



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Assessment of the
New South Wales Abalone Fishery

August, 2011

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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 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 Sustainability, Environment, Water, Population and Communities or the Australian Government.

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Table 1: Summary of the New South Wales Abalone Fishery

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • New South Wales (NSW) <i>Fisheries Management Act 1994</i> • NSW <i>Fisheries Management (General) Regulation 2010</i> • NSW <i>Fisheries Management (Supporting Plan) Regulation 2006</i> • NSW <i>Fisheries Management (Abalone Share Management Plan) 2000</i> • Submission to the Department of Sustainability, Environment, Water, Population and Communities on behalf the NSW fishing industry seeking export approval for the New South Wales Abalone Fishery – April 2011 • Total Allowable Catch Committee Report and Determination for 2009/10 Abalone Fishery • Fishery Management Strategy for the New South Wales Abalone Fishery 2007 • Abalone Fishery Environmental Impact Statement September 2005 • The National Recreational and Indigenous Fishing Survey (2003) New South Wales Fisheries Final Report Series No. 40, 188pp. • Department of the Environment, Water, Heritage and the Arts Assessment of the New South Wales Abalone Fishery, December 2008 • Department of the Environment and Heritage Assessment of the New South Wales Abalone Fishery, December 2005
<p>Area</p>	<p>Operators in the NSW Abalone Fishery are permitted to fish in NSW and Commonwealth waters off the NSW coast. Fishing effort is concentrated in coastal waters (within 12 nautical miles of the coast or baseline) at depths between 20 and 40 metres. The main area of operation of the fishery is on fringing reefs close to shore between Wreck Bay, near Ulladulla, and the Victorian border. The fishery is divided into six management regions and reporting zones (Figure 1).</p> <p>There are six marine parks and aquatic reserves in NSW state waters in which harvest of abalone is not permitted.</p>
<p>Target Species</p>	<p>Blacklip abalone (<i>Haliotis rubra</i>).</p> <p>Blacklip abalone are large marine molluscs that inhabit rocky reef systems from northern NSW to Rottnest Island in Western Australia. Blacklip abalone can reach a size of 20 centimetres and live for more than 20 years. They mature at approximately nine to ten centimetres (three to six years of age). Growth is highly variable and is dependent on environmental conditions (Day and Fleming 1992). Movement of adult abalone is limited, resulting in highly structured stocks.</p> <p>Abalone species generally are at risk of overexploitation and localised depletion due to their limited dispersal abilities, patchy distribution, high value and ease of collection.</p> <p>More information on the biology of this species can be found in the 2006 assessment of the fishery located on the department's website at: http://www.environment.gov.au/coasts/fisheries/nsw/abalone/report-06.html</p>

Fishery status	Blacklip abalone stocks are considered overfished (Rowling <i>et al</i> 2010). The total allowable commercial catch for the fishery is reviewed annually and the NSW Department of Primary Industries considers that increases in catch rates since 2005/06 indicate stock rebuilding.
Byproduct Species	None. Only blacklip abalone are permitted to be retained.
Bycatch	Due to the hand collection methods used in the fishery, bycatch is negligible.
Interaction with Protected Species¹	Due to the hand collection methods used in the fishery, interactions with protected species are unlikely.
Gear	Commercial divers collect abalone using hand collection methods. Fishers are permitted to use surface air or compressed air supply (hookah system) from small, high speed boats. An abalone iron, a hand held chisel like device, is used to pry the abalone from rocks. Recreational harvesting is permitted using similar diving equipment including self contained underwater breathing apparatus (SCUBA) and snorkelling equipment. However, use of compressed air by recreational abalone fishers is not permitted. Recreational fishers use the same type of hand held abalone iron as that used by commercial harvesters.
Season	Year round - the commercial fishing year for the purposes of total allowable commercial catch limits and licences is from 1 July to 30 June.
Commercial harvest 2009/10	Commercial harvest in 2009/10 was 74.6 tonnes of a total allowable commercial catch of 75 tonnes. Commercial harvests have declined from approximately 120 tonnes in 2006/07 in line with annual reductions in the total allowable commercial catch.
Value of commercial harvest 2009/10	\$1.9 million.
Commercial licences issued	44 licences were issued in 2009/10 with 37 licensees eligible for an endorsement to harvest (i.e. they hold the minimum amount of shares to allow fishing to occur).

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.

<p>Take by other sectors</p>	<p>No take of abalone is allowed in any other NSW commercial fishery.</p> <p>The 2000/01 National Recreational and Indigenous Fishing Survey estimated that recreational catch of abalone in NSW was approximately 12 tonnes. The Total Allowable Catch Setting and Review Committee uses 10 tonnes as an estimate for recreational catch when determining the total allowable commercial catch for the NSW Abalone Fishery.</p> <p>Indigenous fishers take abalone for traditional purposes, however there are no estimates for harvest amounts. Indigenous fishing is managed in accordance with recreational fishing laws or under specific permits. Specific permits allow Indigenous fishers to take abalone outside the general recreational fishing restrictions. Indigenous persons may apply for a permit which specifies an explicit collection period, amount of abalone to be taken and area they will be taken from. In both 2009 and 2010 there were eight permits issued.</p> <p>The NSW Department of Primary Industries reports that illegal catch of abalone in NSW is difficult to quantify. The Total Allowable Catch Setting and Review Committee estimates illegal catch to be in the order of 20-30 tonnes². However, a precautionary estimate of 102 tonnes (40% of the 1987 legal commercial catch) for illegal harvest is used to set the total allowable commercial catch.</p>
<p>Management arrangements</p>	<p>Under an Offshore Constitutional Settlement arrangement between the Australian Government and the NSW Government, the NSW Abalone Fishery is managed by the NSW Department of Primary Industries. The fishery is managed under the:</p> <ul style="list-style-type: none"> • NSW <i>Fisheries Management Act 1994</i>; • NSW <i>Fisheries Management (General) Regulation 2010</i>; • NSW <i>Fisheries Management (Supporting Plan) Regulation 2006</i>; and • NSW <i>Fisheries Management (Abalone Share Management Plan) 2000</i>. <p>The use of global positioning system (GPS) data loggers has recently been implemented in the fishery to allow catch monitoring and management at a finer spatial scale. Management controls currently in place for the fishery include:</p> <p><u>Input controls</u></p> <ul style="list-style-type: none"> • limited entry (limited to shareholders in the fishery who hold a number of shares greater than the prescribed minimum shareholding); • area closures; and • gear restrictions. <p><u>Output controls</u></p> <ul style="list-style-type: none"> • quota management with a total allowable commercial catch allocated according to shareholding. A Total Allowable Catch Setting and Review Committee annually reviews and makes recommendations about the total allowable commercial catch; • regional catch limits introduced from the 2009/10 fishing season onwards; • minimum size limits for each management zone, which reflect spatial variation in growth rates of abalone, apply to commercial fishing; and • a recreational in-possession limit of two abalone per person (decreased from ten per person) and a state wide minimum size limit.

² Total Allowable Catch Committee Report and Determination for 2010/11 Abalone Fishery.

Management arrangements (<i>cont.</i>)	Higher penalties for illegal fishing were introduced throughout NSW in 2010.
Export	The majority of product is exported to south-east Asia.
Ecosystem Impacts	The <i>Abalone Fishery Environmental Impact Statement September 2005</i> assessed impacts to the physical ecosystem as negligible due to the benign harvesting method used in the fishery (hand harvesting). An annually reviewed total allowable commercial catch restricts the removal of abalone from the ecosystem.

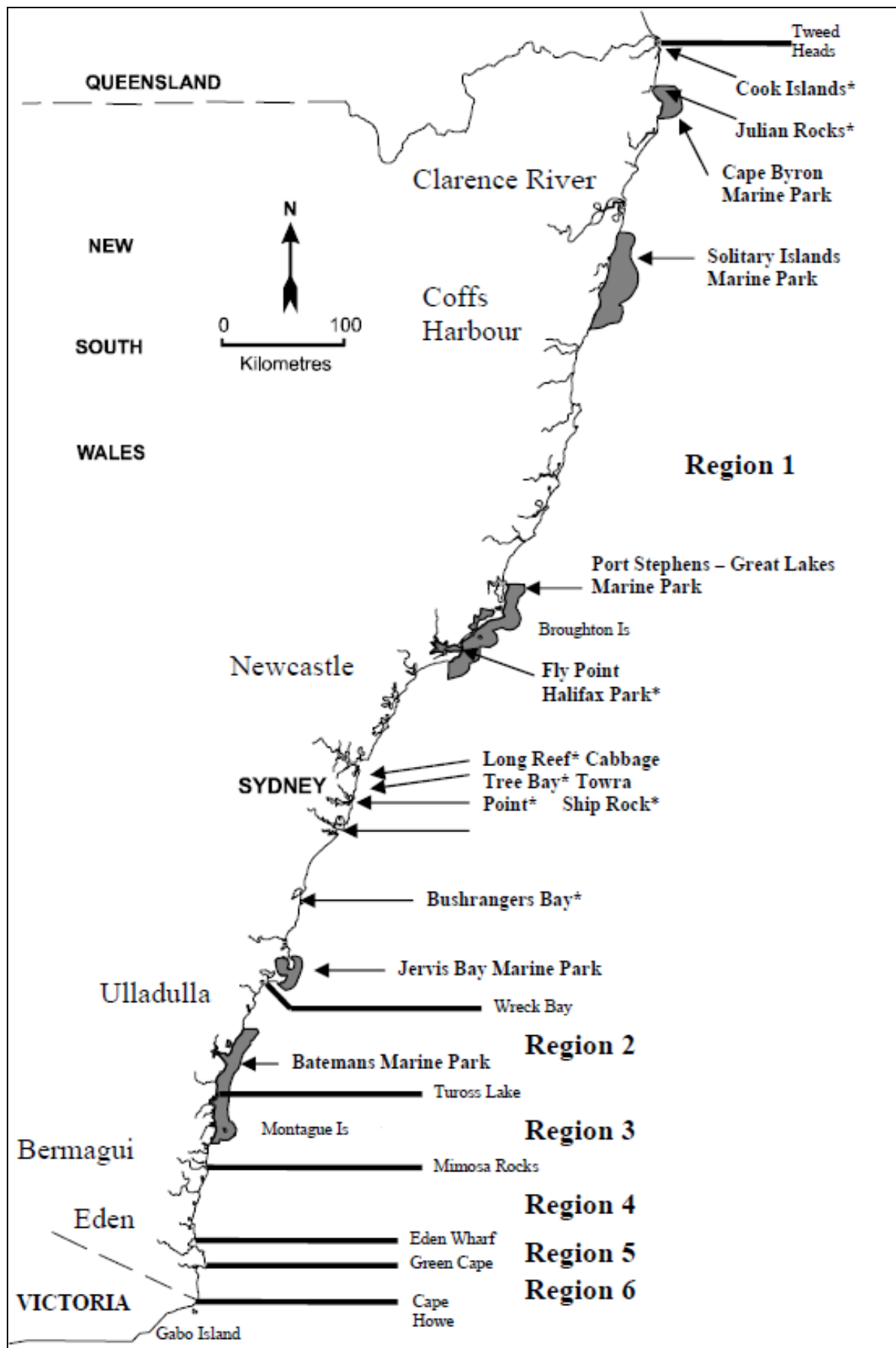


Figure 1: Area of the NSW Abalone Fishery illustrating management regions.
(Source: NSW Department of Primary Industries 2011)

Table 2: Progress in implementation of recommendations and conditions made in the 2008 assessment of the New South Wales Abalone Fishery

Condition	Progress	Recommended Action
<p>1. Operation of the fishery will be carried out in accordance with the New South Wales (NSW) <i>Abalone Share Management Plan 2000</i> in force under the NSW <i>Fisheries Management Act 1994</i>.</p>	<p>The New South Wales (NSW) Department of Primary Industries has advised that the NSW Abalone Fishery continues to be managed in accordance with the management regime made under the NSW <i>Fisheries Management Act 1994</i>, the <i>Fisheries Management (Abalone Share Management Plan) 2000</i> and other relevant legislation.</p>	<p>The Department of Sustainability, Environment, Water, Population and Communities considers that this condition has been met.</p> <p>The department recommends that a new approved wildlife trade operation declaration for the NSW Abalone Fishery specify a similar condition (see Condition 1, Table 4).</p>
<p>2. NSW Department of Primary Industries (DPI) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended material amendments to the Abalone Fishery management arrangements that could affect the assessment of the fishery against the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) decisions are based.</p>	<p>The NSW Department of Primary Industries has advised that no relevant changes to the management arrangements have occurred since the last assessment.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that a new approved wildlife trade operation declaration for the NSW Abalone Fishery specify a similar condition (see Condition 2, Table 4).</p>
<p>3. NSW DPI to produce and present reports to DEWHA annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>	<p>The NSW Department of Primary Industries has provided the department with annual reports.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that a new approved wildlife trade operation declaration for the NSW Abalone Fishery specify a similar condition (Condition 3, Table 4).</p>

Condition	Progress	Recommended Action
<p>4. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to review management objectives, performance indicators and trigger points to ensure they are appropriately precautionary and effective.</p>	<p>A Special Abalone Recovery Group established in 2007 made a suite of recommendations for managing the Abalone Fishery, related to:</p> <ul style="list-style-type: none"> • changes to performance indicators; • finer scale management; • minimum size limits; and • illegal fishing. <p>Implementation of the recommendations to date has focussed on development of a harvest strategy for abalone delivering finer scale spatial management.</p> <p>In addition, the recommendations of the Special Abalone Recovery Group regarding biomass indicators could not be implemented due to the withdrawal of industry funding for fishery independent stock surveys from the 2008/09 fishing season onwards. In response to this, the independent Total Allowable Catch Setting and Review Committee has increased the level of caution used when setting the annual total allowable commercial catch limits and has introduced greater reductions in the total allowable commercial catch in the absence of stock surveys.</p> <p>The department considers the current approach used when setting the total allowable commercial catch to be adequate to allow the recovery of abalone in the short term. Due to the cessation of fishery independent stock surveys, the department concurs with the Total Allowable Catch Setting and Review Committee that the current performance measures are becoming more problematic with each total allowable commercial catch setting year. To ensure that an appropriate level of precaution is maintained in future, the department considers it necessary that the NSW Department of Primary Industries review the management objectives, performance indicators and trigger points set out in the <i>Fisheries Management (Abalone Share Management Plan) 2000</i>.</p> <p>The NSW Department of Primary Industries has advised the department that a review of the NSW <i>Fisheries Management (Abalone Share Management Plan) 2000</i> which contains the management objectives, performance indicators and trigger points for the fishery, will commence in 2011.</p>	<p>The department acknowledges that the delay in reviewing review management objectives, performance indicators and trigger points is a result of NSW Department of Primary Industries implementing the priority actions indicated by the recommendations of the Special Abalone Recovery Group.</p> <p>The department recommends that a new approved wildlife trade operation declaration for the NSW Abalone Fishery specify a condition requiring the NSW Department of Primary Industries to review the management objectives, performance indicators and trigger points set out in the <i>Fisheries Management (Abalone Share Management Plan) 2000</i> (Condition 4, Table 4).</p>

Recommendation	Progress	Recommended Action
<p>1. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to continue the implementation of strategies for the rebuilding of abalone stocks across the fishery, including consideration of recommendations made by the independent TAC Committee.</p>	<p>The NSW Department of Primary Industries has advised the department that the Total Allowable Catch Setting and Review Committee continues to annually review and set the total allowable commercial catch based on catch and effort data.</p> <p>For example, in the 2010/11 Total Allowable Catch Setting and Review Committee report for the NSW Abalone Fishery, the committee provided the NSW Department of Primary Industries with some specific recommendations concerning the rebuilding of abalone stocks. Based on these recommendations, the NSW Department of Primary Industries has implemented the following changes:</p> <ul style="list-style-type: none"> - a total allowable commercial catch of 94 tonnes for the 2010/11 fishing season; - a reduction in bag limit from 10 to 2 for recreational fishers; - an increase in size limit to 117 mm (120 mm south of Wonboyn); - the introduction of tougher new penalties for illegal fishing activity; - authorisation of structured fishing in management regions 1 and 2 (for more information refer to page 8 of the NSW Department of Primary Industries' submission); and - the use of data loggers to record catches on a finer spatial scale. <p>Since these changes have been implemented, the blacklip abalone stocks have shown signs of increased catch rates. It has been suggested by the Total Allowable Catch Setting and Review Committee that the current size limits and total allowable commercial catch limits are at a level which will maintain the current progress in rebuilding blacklip abalone stocks in the short term.</p> <p>The department welcomes the continued implementation of strategies for the rebuilding of abalone stocks across the fishery. However, in light of the cessation of fishery independent stock surveys, the department has identified a need for the current performance measures for the fishery to be reviewed to take account of stock uncertainty when setting catch limits (see Condition 4, Table 4).</p>	<p>The department considers this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>2. NSW DPI to continue to develop and implement a new catch information management system for the major NSW commercial fisheries (including the Abalone Fishery) to improve reporting and data analysis.</p>	<p>The NSW Department of Primary Industries introduced revised catch and effort reporting arrangements from 1 July 2009. New <i>Abalone Fishery Catch and Effort</i> logbooks have been developed, which capture an increased level of detail and require reporting at a finer spatial scale, supporting the move towards finer scale management of abalone stocks.</p>	<p>The department considers this recommendation has been met.</p>
<p>3. NSW DPI, in conjunction with the NSW Abalone Fishery stakeholders, to continue to progressively implement a program of finer scale management measures, including:</p> <ul style="list-style-type: none"> • catch targets and/or limits at subregional levels; • appropriate size limits; and • formalise a framework for the closure and re-opening of areas of the fishery. 	<p>The submission from the NSW Department of Primary Industries indicates that development of a harvest strategy for abalone, based on finer scale management, has commenced.</p> <p>Since the previous assessment of the fishery, the NSW Department of Primary Industries has implemented a number of finer scale management measures, including:</p> <ul style="list-style-type: none"> • catch limits at sub-regional levels: Regional catch limits are developed annually for each of the six management regions. The limits are determined through consultation between industry and the NSW Department of Primary Industries and are based on recommendations made by the independent Total Allowable Catch Setting and Review Committee. • implementing minimum size limits for abalone at a regional scale and reviewing these as needed: In May 2010, a minimum size limit of 120 millimetres (mm) was introduced for the area south of Wonboyn. A further increase to the minimum size limit, to 123 mm, was implemented in this area as of 1 July 2011 to further protect spawning stock in this region. All other harvest sectors/regions have a legal minimum size limit of 117 mm; and • a formalised framework for closing and re-opening areas of the fishery if sub-regional catch limits are exceeded: The NSW Department of Primary Industries has advised that it closely monitors regional catches. If regional catch limits are exceeded, a review process is triggered to determine whether additional management action is required. Spatial closures may also be implemented to prohibit further fishing in regions where the catch has exceeded the limit. 	<p>The department considers this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>4. NSW DPI to continue to develop and implement measures to improve estimates of illegal, recreational and Indigenous catches for incorporation into abalone stock assessments.</p>	<p>The NSW Department of Primary Industries has advised that estimating the Indigenous catch of abalone in NSW is now being monitored through the issuing of specific permits. These permits are issued to individuals based on the information provided by the proposed user and specify the time, place and amount of abalone permitted to be harvested. Indigenous fishers not covered by specific permits are restricted by recreational fishing rules.</p> <p>While the absolute recreational take is unknown, an estimate of 10 tonnes is used by the Total Allowable Catch Setting and Review Committee, which consider this to be a suitably precautionary estimate.</p> <p>As there are no quantifiable estimates of illegal catch, the committee uses an estimate of 102 tonnes (40% of the 1987 legal commercial catch) when setting the total allowable commercial catch.</p> <p>The department supports the NSW Department of Primary Industries' approach of using precautionary estimates of take by non-commercial sectors in the absence of reliable quantitative information.</p>	<p>The department considers this recommendation has been met.</p>
<p>5. NSW DPI in conjunction with Abalone Fishery stakeholders, to implement priority research needs, and continue to collaborate, where appropriate, with other jurisdictions to actively pursue consistent and/or complementary research and management arrangements for target species.</p>	<p>The NSW Department of Primary Industries has advised that changes to the beach price of abalone and the decreasing total allowable commercial catch limits have substantially impacted on the capacity of the industry to pay the fees and charges associated with managing the fishery, including those associated with research services. However the NSW Department of Primary Industries has indicated that they will endeavour to apply additional resources towards the establishment and implementation of alternative, finer scale spatial assessment and management arrangements, in line with key recommendations of the Special Abalone Recovery Group.</p> <p>Current research includes catch and effort analysis on a regional scale completed by the NSW Department of Primary Industries and industry based research programs (carried out by the NSW Abalone Council) including:</p> <ul style="list-style-type: none"> - a global positioning system (GPS) data logger program recording effort and catch patterns on a fine scale; - the measuring logger program has collected regional information on length and weight of landed abalone since February 2011; and - development of structured fishing to allow for finer scale monitoring and regulation of commercial fishing. 	<p>The department considers this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>6. NSW DPI, in cooperation with other jurisdictions, to continue to develop more effective strategies and specific measures to quantify and address the extent of illegal take of abalone in NSW.</p>	<p>The NSW Department of Primary Industries has advised that there are currently a number of district, state wide, national and international compliance plans relevant to the NSW Abalone Fishery which the NSW Department of Primary Industries is involved with. The aim of these plans is to maximise voluntary compliance whilst creating an effective deterrence against illegal fishing activities.</p> <p>The NSW Department of Primary Industries is also a member of the National Fisheries Compliance Committee and has developed responses to fishery crimes that occur across borders. Compliance staff also undertake joint compliance operations with interstate fishery agencies.</p> <p>In 2010 the NSW Government implemented measures to reduce illegal fishing based on the findings of the <i>‘Report on Illegal Fishing for Commercial Gain or Profit in NSW’</i> (Palmer 2004). These measures include:</p> <ul style="list-style-type: none"> - increased penalties; - bringing monetary penalties in line with value of fish; - introduction of indictable offences (maximum penalty of ten years imprisonment); - stronger provisions for selling abalone; and - broader powers for Fisheries Officers. 	<p>The department considers this recommendation has been met.</p>

Table 3: The Department of Sustainability, Environment, Water, Population and Communities assessment of the New South Wales Abalone 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 department's website.

Part 13

Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes	The department's assessment of the New South Wales Abalone 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> <ol 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 New South Wales (NSW) Abalone Fishery will be managed under the:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i>; • <i>NSW Fisheries Management (General) Regulation 2010</i>; • <i>NSW Fisheries Management (Supporting Plan) Regulation 2006</i>; and • <i>NSW Fisheries Management (Abalone Share Management Plan) 2000</i>. <p>The management regime for the NSW Abalone Fishery was first accredited under the EPBC Act in November 2005. The department considers that the management regime for the NSW Abalone Fishery still requires operators to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method (hand collection), the likelihood of interactions with listed threatened species is very low. Therefore, the department considers the current operation of the NSW Abalone Fishery is not likely to adversely affect the survival or recovery in nature of any listed threatened species.</p>

Part 13 (*cont.*)

Division 2 Migratory species Section 222A Minister may accredit plans or regimes	The department's assessment of the New South Wales Abalone 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> <ol 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 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 NSW Abalone Fishery will be managed under the:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i>; • <i>NSW Fisheries Management (General) Regulation 2010</i>; • <i>NSW Fisheries Management (Supporting Plan) Regulation 2006</i>; and • <i>NSW Fisheries Management (Abalone Share Management Plan) 2000</i>. <p>The management regime for the NSW Abalone Fishery was first accredited under the EPBC Act in November 2005. The department considers that the management regime for the NSW Abalone Fishery still requires operators to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method (hand collection), the likelihood of interactions with listed migratory species is very low. Therefore, the department considers the current operation of the NSW Abalone Fishery is not likely to adversely affect the conservation status of a listed migratory species or a population of that species.</p>

Part 13 (*cont.*)

Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes	The department's assessment of the New South Wales Abalone 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> <ol 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 NSW Abalone Fishery will be managed under the:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i>; • <i>NSW Fisheries Management (General) Regulation 2010</i>; • <i>NSW Fisheries Management (Supporting Plan) Regulation 2006</i>; and • <i>NSW Fisheries Management (Abalone Share Management Plan) 2000</i>. <p>The management regime for the NSW Abalone Fishery was first accredited under the EPBC Act in November 2005. The department considers that the management regime for the NSW Abalone Fishery still requires operators to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method (hand collection), the likelihood of interactions with cetaceans is very low. Therefore, the department considers the current operation of the NSW Abalone Fishery is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>

Part 13 (*cont.*)

Division 4 Listed marine species Section 265 Minister may accredit plans or regimes	The department's assessment of the New South Wales Abalone 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> <ol 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 NSW Abalone Fishery will be managed under the:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i>; • <i>NSW Fisheries Management (General) Regulation 2010</i>; • <i>NSW Fisheries Management (Supporting Plan) Regulation 2006</i>; and • <i>NSW Fisheries Management (Abalone Share Management Plan) 2000</i>. <p>The management regime for the NSW Abalone Fishery was first accredited under the EPBC Act in November 2005. The department considers that the management regime for the NSW Abalone Fishery still requires operators to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method (hand collection), the likelihood of interactions with listed marine species is very low. Therefore, the department considers the current operation of the NSW Abalone Fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>

Part 13 (*cont.*)

Section 303AA Conditions relating to accreditation of plans, regimes and policies	The department's assessment of the New South Wales Abalone 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 management regime for the NSW Abalone 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.	The department considers that no conditions are required for the accreditation of the management regime for the NSW Abalone Fishery 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 CITES³ 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.

³ Convention on International Trade in Endangered Species of Wild Fauna and Flora

Part 13A (cont.)

Section 303DC Minister may amend list	The department's assessment of the New South Wales Abalone Fishery
<p>(1) Minister may, by instrument in 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>Product derived from the NSW Abalone Fishery will be included in the list of exempt native specimens while the specimens are covered by the declaration of an approved wildlife trade operation under section 303FN of the Act in relation to the fishery.</p>
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the NSW Abalone Fishery has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor.</p> <p>The department considers that the amendment of the list of exempt native specimens to include product taken in the NSW Abalone Fishery while the fishery is the subject of a declaration as an approved wildlife trade operation would be consistent with the provisions of Part 13A as:</p> <ul style="list-style-type: none"> ▪ the fishery will not harvest any CITES listed species; ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1); ▪ the operation of the NSW Abalone Fishery during the period of the recommended declaration as an approved wildlife trade operation is unlikely to be unsustainable or threaten biodiversity; and ▪ the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (EPBC Regulations) do not specify fish as a class of

	animal in relation to the welfare of live specimens.
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>The department considers that the consultation requirements have been met.</p> <p>On 10 August 2004, the then Minister for the Environment and Heritage wrote to all fisheries ministers seeking their views on inclusion of product derived from commercial fisheries in the list of exempt native specimens, while subject to declaration as approved wildlife trade operations. Responses in support of the proposal were received from all state and territory fisheries ministers and the Commonwealth minister.</p> <p>The Delegate of the Minister for Sustainability, Environment, Water, Population and Communities consulted with the NSW Department of Primary Industries as the NSW Department of Primary Industries has management responsibilities for the fishery concerned.</p> <p>The public comment period on the April 2011 submission from the NSW Department of Primary Industries for the NSW Abalone Fishery sought comment on the submission and provided sufficient opportunity for consultation with other persons and organisations.</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 NSW Abalone Fishery made under section 303DC will be gazetted and made available on the department's website.</p>

Part 13A (cont.)

Section 303FN Approved wildlife trade operation	The department's assessment of the New South Wales Abalone Fishery
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <i>approved wildlife trade operation</i> for the purposes of this section.	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <ol style="list-style-type: none"> i. the survival of a taxon to which the operation relates; or ii. the conservation status of a taxon to which the operation relates; and 	<p>The department considers that the operation of the NSW Abalone Fishery is consistent with the objects of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> ▪ the fishery will not harvest any CITES listed species; ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1); ▪ the operation of the NSW Abalone Fishery during the period of the recommended declaration as an approved wildlife trade operation is unlikely to be unsustainable and threaten biodiversity; and ▪ the EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens. <p>The department considers that the operation of the NSW Abalone Fishery during the period of the recommended declaration as an approved wildlife trade operation will not be detrimental to the survival or conservation status of a taxon to which it relates, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> ▪ limited entry; ▪ area closures; ▪ gear restrictions (harvesting with hand held implements only is allowed); ▪ minimum size limits for abalone; ▪ a total allowable commercial catch for abalone reviewed and set annually; ▪ regional catch limits for abalone; and ▪ ongoing development of a harvest strategy for abalone implementing finer scale management arrangements.

<p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p> <p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>The department considers that the operation of the NSW Abalone Fishery during the period of the recommended declaration as an approved wildlife trade operation will not threaten any relevant ecosystem, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> ▪ limited entry; ▪ area closures; ▪ gear restrictions (harvesting with hand held implements only is allowed); ▪ minimum size limits for abalone; ▪ a total allowable commercial catch for abalone reviewed and set annually; ▪ regional catch limits for abalone; and ▪ ongoing development of a harvest strategy for abalone implementing finer scale management arrangements. <p>The EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.</p> <p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p>	<p>The department considers that the operation of the NSW Abalone Fishery during the period of the recommended declaration as an approved wildlife trade operation will not have a significant impact on any relevant ecosystem, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> ▪ limited entry; ▪ area closures; ▪ gear restrictions (harvesting with hand held implements only is allowed); ▪ minimum size limits for abalone; ▪ a total allowable commercial catch for abalone reviewed and set annually; ▪ regional catch limits for abalone; and ▪ ongoing development of a harvest strategy for abalone implementing finer scale management arrangements.

<p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>The management arrangements that will be employed for the NSW Abalone Fishery are likely to be effective. The total allowable commercial catch is reviewed and set annually and is further divided into regional limits. The New South Wales Department of Primary Industries is developing a harvest strategy for abalone, incorporating finer scale management of abalone stocks. To support this, finer scale spatial reporting of catch and effort was introduced in 2009.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The NSW Abalone Fishery will be managed under the:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i>; • <i>NSW Fisheries Management (General) Regulation 2010</i>; • <i>NSW Fisheries Management (Supporting Plan) Regulation 2006</i>; and • <i>NSW Fisheries Management (Abalone Share Management Plan) 2000</i>. <p>The legislation, including the:</p> <ul style="list-style-type: none"> • <i>NSW Fisheries Management Act 1994</i>; • <i>NSW Fisheries Management (General) Regulation 2010</i>; • <i>NSW Fisheries Management (Supporting Plan) Regulation 2006</i>; and • <i>NSW Fisheries Management (Abalone Share Management Plan) 2000</i> <p>applies throughout NSW waters.</p> <p>The legislation is likely to be effective.</p>
<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The NSW Abalone Fishery is a commercial fishery.</p>

Part 13A (cont.)

Section 303FR Public consultation	The department's assessment of the New South Wales Abalone Fishery
(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice: (a) setting out the proposal to make the declaration; and (b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and (c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.	The department considers that the consultation requirements of the EPBC Act for declaring an approved wildlife trade operation have been met. A public notice, which set out the proposal to declare the NSW Abalone Fishery an approved wildlife trade operation and included the NSW Department of Primary Industry's submission, was released for public comment which closed on 26 May 2011 with no submissions received.
(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.	A public notice, which set out the proposal to declare the NSW Abalone Fishery an approved wildlife trade operation and included the NSW Department of Primary Industry's submission, was released for public comment on 27 April 2011 and closed on 26 May 2011, a total of 22 business days.
(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.	No public comments about the proposal were received.

Part 13A (cont.)

Section 303FT Additional provisions relating to declarations	The department's assessment of the New South Wales Abalone Fishery
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the NSW Abalone Fishery will be made under section 303FN.
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to the declaration of a commercial fishery as an approved wildlife trade operation include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime; • notifying the department of changes to the management regime; and • annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. <p>The instrument of declaration for the NSW Abalone Fishery specifies the standard and any additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the Internet.	The instrument for the NSW Abalone Fishery made under section 303FN and the conditions under section 303FT will be gazetted and made available on the department's website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The department's assessment of the New South Wales Abalone 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 in the preparation of advice in relation to decisions under section 303DC and section 303FN.
(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 conditions to the New South Wales Department of Primary Industries for the New South Wales Abalone fishery.

The material submitted by the New South Wales (NSW) Department of Primary Industries demonstrates that the management arrangements for the NSW Abalone Fishery continue to meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Stock Status and Recovery

The department considers that overall, the management regime for the NSW Abalone Fishery aims to ensure that fishing is conducted in a manner that does not lead to over-fishing. Management measures in place in the fishery include limited entry, area closures, gear restrictions, minimum size limits at a regional scale and an annually set total allowable commercial catch which is divided into regional catch limits. The NSW Department of Primary Industries has commenced the development of a harvest strategy for abalone, progressively implementing finer scale management arrangements.

Blacklip abalone recovery

The NSW Department of Primary Industries' report - *Status of Fisheries Resources in NSW, 2008/09* - considered New South Wales abalone stocks to be overfished (Rowling *et al* 2010). The current management arrangements for the NSW Abalone Fishery are aimed at rebuilding abalone stocks and there is some evidence that rebuilding is occurring. The NSW Department of Primary Industries has advised that catch rates and average size of abalone in the catch, in many of the most productive areas on the south coast of NSW, are higher than at any time since the early 1970s.

The current management arrangements are based on annual reviews of the total allowable commercial catch. In setting commercial catch limits, the Total Allowable Catch Setting and Review Committee has aimed toward rebuilding the stocks to a biological reference point set out in the *Abalone Fishery – Fishery Management Strategy 2007*. The biological reference point is used to limit harvest of abalone to levels which will allow stock rebuilding to occur.

Management arrangements which support ongoing recovery of stocks include:

- annually set total allowable commercial catch limits;
- regional and sub-zonal catch limits, if needed;
- minimum size limits which are regularly reviewed;
- recreational bag limits;
- penalties for illegal fishing (most recently increased in 2010); and
- use of global positioning system (GPS) data loggers by commercial divers for stock monitoring and assessment.

Since these management arrangements have been implemented, an increase in the abundance and productivity of blacklip abalone has been evident within the fishery as shown by an increase in recruitment and catch rates. It has therefore been suggested by the independent Total Allowable Catch Setting and Review Committee that the current size limits and total allowable commercial catch settings are at a level which will allow the stock to recover further.

Consequently, the department considers the actions undertaken by the NSW Department of Primary Industries and industry stakeholders to be sufficient in ensuring the survival and recovery of abalone species in the short term.

Ecosystem Impacts

Taking into account the lack of byproduct and bycatch in the fishery as a result of hand collection harvest methods used in the fishery and the management measures for abalone stocks, the department considers that the management regime for the NSW Abalone Fishery provides for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While the fishery is relatively well managed, the department has identified a need to review the management objectives, performance indicators and trigger points for the fishery, to ensure that risks and uncertainties in the fishery are adequately managed in the long term. The Department of Primary Industries has advised the department that a review of the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*, in which the objectives, indicators and triggers are set out, will commence in 2011.

The department considers that, until it can be demonstrated that this issue has been adequately addressed, declaration of the harvest operations of the NSW Abalone Fishery as an approved wildlife trade operation for three years, until 8 August 2014, is appropriate. The department considers that the declaration should be made subject to the conditions listed in Table 4 below.

Table 4: The New South Wales Abalone Fishery Assessment – Summary of Issues and Conditions, August 2011

ISSUE	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of 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 by-product, bycatch, protected species or the ecosystem.</p>	<p>Condition 1</p> <p>Operation of the New South Wales Abalone Fishery will be carried out in accordance with the <i>Fisheries Management (Abalone Share Management Plan) Regulation 2000</i> in force under the <i>New South Wales Fisheries Management Act 1994</i>.</p> <p>Condition 2</p> <p>The New South Wales Department of Primary Industries to inform the Department of Sustainability, Environment, Water, Population and Communities of any proposed substantive changes to the New South Wales Abalone Fishery management arrangements that may affect the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>
<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the department annually in order for the performance of the fishery and progress in implementing the conditions in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration. Annual reports should follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> and include a description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the department's conditions. 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>Condition 3</p> <p>The New South Wales Department of Primary Industries to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

ISSUE	Condition
<p><u>Performance indicators for abalone stocks</u></p> <p>In November 2008, the Delegate of the then Minister for the Environment, Heritage and the Arts made the declaration of the New South Wales (NSW) Abalone Fishery as an approved wildlife trade operation subject to a condition requiring the NSW Department of Primary Industries to review the management objectives, performance indicators and trigger points set out in the <i>Fisheries Management (Abalone Share Management Plan) Regulation 2000</i>.</p> <p>A Special Abalone Recovery Group established in 2007 made a suite of recommendations for managing the NSW Abalone Fishery, including:</p> <ul style="list-style-type: none"> • changes to performance indicators; • finer scale management; • minimum size limits; and • increases to penalties for illegal fishing. <p>Implementation of the recommendations to date has focussed on development of a harvest strategy for abalone delivering finer scale spatial management.</p> <p>In setting the total allowable commercial catch each year, an independent Total Allowable Catch Setting and Review Committee reviews the available stock information. In 2008/09, industry ceased funding for fishery independent surveys. Due to the change in the level of research/monitoring being completed, the committee has taken the level of uncertainty into account when setting catch limits. Nevertheless, in the <i>Total Allowable Catch Committee Report and Determination for 2010/11</i>, the committee stated that they consider the current objectives, performance indicators and triggers problematic in regard to their level of precaution and utility for setting the total allowable commercial catch. The NSW Department of Primary Industries has advised the department that a review of the <i>Fisheries Management (Abalone Share Management Plan) Regulation 2000</i> will commence in 2011.</p> <p>The department considers the current approach used when setting the total allowable commercial catch to be appropriate to maintain the current progress in rebuilding blacklip abalone stocks in the short term. To ensure that an appropriate level of precaution is maintained in the longer term, the department considers it necessary that the management objectives, performance indicators and trigger points set out in the <i>Fisheries Management (Abalone Share Management Plan) Regulation 2000</i> be reviewed.</p>	<p>Condition 4:</p> <p>The New South Wales Department of Primary Industries, in consultation with stakeholders, to review the management objectives, performance indicators and trigger points set out in the <i>Fisheries Management (Abalone Share Management Plan) Regulation 2000</i> and implement any amendments as appropriate to ensure they are appropriately precautionary and effective.</p>

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Acronyms

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DEWHA	Department of the Environment, Water, Heritage and the Arts
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Regulations	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i>
mm	millimetres
NSW DPI	New South Wales Department of Primary Industries
TAC	total allowable catch