sustainability of the fishery and that a new Part 13 accreditation is not required at this time.
(2) The Minister may accredit a plan, regime or policy under that section	Meets. No condition has been imposed on the fishery under Part 13

<p>even though he or she considers that the plan, regime or policy should be accredited only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	
<p>(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.</p>	<p>Not applicable.</p>

Part 13A

Section 303BA Objects of Part 13A				
<p>(1) The objects of this Part are as follows:</p> <p>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;</p> <p>(b) to protect wildlife that may be adversely affected by trade;</p> <p>(c) to promote the conservation of biodiversity in Australia and other countries;</p> <p>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;</p> <p>(e) to promote the humane treatment of wildlife;</p> <p>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</p> <p>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.</p>				
	Meets	Partially meets	Does not meet	Comment
Section 303DC Minister may amend list (non CITES species)				
<p>(1) The Minister may amend the LENS 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>The Department recommends that specimens that are or are derived from fish or invertebrates, taken in the Tasmanian Rock Lobster Fishery as defined in the management regime in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i>, but not including</p> <ul style="list-style-type: none"> specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list) <p>be included in the list of exempt native specimens until 25 July 2026.</p>			

(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject	
(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div. 1 Or 2 assessment	Not applicable. No assessment under Part 10 of the EPBC Act has been completed as the Tasmanian Rock Lobster Fishery is not a Commonwealth fishery.
(1C) The above does not limit matters that may be considered when deciding to amend LENS.	Meets. The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A as: <ul style="list-style-type: none"> the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way, and the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next ten years.
(3) Before amending LENS, Minister must consult: <ul style="list-style-type: none"> (a) other Minister or Ministers as appropriate; and (b) other Minister or Ministers of each State and self-governing Territory as appropriate; and (c) other persons and organisations as appropriate. 	Partially meets. General consultation with the (TAS) Minister for Fisheries in October 2014 (MS14-002367).

Part 16

	Meets	Partially meets	Does not meet	Comment
Section 391 Minister must consider precautionary principle in making decisions				
(1) Minister must take account of precautionary principle (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	Precautionary management measures in place The precautionary principle has been considered by the Department when making its recommendation to the delegate to include specimens in the list of exempt native specimens.			

serious or irreversible environmental damage.