



Australian Government

**Department of Agriculture,
Water and the Environment**

Assessment of the North West Slope Trawl and Western Deepwater Trawl Fisheries

December 2020

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Disclaimer

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

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ASSESSMENT SUMMARY

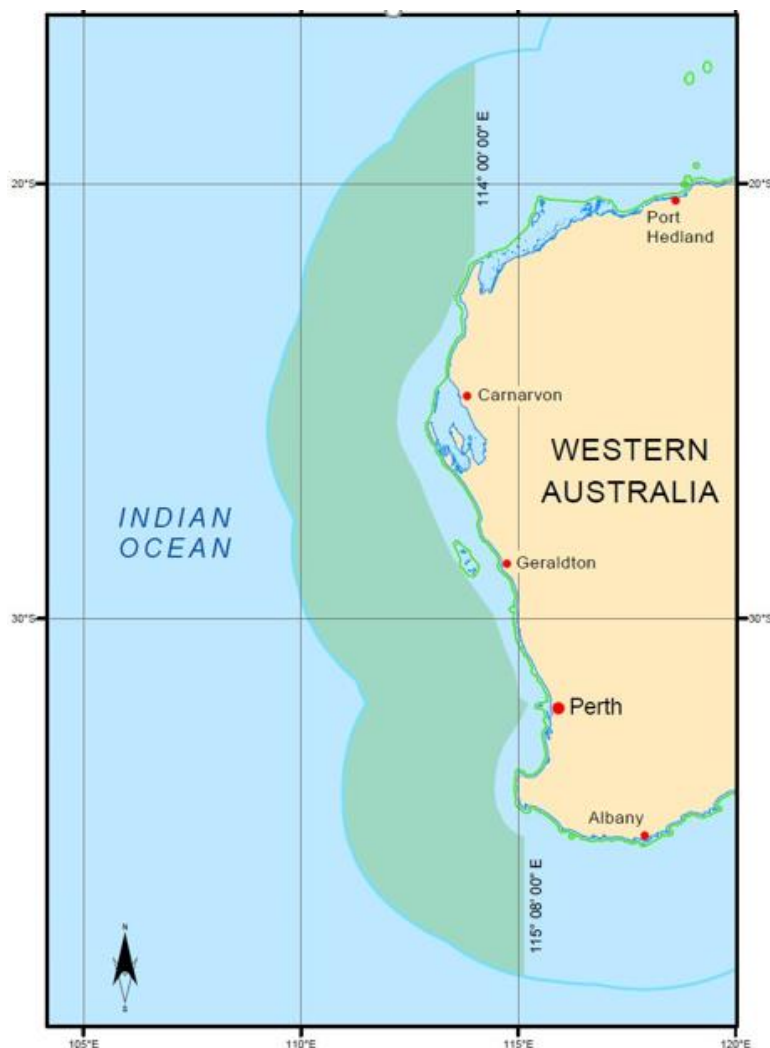
In November 2020 the Australian Fisheries Management Authority (AFMA) submitted an application for the assessment of the North West Slope and Western Deepwater Trawl fisheries (the fisheries) to the Department of Agriculture, Water and the Environment for assessment under the EPBC Act as an approved wildlife trade operation (WTO). The WTO is assessed against the Australian Government '*Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*'. A public comment period was open from 2 November 2020 to 2 December 2020. No comments were received.

Description of the Fisheries

The fisheries are managed by the Australian Fisheries Management Authority (AFMA) in accordance with the *Fisheries Management Act 1991*, the *Fisheries Management Regulations 2019*, and the *Western Trawl Fisheries Statement of Management Arrangements 2012*.

Western Deepwater Trawl Fishery

The Western Deepwater Trawl Fishery (WDTF) is located off the Western Australian coast from the line closely approximating the 200 metre isobath to the edge of the Australian Fishing Zone. Its northern most point is the boundary of the AFZ to longitude 114°E and southern most point at the boundary of the AFZ to longitude 115°08'E.

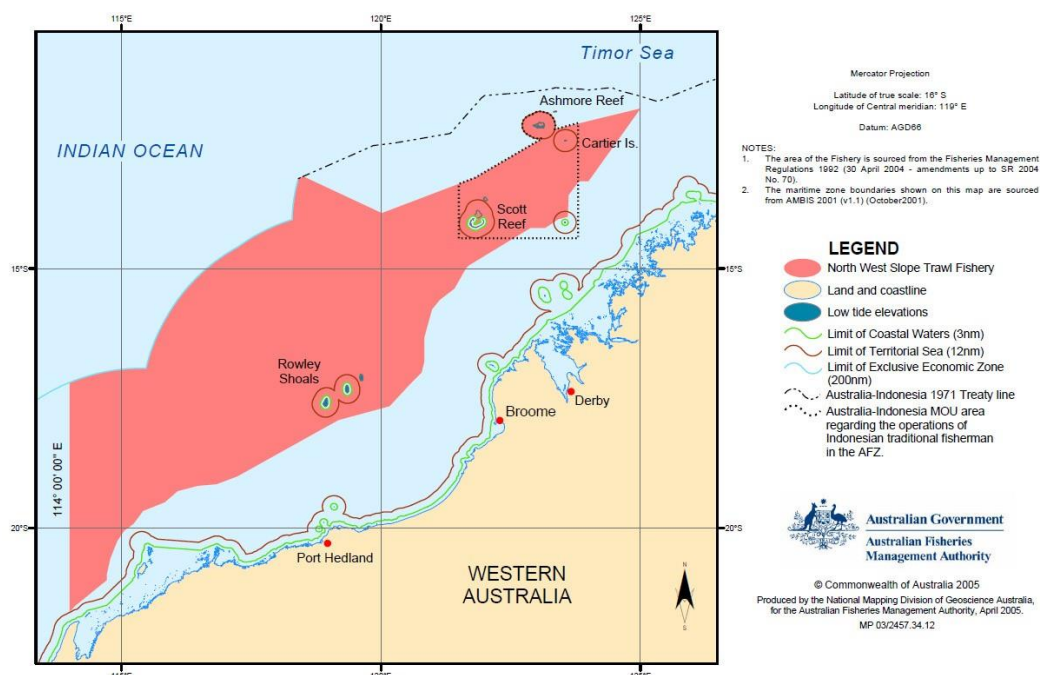


The WDTF is defined as a multispecies and byproduct fishery due to the wide range of species taken. Commercially important species taken in the fishery include Bugs (*Ibacus spp*), Deepwater Flathead (*Platycephalus conatus*), Boarfish (*Pentacerotidae sp.*) and Mirror Dory (*Zenopsis nebulosus*), Ruby Snapper (*Etelis carbunculus*), Tang's Snapper (*Lipocheilus carnolabrum*) and Longtail Ruby Snapper (*Etelis coruscans*). Historically, Orange Roughy (*Hoplostethus atlanticus*) which is conservation dependent has also been targeted. However, there has been no catch of this species reported for the last three years.

The WDTF is open to fishing the entire year however, operators generally choose to access the fishery on a part time or opportunistic basis when not fishing in other trawl fisheries. Consequently, a diverse range of vessels are used in the fishery. The fishing effort in the fishery is light and variable, with between one and three vessels operating annually since 2014. However, effort has increased since 2018 with an average of four vessels operating between 2017 and 2019.

North West Slope Trawl Fishery

The North West Slope Trawl Fishery (NWSTF) extends from 114°E to 125°E off the Western Australian coast between the line closely approximating the 200 metre isobath and the outer limit of the AFZ, but taking into account Australian-Indonesian maritime boundaries. Fishing is primarily conducted using demersal crustacean trawls along bathometric (depth) contours depending upon target species sought.



The area of the fishery was originally determined under an Offshore Constitutional Settlement (OCS) arrangement between the Australian Government and the Western Australian Government, which details joint management arrangements between the Commonwealth fisheries and adjacent WA state fisheries.

The OSC has the intention that Commonwealth trawl operators would operate seaward of the 200 metre depth contour. It has since been found that the boundaries of the original Offshore Constitutional Settlement arrangement did not accurately align with the 200 metre isobath in some places and there is a north east portion of the NWSTF which is shallower than 200 metres.

The NWSTF has historically been a deepwater crustacean fishery, primarily targeting scampi and prawns, but has recently begun targeting some finfish species, primarily Goldband Snapper (*Pristipomoides multidens*) and Red Emperor (*Lutjanus sebae*).

The fisheries (collectively referred to as the 'Western Trawl Fisheries' in past Australian Government assessments under the *Environment Protection and Biodiversity Conservation Act 1999*) are managed under the same set of management arrangements and as such, the Department has assessed these fisheries collectively.

Stock assessments

Stock assessments and Ecological Risk Assessments (ERA) are based on a low level of data due to the low level of fishing that has occurred in the fisheries.

Stock assessments ([Butler et al. 2020a](#); [Butler et al. 2020b](#)) indicate that stocks in both fisheries are not classified as overfished or subject to overfishing. However, there is uncertainty regarding the biomass of deepwater bugs.

The ERA (2008) has identified Scarlet Prawns as high risk in the NWSTF. However, current catches of Scarlet Prawn are very low (<100kg) so it is unlikely to be at risk at the moment.

Harvest controls

The Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery (AFMA, 2011) focusses management actions on key commercial species and any species identified as high risk in the ERA (2007, 2008). The harvest strategy assumes that controls on a subset of key commercial species will indirectly control the level of fishing pressure on other lower value byproduct and bycatch species.

The harvest strategy will be reviewed by 2022 and condition 5 requires the revised harvest strategy to be implemented by June 2023.

Protected species

There have been no reported interactions with species listed under Part 13 of the EPBC Act since 2012. However, there are concerns that not all reporting of interactions is accurate. For this reason, the Department is recommending the inclusion of a condition on the Part 13 and Part 13A approvals that requires ongoing monitoring (electronic or human) of impacts of fishing on protected species.

Ecosystem impacts

Taking into account existing management measures and low effort in the fisheries, the management regime for the fishery provides for fishing operations to be managed to minimise its impact on the structure, productivity, function and biological diversity of the ecosystem.

Conclusion

The Department's assessment identified risks in the fisheries that often relate to the lack of information available. The Department has recommended conditions that will ensure a precautionary approach is taken to the management of these risks in the fisheries.

The Department recommends that the fisheries be declared an approved WTO for a period of three years until 30 November 2023 subject to conditions and that the fisheries be included on the List of Exempt Native Specimens (LENS) while a WTO approval is in place. The Department also recommends that the management arrangements for the fisheries be accredited under Part 13 of the EPBC Act subject to a condition. Unless a specific timeframe is provided, each condition must be addressed within the period of the approved WTO declaration for the fishery.

SECTION 1: ASSESSMENT SUMMARY

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime		9/9		Some management arrangements appear to be out of date. More specific, measurable and time-bound actions to the management regime would increase confidence to manage adverse impacts or changes in the fisheries.
Principle 1 (target stocks) 2 of 11 N/A	4 of 11	4 of 11	1 of 11	Systems are available to collect fishery information but there is limited information and very little independent data collection. There are measures to manage stocks outlined in harvest strategies which should be strengthened when reviewed under condition 5. Fishing activity is currently low and no stocks are considered overfished or subject to overfishing.
Principle 2 (bycatch and TEPS) 4 of 12 N/A	4 of 12	6 of 12		The harvest strategy contains management triggers for bycatch species. Measures to manage bycatch outlined in the harvest strategy are to be strengthened when reviewed under condition 5. No interactions with species listed under Part 13 of the EPBC Act have been reported in the fisheries although a condition to monitor impacts to protected species is recommended for the Part 13 and Part 13A approvals.
Principle 3 (ecosystem impacts)	1 of 5	4 of 5		Although there is little information available on the fisheries ecosystems, the low fishing effort means that ecosystem impacts are likely to be low. Existing management is likely to be sufficient while fishing effort remains low but may be inadequate to manage any changes to fishing effort in the fisheries.
EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 12	Meets			The North-west and the South-west Marine Bioregions are relevant to parts of these fisheries. The Marine Bioregional Plans for these areas identify a number of pressures of concern or potential concern to key ecological features. Current arrangements are considered sufficient to manage relevant pressures.

Part 13	Meets			There have been no reported interactions with protected species. The ERAs (2007, 2008, 2009) do not identify any protected species at high risk from the fisheries.
Part 13A	Meets			The fisheries are operating consistent with the Objects of Part 13A. Declaration of the fishery as a WTO for three years, until 30 November 2023 is recommended, subject to conditions detailed in Section 2 of this report.
Part 16		Partially Meets		While fishing effort is low in the fisheries, the Department considers that the management arrangements are not precautionary enough to manage any increases to the fishing effort that may occur in the fisheries.

SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

Part 13A - Issue	Proposed Part 13A condition
<p><u>General Management</u></p> <p>Export decisions relate to the management arrangements in force at the time of any decision(s) made under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). To ensure that the decision(s) remain valid and export approval continues uninterrupted, the Department of Agriculture, Water and the Environment (the Department) 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(s). This includes operational and legislated amendments that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>The Australian Fisheries Management Authority must ensure that operation of the North West Slope and Western Deepwater Trawl fisheries is carried out in accordance with management arrangements defined in the <i>Fisheries Management Act 1991</i>, the Fisheries Management Regulations 2019, and the Western Trawl Fisheries Statement of Management Arrangements 2012.</p> <p>Condition 2:</p> <p>The Australian Fisheries Management Authority must inform the Department of Agriculture, Water and the Environment of any intended material changes to the North West Slope and Western Deepwater Trawl Fisheries management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p> <p>Condition 3</p> <p>The Australian Fisheries Management Authority must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.</p>
<p><u>Annual Reporting</u></p> <p>It is important that the Australian Fisheries Management Authority produce and present reports to the Department annually in order for the performance of the fishery and progress in implementing the conditions described in this report and other managerial commitments to be monitored and assessed throughout the life of the export approval. Annual reports should follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> and</p>	<p>Condition 4:</p> <p>The Australian Fisheries Management Authority must provide reports to the Department of Agriculture, Water and the Environment annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

<p>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 EPBC Act protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the Department's conditions described in the previous assessment for the fishery. Electronic copies of the guidelines are available from the Department's website at http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries.</p>	
<p><u>Harvest and other management strategies</u></p> <p>Effective harvest controls are necessary to manage the ecological effects of fishing.</p> <p>Harvest and other management strategies usually contain triggers and limits, which provide a clear framework for monitoring and responding to changes in the fisheries.</p> <p>The harvest strategy in place for the North West Slope and Western Deepwater Trawl fisheries includes objectives and performance criteria, but these are not specific, measurable or timebound. They also do not appear to be monitored, and triggered management responses have not been undertaken.</p> <p>This can result in significant delays in detecting and responding to issues and managing risk.</p> <p>Given the lack of information available in these fisheries, and the susceptibility of some species to overfishing, some arrangements also do not appear sufficiently precautionary.</p> <p>The Australian Fisheries Management Authority (AFMA) committed to review the harvest strategies by 2020, however this did not occur. AFMA has stated in the 2020 application that they intend to undertake the review by 2021.</p>	<p>Condition 5:</p> <p>Australian Fisheries Management Authority must:</p> <ul style="list-style-type: none"> a) provide the Department of Agriculture Water and the Environment with revised a harvest strategy for the North West Slope and Western Deepwater Trawl fisheries by 30 June 2022. The harvest strategy must include measurable and timebound management actions; and b) ensure that the fisheries' triggers and management actions identified in the harvest strategy are implemented by 30 June 2023. <p>In the case of increased fishing effort (twice the historic high), the harvest strategy must be reviewed immediately.</p> <p>Harvest strategy performance must be reported as part of the requirements specified in Condition 4 above.</p>

<p><u>Ongoing monitoring for protected species</u></p> <p>According to AFMA's protected species interaction reports, the fisheries have reported no interactions with protected species. However, there have been interactions, including with potential EPBC Act listed sea birds, recorded by AFMA onboard observers but not recorded to species level.</p> <p>The Department recommends that AFMA's onboard observers continue to be utilised at the minimum requirement (calculated based on the number of days observed over the overall effort days each year), introduce updated protected species guides for the fisheries, as well as providing appropriate identification training to ensure all observed catch can be reported at appropriate species levels.</p> <p>Therefore, it is appropriate that continued export approval is subject to a condition that AFMA continue to monitor and report potential protected species interactions at appropriate levels.</p>	<p>Condition 6:</p> <p>The Australian Fisheries Management Authority must ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on EPBC Act protected species.</p> <p>The Australian Fisheries Management Authority must provide the Department of Agriculture, Water and the Environment, as part of the annual reporting at Condition 4, a report outlining all monitoring of protected species that was undertaken. The report must include how the results of the monitoring will inform the ongoing management of the fisheries, in particular, an observer program for the fisheries.</p>
Part 13 - Issue	Proposed Part 13 condition
<p>There are have been no reported interactions with protected species in the fisheries however the Department considers it appropriate that AFMA must continue to monitor and evaluate the impacts the fisheries are having on protected species.</p>	<p>Condition 1:</p> <p>The Australian Fisheries Management Authority must ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on EPBC Act protected species.</p> <p>The Australian Fisheries Management Authority must provide the Department of Agriculture, Water and the Environment, as part of the annual reporting at Condition 4, a report outlining all monitoring of protected species that was undertaken. The report must include how the results of the monitoring will inform the ongoing management of the fisheries, in particular, an observer program for the fisheries.</p>

Assessment history:

1st assessment finalised 2004 – 3 conditions, 10 recommendations.

2nd assessment finalised 2007 – 5 conditions, 1 recommendation.

3rd assessment finalised 2012 – 4 conditions, 2 recommendations.

4th assessment finalised 2017 - 5 conditions.

Fishery reporting: No annual reports received.

Key links:

Fishery information page on agency website:

- [Western Deepwater Trawl Fishery](#)
- [North West Slope Trawl Fishery](#)

Enforcing legislation:

- [Commonwealth Fisheries Management Act 1991](#)
- [Commonwealth Fisheries Management Regulations 1992](#)
- [Amendment of arrangement between the Commonwealth of Australia and the state of Western Australia in relation to defining the area of the Western Deepwater Trawl Fishery and the North West Shelf Trawl Fishery](#)
- [North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements September 2012](#)

Harvest strategy:

- [Harvest strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011](#)
- [Reducing Uncertainty in Stock Status: Harvest Strategy Testing, Evaluation, and Development.](#)

Bycatch and discarding:

- [Bycatch Handling and Treatment Guide 2016/17](#)
- [North West Slope Trawl Fishery bycatch and discarding work plan October 1, 2010 – SEPTEMBER 30, 2012](#)
- [Western Deepwater Trawl Fishery bycatch and discarding work plan November 1, 2010 – October 31, 2012](#)

Ecological Risk Reports - North West Slope Trawl Fishery:

- [Ecological risk assessment for effects of fishing report for the North West Slope Trawl Fishery 2007](#)
- [Residual risk assessment of the level 2 ecological risk assessment species results report for the North West Slope Trawl Fishery August 2008](#)
- [Rapid quantitative risk assessment for fish species in seven Commonwealth fisheries 2009](#)
- [Ecological risk management report for the North West Slope Fishery April 2010](#)

Ecological Risk Reports – Western Deepwater Trawl Fishery:

- [Ecological risk assessment for effects of fishing report for the Western Deepwater Trawl Fishery 2007](#)
- [Residual risk assessment of the level 2 ecological risk assessment species results report for the Western Deepwater Trawl Fishery August 2008](#)
- [Rapid quantitative risk assessment for fish species in seven Commonwealth fisheries 2009](#)
- [Ecological risk management report for the Western Deepwater Trawl Fishery August 2008](#)

Other documents relevant to the management of the fisheries:

- [Implications of current spatial management measures for AFMA ERAs for habitats — FRDC Project No 2014/204.](#)
- [Marine bioregional plan for the North-west Marine Region](#)
- [Marine bioregional plan for the South-west Marine Region](#)
- [North West Slope Fishery General Conditions 2014-19 season](#)
- [Western Deepwater Trawl Fishery General Conditions 2014-19 season](#)
- [Area of the Western Deepwater Trawl Fishery and the North West Shelf Trawl Fishery.](#)

Australian Bureau of Resource Economics and Sciences, Fishery Status Reports:

- North West Slope Trawl Fishery: [2016](#); [2017](#) and [2019](#)
- Western Deepwater Trawl Fishery: [2016](#); [2017](#) and [2019](#)

SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

Guidelines criteria	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.	Partially meets – Some management documents are available. Management documents are publicly available via AFMA's website. However, some management arrangements appear to be over 10 years old (Bycatch and Discard Workplan 2010–2012), out of date (Statement of Management Arrangements 2012), or not completed and published as required (e.g. reviews and reports under the harvest strategy).
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	Partially meets – Consultative, but not open to the general public. No information is readily available on consultation undertaken by AFMA with interested and affected parties to develop management arrangements.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.	Partially meets – Limited expertise and public interest involved. In 2009 the Management Advisory Committee (WestMAC) was replaced by a consultative panel consisting of permit holders from the two fisheries. Stakeholders, such as the Western Australian Department of Fisheries and Western Australian Fishing Industry Committee, are involved in consultative panel meetings as necessary. The consultative panel is convened as necessary to discuss key management issues, but meetings do not occur every year and meeting records are not published. There is no Resource Advisory Group for the fisheries and no other broader stakeholder forum.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	Partially meets – the management arrangements include general objectives and performance criteria however it has not been demonstrated that they are regularly used to assess effectiveness. Objectives and performance criteria are included in management documents such as the harvest strategies and to some extent in the bycatch and discard workplans. However, the objectives and performance criteria are not specific, measurable or timebound. They also do not appear to be monitored and triggered management actions have not been undertaken.

Be capable of controlling the level of harvest in the fishery using input and/or output controls.	<p>Partially meets – Controls have some capacity to limit harvest.</p> <p>The fishery is managed through input controls (limited number of permits) and catch triggers under the harvest strategies. Other controls include permit conditions, gear requirements (controls on cod end mesh size) and vessel move on provisions (if coral or sponge are caught).</p>
Contain the means of enforcing critical aspects of the management arrangements.	<p>Partially meets – Limited enforcement capability.</p> <p>AFMA's compliance and enforcement activities across Commonwealth fisheries are prioritised based on risk. All boats in the two fisheries are required to operate vessel monitoring systems which regularly report the boats location to AFMA. Boats are not required to unload their catch to an AFMA authorised fish receiver or complete catch disposal records, and there are no electronic logbook records at this time. In addition, AFMA manage these fisheries as low risk and are unlikely to prioritise compliance effort in these fisheries.</p>
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.	<p>Partially meets – Performance reviews are provided for but are not on a regular timeframe.</p> <p>Review timeframes are built into management arrangements such as the harvest strategy and bycatch and discard workplans. However, reviews are not undertaken as regularly as planned. The harvest strategies and ERAs for the fisheries were expected to be reviewed and revised by 2020. AFMA now proposes to review the harvest strategy by 2022. The Department recommends a condition that ensures the harvest strategies is reviewed and implemented by July 2023.</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>Partially meets – Limited capability to manage impacts on the wider marine ecosystem.</p> <p>ERAs have been completed (2007, 2008, 2009) and the management regime appears capable of assessing, monitoring and managing adverse impacts on the marine environment. More specific, measurable and time bound actions, and evidence of greater adherence to the management regime would increase confidence in the fisheries' capacity to mitigate adverse impacts.</p> <p>In the NWSTF, permit conditions require 100 per cent observer coverage in waters shallower than 200 metres, due to the fishing method's potential to cause significant impacts on the seafloor' benthic environment.</p> <p>The ERAs for the fisheries were expected to be reviewed and revised by 2020. However, they have been delayed to 2024. Due to the low fishing effort in the fisheries, the current management arrangements are likely to be capable of managing risks to the wider marine environment.</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>Partially meets – Partially compliant with relevant plans.</p> <p>Management is consistent with relevant plans and strategies. The fisheries have bycatch and discard workplans (2010-2012) that are in accordance with the Australian Government's <i>Commonwealth Policy on Fisheries Bycatch</i>. While the Bycatch and Discard Workplan 2010-2012 is out of date, the management actions still apply and AFMA intend to review the plans in 2021 as part of the Harvest Strategy. The Department recommends condition 5 to ensure the harvest strategy is implemented by July 2023.</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.	
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.	
Information requirements	
<p>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>	<p>Partially meets – logbooks are required but there is not data validation.</p> <p>Logbooks which include estimates of catch are required to be completed for all fishing activities. There is no system to validate these logbook records as catches are not landed to authorised fish receivers, catch disposal records are not used and there is no electronic monitoring program. Onboard observer coverage is low due to the low fishing effort.</p> <p>The fisheries are generally considered to be underutilised. Reflecting this, the harvest strategy (2011) has been designed to allow for the sustainable development and exploitation of underutilised teleost and invertebrate resources whilst mitigating against any potential for overfishing from uncontrolled activation of latent effort.</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.

Partially meets – ABARES stock reviews are undertaken annually.

The Australian Bureau of Resource Economics and Sciences (ABARES) review available information on Commonwealth fisheries each year to determine whether they are overfished or subject to overfishing. In the Western Deepwater Trawl Fishery, Ruby Snapper and deepwater bugs are classified as not subject to overfishing, however there is uncertainty on the biomass of deepwater bugs ([Butler et al. 2020a](#)). Scampi in the North West Slope Trawl Fishery are classified not overfished or subject to overfishing ([Butler et al. 2020b](#)).

Scampi

In 2010, the scampi stock (predominantly *M. australiensis*, *M. boschmai* and *M. velutinus*) was assessed. This assessment indicated that scampi biomass at the end of 2008 was most likely between 65 per cent and 85 per cent of unfished biomass. The fishing mortality rate was estimated to have been well below the rate that would achieve maximum sustainable yield. As a result, scampi in the NWSTF are classified as not overfished and not subject to overfishing.

Deepwater bugs

The WDTF targets several species of deepwater bugs. Stock structure of these species is not known, and they are grouped into a single multispecies stock for determining stock status. No catch of deepwater bugs was reported in the WDTF in 2018–19. On this basis, the stock is classified as not subject to overfishing. Few empirical data are available to inform biomass status for this stock and therefore, the level of biomass of the stock is uncertain.

Ruby Snapper

Ruby Snapper have been recorded as declining throughout the Pacific in response to high fishing pressure. The species has characteristics that potentially increase its vulnerability to overfishing: the species is relatively long lived; has a high age at maturity; a slow growth rate; and known to form large spawning aggregations in the WDTF which increase the susceptibility of the species to trawling (Dichmont et al. 2002; [Patterson et al. 2017b](#)).

The WDTF overlaps with Western Australian state-managed demersal fisheries that also target ruby snapper. Therefore, it is highly likely that these fisheries are exploiting the same stock of ruby snapper. Stock assessments indicated that in both 1997 and 2011 the stock was at approximately 60 per cent of the unfished biomass level. Fishing mortality rates were relatively low for 1997 (0.04) and 2011 (0.05)

	<p>compared with the estimated natural mortality rate of 0.11 per year, which suggests that the stock was not subject to overfishing during those periods.</p> <p>Although catches for 2017–18 and 2018–19 were relatively large for the fishery, it is unlikely that these catches would be sufficient to drive the stock into an overfished state.</p> <p>Annual ABARES stock reviews and review of the harvest strategy, required in recommended conditions (Section 2) should include a process to identify any changes in biological diversity in the fishery.</p>
<p>1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p>Partially meets – Spatial information is collected but yet to be used.</p> <p>The NWSTF targets several species of Scampi. The stock structure of these species (predominantly <i>M. australiensis</i>, <i>M. boschmai</i> and <i>M. velutinus</i>) is not known, and they are grouped into a multispecies stock for management and assessment purposes. Scampi in the NWSTF are therefore assessed as a single stock. (Butler et al. 2020b).</p> <p>Some target species are assessed in adjacent state-managed fisheries. Where appropriate, AFMA uses this information to inform management. Catch limits for shared stocks, such as Goldband Snapper, Red Emperor and Ruby Snapper have been developed in consultation with the Western Australian Department of Fisheries. Recent changes to the area of both North West Slope and Western Deepwater Trawl fisheries have been designed to minimise the likelihood of catching species targeted in state waters.</p> <p>AFMA anticipates that information relevant to the distribution and spatial structure of stocks will be considered in the review and revision of the harvest strategy for the fisheries. The Department recommends a condition that will ensure harvest strategies for the fisheries are implemented by June 2023.</p>

<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>	<p>Partially meets</p> <p>Logbooks which include estimates of retained and discarded catch are required to be completed for all fishing activities. There is no system to validate these records as catches are not landed to authorised fish receivers, catch disposal records are not used, there is no electronic monitoring program and onboard observer coverage is infrequent. The harvest strategy includes an observer program to collect information independent of logbook data on 6 per cent of trips.</p> <p>Estimates of fishing mortality from other fisheries (recreational, commercial and Indigenous) are not considered in the management of the fisheries.</p> <p>The bycatch and discard workplans for the fisheries consider the risks to be low due to the low level of fishing occurring. The workplans do not provide for management arrangements unless there is an increase in fishing effort in the fisheries. The review of the harvest strategy will include a review of the bycatch and discard workplans and will be completed by June 2023 as recommended in condition 5.</p>
<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>	<p>Does not meet</p> <p>The potential productivity of the fisheries stocks is unknown. Catch limits are instead based on historic catches and catch rates. There is no scope for any research on stocks in the fishery due to low effort.</p>
<p>Management responses</p>	
<p>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.</p>	<p>Meets</p> <p>A harvest strategy applies to both fisheries, which includes reference points based on unfished biomass and decision rules (AFMA 2011).</p> <p>Decision rules include:</p> <ul style="list-style-type: none"> • Maximum catch limit; • Biomass limit reference point triggers; and • Fishery closure rules.

<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets – the harvest strategies provide management strategies to control the level of take from the fisheries.</p> <p>The harvest strategy includes reference points that trigger management actions for key target species. The management actions include cessation of fishing and analysis of the catch per unit effort (CPUE) when catch limits are reached. The analysis must consider the low level of effort in the fishery. The lack of timeframes associated with these management responses makes compliance with these requirements less likely and difficult to enforce.</p> <p>AFMA has advised that fishing activity is monitored periodically using VMS and logbook data and catches assessed at the end of each year (end of fishing season).</p> <p>Harvest strategy triggers are currently based on historical catch data and risks identified through the ecological risk assessment process. While some triggers do not appear to be sufficiently precautionary given the lack of information available and the susceptibility of many species to overfishing, there has been continued low effort in the fisheries. AFMA will be required to review the appropriateness of its trigger limits and reporting periods when the harvest strategy is revised as required under condition 5.</p>
<p>1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p>Meets – there are management measures for byproduct.</p> <p>The harvest strategy includes trigger limits for byproduct species that are identified as high risk in the ERA. In addition, fishing permits include additional measures for some high risk species such as dogfish. Permits include catch and effort-based targets, and management triggers for target and some non-target species. These measures are considered sufficient for the current low level of fishing activity.</p> <p>The harvest strategies for the fisheries were expected to be reviewed and revised by 2020. To ensure measures to manage byproduct species continues to be appropriate, the Department recommends the inclusion of condition 5 that requires AFMA to implement a new harvest strategy by June 2023.</p>
<p>1.1.9 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>Management is likely to meet its objective while fishing effort remains low. Management arrangements must be reviewed if fishing effort increases. Condition 5 ensures potential increases in effort are considered in the harvest strategy to be implemented by June 2023.</p>

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 a specific time period appropriate to the biology of the stock.	Not applicable No stocks have been classified as overfished or are subject to overfishing (Butler et al. 2020a ; Butler et al. 2020b).
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.	
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.	Partially meets – information is collected in logbooks however there is little data validation. Bycatch information is collected through logbooks for the fisheries. Observer coverage collects independent information on bycatch. However, observer coverage is calculated based on the number of days observed over the overall effort days each year. While fishing activity remains at a low level there will be a low level of independent data collected.

Assessment	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	<p>Meets – ERAs have identified species at risk.</p> <p>ERAs (2007, 2008, 2009) have identified bycatch species at risk from the fishery. The ERA's identified six species at high risk (one invertebrate in the NWSTF and one invertebrate and four teleost species in the WDTF). The review of the harvest strategy including the bycatch and discard workplan required at condition 5, will ensure the management of risks to bycatch species continues to be appropriate. The Department is also recommending a condition that requires AFMA to monitor impacts to protected species be included in the Part 13 (condition 1) and Part 13A (condition 6) approvals.</p>
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 species). Steps must be taken to develop suitable technology if none is available.	<p>Meets – There are measures in place to avoid capture of bycatch.</p> <p>Species identified as being at high risk from fishing in the two fisheries are managed through the harvest strategy and via conditions on fishing permits. This includes trip-based catch limits for four deepwater dogfish species.</p> <p>Fishers do not target corals in the NWSTF, however, to minimise bycatch of corals, permit conditions require fishers who catch more than 50 kilograms of corals or sponge in any one shot, to immediately cease fishing and not fish within a five nautical mile radius of that shot for five days.</p> <p>Given the relatively low levels of fishing effort currently occurring in the fisheries, the impacts of fishing operations on the ecosystem are likely to be low (ERA 2007 and Pitcher et al (2016)).</p>
2.1.4 An indicator group of bycatch species is monitored.	<p>Partially meets – there isn't an indicator group but there are trigger limits for some bycatch species.</p> <p>An indicator group of bycatch species is not being monitored in the fishery. The harvest strategy and permits contain trigger limits for bycatch species. Due to the low fishing effort, the trigger limits in the harvest strategy only apply when the they have been reached two years in a row.</p>

<p>2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.</p>	<p>Partially meets– there isn’t an indicator group but there are trigger limits for some bycatch species.</p> <p>The harvest strategies contain decision rules that trigger additional management actions. Action has not been taken when these triggers have been reached due to the triggers not being reached two years in a row and low effort in the fisheries.</p> <p>Maximum annual catch, and minimum catch-per-unit-effort limits apply to ‘Key Indicator Species’, namely Orange Roughy and Goldband Snapper in parts of the Western Deepwater Trawl Fishery, and Red Emperor in part of the North West Slope Trawl Fishery. These species are no longer the key target species in the fisheries.</p> <p>The harvest strategies for the fisheries were expected to be reviewed and revised by 2020. The Department recommends including a condition of approval (section 2) that ensures AFMA implement a new harvest strategy by June 2023.</p>
<p>2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partially meets – if there are no changes to fishing effort the management response is adequate.</p> <p>Management is likely to meet its objective while fishing effort remains low but there is limited monitoring or management of the fishery to adequately respond to increased effort in the fishery.</p>

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.	<p>Partially meets – The fisheries may be lacking important or adequate data on interactions with endangered, threatened or protected species and threatened ecological communities.</p> <p>Any interactions with protected species must be reported to AFMA by fishers in their daily fishing logbooks. Records of any interactions are published quarterly by AFMA on their website. While there have been no protected species interactions reported in logbooks or by observers in the fisheries since 2017, recent logbooks include reporting of a petrel but the species was not recorded. This demonstrates that the reporting of protected species may not be accurate. Similar examples can be found for sharks. The Department recommends that better species identification in logbooks and by onboard observers is needed and recommends the inclusion of a condition on the Part 13 and Part 13A approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	<p>Partially meets</p> <p>ERAs (2007, 2008, 2009) identify risks to endangered, threatened or protected species. No species were found to be at high risk given the current level of fishing activity. These ERA's have not been reviewed for over 10 years.</p> <p>The Department recommends the inclusion of a condition on the Part 13 and Part 13A approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	<p>Not applicable</p> <p>No threatened ecological communities have been identified within the fisheries.</p>

Management responses	
<p>2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p>	<p>Meets – There have been no recorded interactions with protected species.</p> <p>There are 121 endangered, threatened or protected species in the NWSTF. These include 3 species of sharks/rays, 21 species of seabirds (including 2 species of petrels), 30 species of marine mammals, 27 species of marine reptiles (including 5 species of turtles) and 40 species of bony fish.</p> <p>There are 124 endangered, threatened or protected species in the WDTF. These include 3 species of sharks/rays, 18 species of seabirds (including 4 species of petrels), 44 species of marine mammals, 20 species of marine reptiles (including 5 species of turtles) and 39 species of bony fish.</p> <p>None of these species were assessed as being at high risk in AFMA's ecological risk assessments. AFMA has committed to take all reasonable steps to minimise interactions with these species.</p> <p>The fisheries are required to operate consistent with relevant threat abatement and recovery plans, and any interactions with protected species must be reported to AFMA by fishers in their daily fishing logbooks. These records are published quarterly by AFMA on their website.</p> <p>There have been no protected species interactions reported in logbooks or by observers in the NWSTF or WDTF since 2012.</p> <p>The Department recommends the inclusion of a condition on the Part 13 and Part 13A approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>
<p>2.2.5 There are measures in place to avoid impact on threatened ecological communities.</p>	<p>Not applicable</p> <p>No threatened ecological communities have been identified within the fisheries.</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 – There is no reported interactions with protected species.</p> <p>There have been no reported interactions with endangered, threatened or protected species in the fisheries and AFMA has committed to take all reasonable steps to minimise interactions with these species.</p> <p>The Department recommends the inclusion of a condition on the Part 13 and Part 13A approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>

Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fishery's impact on the ecosystem and environment generally.	<p>Partially meets</p> <p>Information on the fisheries' impact on the ecosystem and environment is not collected. ERAs are over 10 years old and were expected to be reviewed and revised by 2020. AFMA have indicated that this will now happen in 2023-24.</p> <p>The Department recommends the inclusion of a condition on the Part 13 (condition 1) and Part 13A (condition 6) approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>
Assessment	
<p>2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery.</p> <p>1. Impacts on ecological communities</p> <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities <p>2. Impacts on food chains</p> <ul style="list-style-type: none"> • Structure • Productivity/flows <p>3. Impacts on the physical environment</p> <ul style="list-style-type: none"> • Physical habitat • Water quality 	<p>Partially meets – AFMA do not consider it necessary to review the ERA given the scale of the fisheries at this time. AFMA have committed to review the ERA by 2024.</p> <p>Bycatch information is collected through logbooks for the NWSTF and WDTF and some additional information is collected when observer coverage is undertaken. However, the observer coverage is infrequent due to the low effort in the fisheries (one observer trip per year since 2017).</p> <p>The fisheries cover vast areas but have fished very little of this area in recent years. However, effort has increased in the NWSTF since 2018 with an average of four vessels operating between 2017 and 2019.</p> <p>It is unclear to what extent data collected by the fisheries informs ecological risk management. However AFMA's ERA's for the fisheries and the benthic habitat risk assessment undertaken by Pitcher et al. (2016) found the fisheries present a low potential for habitat risk, relative to other Commonwealth fisheries.</p> <p>In the NWSTF permit conditions require 100 per cent observer coverage in waters shallower than 200 metres, due to the fishing method's potential to cause significant impacts on the seafloor' benthic environment. AFMA advise that effort in waters shallower than 200 metres has not exceeded 2011 levels.</p> <p>Given the relatively low levels of fishing effort currently occurring in the fisheries, the impacts on the ecosystem are likely to be low.</p>

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.	<p>Meets – Management actions are in place to protect the ecosystems.</p> <p>Ecological risk mitigation measures are implemented via conditions on fishing permits. These conditions include limits on the retention of four deepwater dogfish species and a requirement for fishers to ‘move on’ from areas when they encounter high bycatch of corals and sponges. This ‘move on’ provision is applied to all boats in the fisheries from the time AFMA receives notice of the bycatch.</p>
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.	<p>Partially meets</p> <p>Ecological impacts are not monitored, but conditions on fishing permits include limits on the retention of four deepwater dogfish species and a requirement for fishers to ‘move on’ from areas when they encounter high bycatch of corals and sponges. This ‘move on’ provision is applied to all boats in the fishery from the time AFMA receives notice of the bycatch.</p> <p>The review of the harvest strategy recommended in condition 5 will require decision rules and management responses to manage the fishery in a precautionary way.</p>
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<p>Partially meets</p> <p>Although there is currently low fishing effort and risks are therefore likely to be low, the management regime has not been updated in over 10 years. The lack of information available on stocks and bycatch, and the susceptibility of some species to overfishing suggest some management arrangements (e.g. harvest strategy), are not sufficiently precautionary.</p> <p>The Department recommends the addition of conditions that ensures the harvest strategies are reviewed and implemented by June 2023 and that sufficient ongoing monitoring (electronic or human) is used to evaluate the impacts of fishing on protected species.</p>

SECTION 4: ASSESSMENT AGAINST THE EPBC ACT

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

Part 10 – Strategic assessments

Division 2 Assessment of Commonwealth-managed fisheries Section 153 Minister must make declaration if he or she endorses plan or policy	The Department's assessment of the Commonwealth North West Slope Trawl and Western Deepwater Trawl Fisheries
<p>(1) This section applies if:</p> <ul style="list-style-type: none"> (a) the Minister makes an agreement under section 146 as required by this Division and endorses under the agreement: <ul style="list-style-type: none"> (i) a plan of management under the Fisheries Management Act 1991 (CTH) for a fishery; or (ii) policies of the Australian Fisheries Management Authority for managing a fishery for which there is not a plan of management under the Fisheries Management Act; or (iii) a plan of management under the <i>Torres Strait Fisheries Act 1984</i> (CTH) for a fishery; or (iii) policies for managing fishing under the <i>Torres Strait Fisheries Act</i>; and (b) the Minister accredits, under subsection 33(3) of this Act, as an accredited arrangement a management plan or regime consisting of the endorsed plan or policies. <p>(2) The Minister must make a declaration under section 33 that actions approved in accordance with the accredited arrangement do not require an approval under Part 9 for the purposes of subsection 23(1), (2) or (3) or subsection 24A(1), (2), (3), (4), (5) or (6).</p>	<p>The fisheries were assessed under Part 10 of the EPBC Act in November 2004. As a result of the assessment, the Department considered that actions taken in the fishery would not have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area. The management regime described in the 'Western Trawl Fisheries Statement of Management Arrangements 2004' was subsequently accredited under section 33 of the EPBC Act in November 2005. Since that time, additional management measures have been implemented and are now reflected in the <i>Fisheries Management Act 1991</i>, the <i>Fisheries Management Regulations 2019</i>, and the <i>Western Trawl Fisheries Statement of Management Arrangements 2012</i>.</p>

Part 12 – Identifying and monitoring biodiversity and making bioregional plans

Section 176 Bioregional Plans	Comment
<p>(5) Minister must have regard to relevant bioregional plans</p>	<p>Meets – bioregional plans have been considered.</p> <p>The NWSTF includes areas of the North-west Marine Bioregion, and the WDTF includes areas of the North-west and South-west Marine Bioregions.</p> <p>The Marine Bioregional Plans for these areas identified a number of pressures of concern or potential concern to key ecological features.</p> <p>Some protection is afforded by Commonwealth Marine Reserves, which prohibit trawling in 12.1 per cent and 21.5 per cent of the of the NWSTF and WDTF areas respectively. AFMA has implemented risk mitigation measures including requirements for fishers to ‘move on’ from areas when they encounter high bycatch of corals or sponges.</p> <p>Seven licences have been issued to fish in the NWSTF, and 11 in the WDTF. Of these, no more than two have been active in WDTF in recent years, however, effort has increased in NWSTF since 2018 with an average of four vessels operating between 2017 and 2019.</p> <p>The impact of fishing operations on key ecological features should be included as part of the harvest strategies review under condition 5.</p>

Part 13 – Species and communities

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
<p>s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e)</p> <p>Does the fishery have an accreditable plan of management, regime or policy?</p>	<p>Meets - There is an accreditable management plan.</p> <p>The management arrangements are described in the ‘North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements 2012’.</p>

Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	<p>Meets – all reasonable steps will be taken to avoid interactions with protected species.</p> <p>The ERA's (2007, 2008, 2009) for the fisheries have identified risks to protected species. Risk management strategies have been implemented to ensure all reasonable steps are taken to avoid killing or injuring listed threatened species.</p> <p>No protected species interactions have been reported in logbooks or by observers in the fisheries since the previous assessment.</p> <p>The Department recommends the inclusion of a condition on the Part 13 (condition 1) and Part 13A (condition 6) approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?	<p>Meets – the fisheries are unlikely to affect the survival or recovery of a protected species.</p> <p>There have been no interactions with listed threatened species reported in logbooks or by observers in the fisheries since the previous assessment.</p> <p>The ERAs (2007, 2008, 2009) found no listed threatened species were at high risk given the current low level of fishing activity.</p>
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	<p>Meets – all reasonable steps will be taken to avoid interactions with protected species.</p> <p>AFMA has undertaken ERAs for the fisheries and implemented risk management strategies to ensure all reasonable steps are taken to avoid killing or injuring listed migratory species.</p> <p>No listed migratory species interactions were reported in logbooks or by observers in the fisheries since the previous assessment.</p>

	<p>The Department recommends the inclusion of condition 6 which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>
<p>(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?</p>	<p>Meets – the fisheries are unlikely to affect the survival or recovery of a protected species.</p> <p>There have been no interactions with listed migratory species reported in logbooks or by observers in the fisheries since the previous assessment.</p> <p>The fisheries ERAs found no listed threatened species were at high risk given the current low level of fishing activity.</p>
<p>Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes</p>	<p>Comment</p>
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?</p>	<p>Meets – all reasonable steps will be taken to avoid interactions with protected species.</p> <p>AFMA has undertaken ERAs and implemented risk management strategies to ensure all reasonable steps are taken to avoid killing or injuring whale and other cetacean species in the fisheries.</p> <p>No whale or other cetacean species interactions were reported in logbooks or by observers in the fisheries since the previous assessment.</p>
<p>(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?</p>	<p>Meets – the fisheries are unlikely to affect the survival or recovery of a protected species.</p> <p>There have been no interactions with whales or other cetacean species reported in logbooks or by observers in the fisheries since the previous assessment.</p> <p>ERAs for the fisheries found no whale or other cetacean species were at high risk given the current low level of fishing activity.</p> <p>The Department recommends the inclusion of condition 6 which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>

Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	<p>Meets – all reasonable steps will be taken to avoid interactions with protected species.</p> <p>AFMA has undertaken ERA's for the fisheries and implemented risk management strategies to ensure all reasonable steps are taken to avoid killing or injuring listed marine species.</p>
(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	<p>Meets – the fisheries are unlikely to affect the survival or recovery of a protected species.</p> <p>There have been no interactions with listed marine species reported in logbooks or by observers in the fisheries since the previous assessment. The fisheries ERAs found no listed marine species were at high risk given the current low level of fishing activity.</p> <p>The Department recommends the inclusion of a condition on the Part 13 (condition 1) and Part 13A (condition 6) approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>

Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	Recommend accreditation under sections 208A, 222A, 245 and 265.
<p>(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:</p> <ul style="list-style-type: none"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	<p>The Department recommends the inclusion of a condition on the Part 13 approvals which requires AFMA to ensure there is sufficient ongoing monitoring (electronic or human) to evaluate the nature and level of impacts of fishing on protected species.</p>

Part 13A – International movement of wildlife specimens

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <ul style="list-style-type: none"> (a) to ensure that Australia complies with its obligations under CITES 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 	<p>Meets</p> <p>The management arrangements for the fisheries have been assessed as consistent with the general guidance provided in the Objects of Part 13A as:</p> <ul style="list-style-type: none"> • the fisheries 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; • the operation of the fisheries is unlikely to be unsustainable and threaten biodiversity within the life of the declaration as a WTO; and

(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.	<ul style="list-style-type: none"> the EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.
Section 303 CG Minister may issue permits (CITES species)	Comment
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <p>(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to:</p> <p>(i) the survival of any taxon to which the specimen belongs; or</p>	<p>Not applicable The fisheries do not harvest or interact with any CITES-listed species.</p>
<p>(ii) the recovery in nature of any taxon to which the specimen belongs; or</p>	<p>Not applicable The fisheries do not harvest or interact with any CITES-listed species.</p>
<p>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and</p>	<p>Not applicable The fisheries do not harvest or interact with any CITES-listed species.</p>
Section 303DC Minister may amend list (non CITES species)	Comment
<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <p>(a) doing any of the following:</p> <p>(i) including items in the list;</p> <p>(ii) deleting items from the list;</p> <p>(iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject;</p> <p>(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</p> <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<p>The Department recommends that specimens from the fisheries, other than:</p> <ul style="list-style-type: none"> specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or 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 while the fishery is subject to a declaration as an approved WTO.</p>

<p>(1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2</p>	<p>The fisheries were assessed under Part 10 of the EPBC Act in November 2004. The Department considered that actions taken in the fishery would not have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area. The management regime described in the 'Western Trawl Fisheries Statement of Management Arrangements 2004' was subsequently accredited under section 33 of the EPBC Act in November 2005. Since that time, additional management measures have been implemented and are now reflected in the <i>Fisheries Management Act 1991</i>, the <i>Fisheries Management Regulations 2019</i>, and the Western Trawl Fisheries Statement of Management Arrangements 2012.</p> <p>The Department recommends that the LENS is amended under section 303DC(1)(a) to include product derived from the North West Slope Trawl and Western Deepwater Trawl fisheries while the specimens are covered by an approved wildlife trade operation declaration under section 303FN.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets</p> <p>The fisheries are consistent with the Objects of Part 13A of the EPBC Act – see above assessment.</p>
<p>(3) Before amending the LENS, the Minister must consult:</p> <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. 	<p>Meets</p> <p>A public notice, which set out the proposal to declare the fisheries as an approved WTO and included the application from the Australian Fisheries Management Authority, was available for public comment from 2 November 2020 until 2 December 2020. No comments were received.</p>

Section 303FN Approved wildlife trade operation	Comment
<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> <p>(i) the survival of a taxon to which the operation relates; or</p> <p>(ii) the conservation status of a taxon to which the operation relates; and</p> <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p>	<p>Meets</p> <p>The operation of the fisheries is consistent with Objects of Part 13A of the EPBC Act.</p> <p>Based on the outcomes of the Department's assessment, as outlined in this report, and the conditions recommended in Section 2, the fisheries will not be detrimental to the survival or conservation status of a taxa or relevant ecosystem to which it relates within the next three years.</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>Not applicable</p> <p>The EPBC Regulations do not specify crustacea or fish as a class of animal in relation to the welfare of live specimens.</p>
<p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>Not applicable</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>Meets</p> <p>The fisheries will not have a significant impact on any relevant ecosystem within the next three years, given the management measures currently in place and the conditions recommended in Section 2 of this assessment.</p>

<p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>Meets</p> <p>The management arrangements that will be employed for the fisheries as outlined in this assessment, are likely to be effective while fishing effort remains low.</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>Meets</p> <p>The fishery will be managed in accordance with the <i>Fisheries Management Act 1991</i> and Fisheries Management Regulations 2019, which apply throughout Commonwealth waters, as well as the management regime described in the 'North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements September 2012'.</p> <p>The Department considers that the legislation is likely to be effective.</p>
<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(a) the operation is a commercial fishery.</p>	<p>Meets</p> <p>The North West Slope Trawl and Western Deepwater Trawl fisheries are both commercial fisheries.</p>

(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.

(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.

The fisheries were assessed under Part 10 of the EPBC Act in November 2004. Actions taken under the management regime were considered unlikely to have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area.

The management regime in force under the *Fisheries Management Act 1991* and Fisheries Management Regulations 1992, and as described in the 'Western Trawl Fisheries Statement of Management Arrangements 2004' was subsequently accredited under section 33 of the EPBC Act in November 2005.

These management arrangements are now reflected in the *Fisheries Management Act 1991*, the Fisheries Management Regulations 2019, and the Western Trawl Fisheries Statement of Management Arrangements 2012.

Section 303FR Public consultation	Comment
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <ul style="list-style-type: none"> (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. <p>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p> <p>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p>Meets</p> <p>A public notice, which set out the proposal to declare the fisheries an approved WTO and included the application from AFMA, was released for public comment on 2 November 2020 until 2 December 2020.</p> <p>No public comments about the proposal were received.</p>
Section 303FT Additional provisions relating to declarations	Comments
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the fisheries will be made under section 303FN.</p>
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <ul style="list-style-type: none"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial fishery WTO's 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 Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. <p>The WTO instrument for the fisheries 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.	Not applicable.

Part 16 – Precautionary principle and other considerations in making decisions

Section 391 Minister must consider precautionary principle in making decisions	Comment
<p>(1) Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.</p> <p>(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.</p>	<p>Partially meets</p> <p>Although there is currently low fishing effort and risks are therefore likely to be low, the management regime is not sufficiently robust to account for significant changes including increased fishing effort in the fishery. The lack of information available and the susceptibility of some species to overfishing suggest some management arrangements (e.g. harvest strategy), are not sufficiently precautionary.</p> <p>The Department considers it likely that there are inaccuracies in the reporting of protected species and has therefore recommended the inclusion of conditions that require AFMA to implement a new harvest strategy by June 2023 and ongoing monitoring (electronic or human) of impacts of fishing on protected species. If fishing effort increases, review of the harvest strategy must be done immediately.</p>

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