



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Assessment of the
**Commonwealth North West Slope Trawl Fishery
and the Commonwealth Western Deepwater
Trawl Fishery**

December 2012

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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 Part 13 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for Sustainability, Environment, Water, Population and Communities or the Australian Government.

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Table 4 contains a description of the issues identified by the department with the current management regime for the fisheries and outlines the proposed conditions and recommendations that would form part of the decision to declare the fishery an approved wildlife trade operation.

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Table 1: Summary of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> ▪ <i>Fisheries Management Act 1991</i> ▪ Fisheries Management Regulations 1992 ▪ Australian Fisheries Management Authority – North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements, September 2012 ▪ Australian Bureau of Agricultural and Resource Economics and Sciences – Fishery Status Reports 2010 ▪ Australian Bureau of Agricultural and Resource Economics – Bureau of Rural Sciences – Fishery Status Reports 2009 ▪ Bureau of Rural Sciences – Australian Bureau of Agricultural and Resource Economics – Fishery Status Reports 2008 ▪ Australian Fisheries Management Authority – Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011 ▪ Australian Fisheries Management Authority – North West Slope Trawl Fishery Bycatch And Discarding Work Plan, October 1, 2010 – September 30, 2012 ▪ Australian Fisheries Management Authority - Western Deepwater Trawl Fishery Bycatch And Discarding Work Plan, November 1, 2010 – October 31, 2012 ▪ Australian Fisheries Management Authority – Status Report for Re-assessment for Export Approval Under the EPBC Act, North West Slope and Western Deepwater Trawl Fisheries, February 2012 ▪ Department of the Environment and Water Resources – Assessment of the Commonwealth Western Trawl Fisheries, November 2007 ▪ Department of the Environment and Heritage – Assessment of the Western Trawl Fisheries, November 2004 ▪ Marine Bioregional Plan for the North-west Marine Region 2012 ▪ Marine Bioregional Plan for the South-west Marine Region 2012
<p>Area</p>	<p>The Commonwealth managed North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery (which have been previously referred to by the Australian Government as the Commonwealth Western Trawl Fisheries) are two relatively small-scale deepwater trawl fisheries operating off the continental slope of Western Australia. The fisheries are assessed together given the two are managed holistically given the similarities in vessels and gear used in both fisheries.</p> <p>Offshore Constitutional Settlement (OCS) arrangements are in place between the Australian Government and the Western Australian Government that specify the management jurisdictions for the fisheries. Under the terms of the OCS, the Australian Government and has management responsibility for all marine species taken by trawl in waters deeper than 200 metres and the Western Australian Government has responsibility for species taken with non-trawl methods in these waters (except tunas) and for all trawling in waters less than 200 metres.</p>

Area (cont...)***North West Slope Trawl Fishery***

The North West Slope Trawl Fishery operates in Commonwealth waters off the north-west coast of Western Australia, roughly between the 200 metre isobath and the outer boundary of the Australian Fishing Zone, including areas of the Memorandum of Understanding Box in the Timor Sea, where Indonesian fishers are also able to fish using traditional methods only. The western boundary of the fishing area aligns with longitude 114°E and continues north-east parallel to the Western Australian coastline to longitude 125°E (Figure 1). The operation of the fishery occurs within the North-west Marine Region.

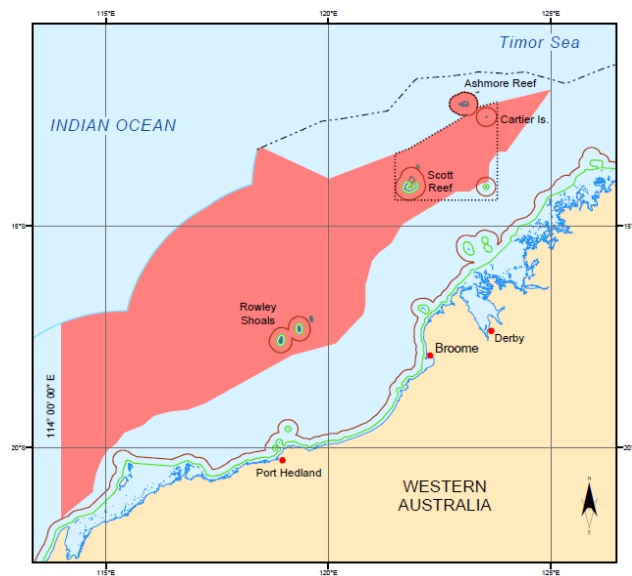



Figure 1: Area of the North West Slope Trawl Fishery (shaded)
(Source: Australian Fisheries Management Authority)

<p>Area (cont...)</p>	<p><i>Western Deepwater Trawl Fishery</i></p> <p>The Western Deepwater Trawl Fishery operates in Commonwealth waters off the western coastline of Western Australia, in waters extending from the 200 metre isobath to the outer boundary of the Australian Fishing Zone. The fishery extends from the western boundary of the Great Australian Bight Trawl Sector in the south (115°08'E) to the western boundary on the North West Slope Trawl Fishery (114°E) in the north (Figure 2). The operation of the fishery occurs partially within the North-west Marine Region and partially within the South-west Marine Region.</p>  <p>Figure 2: Area of the Western Deepwater Trawl Fishery (shaded) (Source: Australian Fisheries Management Authority).</p>
<p>Target species</p>	<p><i>North West Slope Trawl Fishery</i></p> <p>With operators targeting scampi, catches are dominated by three species:</p> <ul style="list-style-type: none"> ▪ Australian scampi (<i>Metanephrops australiensis</i>) ▪ Boschma's scampi (<i>Metanephrops boschmai</i>), and ▪ velvet scampi (<i>Metanephrops velutinus</i>). <p>These species of scampi are found on soft, muddy substrates at depth of between 250 and 500 metres, which generally equates to the upper continental slope. They reach sexual maturity at between three and five years of age (which roughly equates to between 40 and 45 millimetres in carapace length) and live for up to 12 years. Spawning is likely to occur annually (Chambers et al., 2011).</p> <p>Recently, targeting practices have included the take of finfish species including:</p> <ul style="list-style-type: none"> ▪ goldband snapper (<i>Pristipomoides multidens</i>), and ▪ red emperor (<i>Lutjanus sebae</i>)

Target species (cont...)	<p>Both species are widely distributed throughout the Indo-Pacific and are widespread across tropical and sub-tropical Australia. Both species are found across the shelf in association with reef habitats, hard bottoms, gravel patches and limestone sand flats. Red emperor inhabit waters to depths of at least 180 metres, while goldband snapper can be found a little deeper in depths between 60 to 245 metres. Both species are highly fecund but are slow-growing, long-lived (at least 30 years) and reach sexual maturity at approximately eight years of age (Newman et al., 2008).</p> <p><i>Western Deepwater Trawl Fishery</i></p> <p>Given the span of the fishery's area, ranging from temperate waters in the south to tropical waters in the north, historical catch patterns are not well defined, and species have been targeted opportunistically. As a result, the fishery harvests a wide range of species in relatively low volumes.</p> <p>Commercially important species that are, and have been, harvested in the fishery include (<i>alphabetical by common name</i>):</p> <ul style="list-style-type: none"> ▪ boarfish (Family Pentacerotidae) ▪ deepwater bugs (<i>Ibacus</i> spp.) ▪ deepwater flathead (<i>Platycephalus conatus</i>) ▪ longtail ruby snapper (<i>Etelis coruscans</i>) ▪ mirror dory (<i>Zenopsis nebulosus</i>) ▪ orange roughy (<i>Hoplostethus atlanticus</i>) ▪ ruby snapper (<i>Etelis carbunculus</i>), and ▪ Tang's snapper (<i>Lipocheilus carnolabrum</i>). <p>The variety and paucity of information on species taken in the fishery makes discussion of individual species distributions and biological characteristics difficult. Many deepwater species are long lived and slow growing and therefore susceptible to overfishing.</p>
Byproduct species	<p><i>North West Slope Trawl Fishery</i></p> <p>Byproduct species include, but not limited to:</p> <ul style="list-style-type: none"> ▪ Hawaiian flying squid (<i>Nototodarus hawaiiensis</i>) ▪ goldband snapper (<i>Pristipomoides multidens</i>) ▪ redspot emperor (<i>Lethrinus lentjan</i>) ▪ saddletail snapper (<i>Lutjanus malabaricus</i>) ▪ red prawn (<i>Aristaeomorpha foliacea</i>) ▪ royal red prawn (<i>Haliporoides sibogae</i>) ▪ giant scarlet prawn (<i>Aristaeopsis edwardsiana</i>) ▪ striped prawn (<i>Aristeus virilis</i>) ▪ red carid prawn (<i>Heterocarpus woodmasoni</i>), and ▪ white carid prawn (<i>Heterocarpus sibogae</i>). <p>The 2010 fishery status report for the North West Slope Trawl Fishery notes that observer reports suggest that discards may account for a large proportion of total catches by weight (Chambers et al., 2011).</p>

Byproduct species (cont...)	<p><i>Western Deepwater Trawl Fishery</i></p> <p>Due to the nature of the fishery, it is difficult to define the exact species taken as byproduct in the fishery. Some species such as rockcod (<i>Epinephelus</i> spp.), latchet (<i>Pterygotrigla polyommata</i>), barracouta (<i>Thyrsites atun</i>) and cuttlefish (Order Sepiida) are harvested in lower proportions to those species listed under 'Target Species' above (Rodgers et al., 2011).</p>
Fishery status	<p><i>North West Slope Trawl Fishery</i></p> <p>Scampi are reported in the 2010 fishery status report for the North West Slope Trawl Fishery as not overfished and not subject to overfishing (Chambers et al., 2011).</p> <p><i>Western Deepwater Trawl Fishery</i></p> <p>Deepwater bugs, orange roughy and ruby snapper are all reported in the 2010 fishery status report for the Western Deepwater Trawl Fishery as not subject to overfishing, but are rated as 'uncertain' as to whether stocks are overfished, given there are no current estimates of biomass and that stocks were subject to high levels of exploitation in the past (Rodgers et al., 2011).</p>
Gear	<p><i>North West Slope Trawl Fishery</i></p> <p>Operators in the North West Slope Trawl Fishery use demersal crustacean trawls. A maximum codend mesh size of 50 millimetres applies to the nets used in this fishery to discourage the targeting of finfish (AFMA, 2011).</p> <p><i>Western Deepwater Trawl Fishery</i></p> <p>Operators in the Western Deepwater Trawl Fishery use demersal crustacean trawls and fish trawls. There are no restrictions placed on the nets used in this fishery. A wide variety of vessels, nets, targeting techniques and processing methods are employed in the fishery.</p>
Season	Both of the fisheries are open to fishing all year round, however operators generally access the fishery on an opportunistic or part time basis.
Commercial harvest [2009–10]	<p><i>North West Slope Trawl Fishery</i></p> <ul style="list-style-type: none"> ▪ scampi 24 tonnes ▪ squid/prawns 7 tonnes <p><i>Western Deepwater Trawl Fishery</i></p> <ul style="list-style-type: none"> ▪ deepwater bugs 19 tonnes ▪ ruby snapper 16 tonnes ▪ Tang's snapper 4 tonnes

Value of commercial harvest [2009–10]	<p><i>North West Slope Trawl Fishery</i></p> <p>The gross value of production is confidential due to the small number of operators currently active in the fishery.</p> <p><i>Western Deepwater Trawl Fishery</i></p> <p>The gross value of production is confidential due to the small number of operators currently active in the fishery.</p>
Take by other sectors	<p>There are two other Commonwealth managed commercial fisheries which overlap with the operational area of the Western Deepwater Trawl Fishery, the Western Tuna and Billfish Fishery and Small Pelagic Fishery. However, these fisheries use different gear to target different species that are found at the surface or at mid-water depths.</p> <p>There are a number of state managed fisheries that overlap with the operational area of the North West Slope Trawl Fishery and target demersal finfish, including goldband snapper and red emperor. These Western Australian managed fisheries include:</p> <ul style="list-style-type: none"> ▪ the Northern Demersal Scalefish Managed Fishery ▪ the Pilbara (Demersal) Trawl (Interim) Managed Fishery ▪ the Pilbara (Demersal) Trap Managed Fishery, and ▪ the Pilbara (Demersal) Line Fishery. <p>The Australian Fisheries Management Authority intends to provide catch data for goldband snapper and for red emperor caught in the North West Slope Trawl Fishery for a revised stock assessment scheduled for 2013 (AFMA, 2011).</p> <p>Recreational fishers frequently target a range of demersal fish species in the operational areas of both the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery. Recreational fishing is managed using size limits and bag limits. The catch from recreational fishing in the area of the North West Slope Trawl Fishery is likely to be relatively small compared to the commercial catch, given the low estimates of recreational catch in the adjacent areas of the state-managed fisheries (DoFWA, 2011).</p> <p>The Western Australian managed West Coast Deep Sea Crustacean Interim Managed Fishery operates within the area of both the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery. The fishery targets crystal crabs (<i>Chaceon albus</i>) and champagne crabs (<i>Hyphalassia acerba</i>) using crab pots. There is likely to be some catch of these species as byproduct or bycatch in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, but individual crabs caught in trawl nets are typically damaged and are not economically viable (AFMA, 2012).</p> <p>The Western Australian managed Gascoyne Demersal Scalefish Managed Fishery catches the finfish species such as ruby snapper (<i>Etelis carbunculus</i>) while operating adjacently but further inshore to the Western Deepwater Trawl Fishery. This species is also caught in the Western Deepwater Trawl Fishery.</p>

Take by other sectors (cont...)	A Memorandum of Understanding between Australia and Indonesia – ‘Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf – 1974’ outlines an area within Australia’s jurisdiction where Indonesian traditional fishers are permitted to operate using traditional methods only (also known as the MoU Box). It is not known how much fishing occurs under these circumstances but it is thought to be low.
Commercial licences issued	<p><i>North West Slope Trawl Fishery</i></p> <p>As at June 2010, the fishery is limited to the allocation of seven fishing permits. It is a requirement that these permits be renewed every five years. In recent seasons, only two active vessels have been fishing in the fishery (Chambers et al., 2011).</p> <p><i>Western Deepwater Trawl Fishery</i></p> <p>As at June 2010, the fishery is limited to the allocation of 11 fishing permits. It is also a requirement that these permits for fishing in this fishery be renewed every five years. In the 2008–09 and 2009–10 fishing seasons, there have been one and three active vessels fishing in the fishery, respectively (Rodgers et al., 2011).</p>
Management arrangements	<p>The North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery are managed by the Australian Fisheries Management Authority under the <i>Fisheries Management Act 1991</i> and Fisheries Management Regulations 1992. To guide fishers operating in these fisheries, management arrangements are documented in the ‘North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements, September 2012’.</p> <p>Key management arrangements for the fisheries include input controls and output controls:</p> <ul style="list-style-type: none"> ▪ Limited entry – restrictions on fishing permits ▪ Gear restrictions (North West Slope Trawl Fishery) - codend mesh size must not exceed 50 millimetres ▪ Move on provisions for interactions with coral and sponge habitats in waters shallower than 200 metres (North West Slope Trawl Fishery) ▪ Restrictions on the species that may be harvested (prohibited species include blue marlin and black marlin), and ▪ Possession limits for dogfish species. <p>In 2008, a harvest strategy for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery was implemented. In 2011, the harvest strategy was revised. The ‘Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011’ provides reference points with management responses for managing the key commercial species and high-risk byproduct and bycatch species identified by the ecological risk assessment process of the fisheries.</p>

Management arrangements (cont...)	<p>Bycatch and discarding work plans have been developed for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery that aim to develop management arrangements to reduce and monitor interactions with high-risk and protected species, discarding of target species and minimising bycatch over the long-term.</p> <p>The North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery operate within the North-west Marine Region and the Western Deepwater Trawl Fishery operates partially within the South-west Marine Region.</p>
Export	<p>The majority of export for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery is frozen product to the United States, Spain, China and Japan (Chambers et al., 2011; Rodgers et al., 2011).</p>
Bycatch and protected species¹ interactions	<p>The Australian Fisheries Management Authority has advised the department that data collected by observers for the North West Slope Trawl Fishery in 2011 has indicated that discarded bycatch has been found to be relatively low in comparison to other trawl fisheries. The data indicated that for every 1 kilogram of retained product, 0.17 kilograms of bycatch was discarded.</p> <p>Due to current low levels of effort in the both fisheries, the impacts of fishing operations on bycatch are considered to be minimal. The bycatch and discarding work plans have the objective of minimising bycatch over the long term. The Australian Fisheries Management Authority's advises that these work plans are reviewed annually (AFMA, 2012).</p> <p>The 2010 fishery status report for the fishery identifies information on bycatch as an important future research need for the fishery. The fishery status report suggests that the current low trigger reference points for prawns could potentially discourage fishers from recording estimates of bycatch levels and should be reassessed and that an increase in the maximum codend mesh size limit from the current restriction of 50 millimetres would be expected to reduce bycatch of prawns and small fish (Chambers et al., 2011).</p> <p>Given current low levels of fishing effort, interactions with protected species in both fisheries are considered minimal. The North West Slope Trawl Fishery has recorded some very low levels of interactions with syngnathids and seasnakes, which are listed marine species under Part 13 of the EPBC Act. The conservation of seasnakes is identified as a regional priority in the 'Marine Bioregional Plan for the North-west Marine Region 2012'. Meanwhile, there have been no reported interactions in the Western Deepwater Trawl Fishery with listed species since 2001.</p> <p>The Australian Fisheries Management Authority has advised the department that any coral or sponges caught in nets must be returned to the water immediately. Given the current low levels of fishing effort in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, the department considers that the likelihood of interactions with listed species to be very low.</p>

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.

Ecosystem impacts	<p>The assessment considered the possible impacts of the operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery on the ecosystem. Demersal trawling has the potential to cause significant impacts on the seafloor by reducing the structural complexity of the benthic environment by crushing, burying or exposing marine organisms.</p> <p><i>Marine Bioregional Plans</i></p> <p>The 'Marine Bioregional Plan for the North-west Marine Region 2012' has identified that there are key ecological features present in the operational areas of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, including:</p> <ul style="list-style-type: none"> ▪ 'Seringapatam Reef' ▪ 'Commonwealth waters in the Scott Reef complex' ▪ 'continental slope demersal fish communities' ▪ 'canyons linking the Cuvier Abyssal Plain' ▪ the 'Cape Range Peninsula' ▪ the 'Exmouth Plateau, and ▪ 'Wallaby Saddle'. <p>The 'Marine Bioregional Plan for the South-west Marine Region 2012' has identified that there are key ecological features present in the operational area of the Western Deepwater Trawl Fishery, including:</p> <ul style="list-style-type: none"> ▪ the 'demersal slope and associated fish communities of the Central Western Province' ▪ the 'Naturaliste Plateau', and ▪ the 'Diamantina Fracture Zone'. <p>There is no evidence to suggest any systematic change to species diversity or richness caused by the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, indicating the current operation of the fishery is not having a material impact on the food chain or trophic structure in the key ecological features noted above.</p> <p><i>Ecological Risk Management</i></p> <p>The Australian Fisheries Management Authority has completed Level 1, 2 and 3 ecological risk assessments (ERAs) for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery. From the results of these assessments ecological risk management (ERM) strategies were implemented for the fisheries addressing key ecological areas that require attention. The list of high-risk species that were identified in the Level 2 ERAs have been used to identify the key ecological areas requiring attention. The list of 23 species contains one species for the North West Slope Trawl Fishery and 22 species for the Western Deepwater Trawl Fishery.</p> <p><i>Impacts on World Heritage property</i></p> <p>The Ningaloo Coast was inscribed on the World Heritage List in June 2011. This assessment considered the possible impacts of the operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, particularly the Western Deepwater Trawl Fishery, on the World Heritage values of the Ningaloo Coast and Shark Bay.</p>
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<p>Ecosystem impacts (cont...)</p>	<p>The Ningaloo Coast World Heritage area includes state and Commonwealth waters encompassed by the Ningaloo Marine Park. A small northern part of the Ningaloo Marine Park overlaps with the area of the Western Deepwater Trawl Fishery. Under the 'Interim management arrangements under the EPBC Act for Ningaloo Marine Park (Commonwealth Waters)', commercial fishing is not permitted within the Ningaloo Marine Park. Because the Western Deepwater Trawl Fishery is not permitted to operate in the Ningaloo Marine Park, significant impacts on the World Heritage values of the Ningaloo Coast World Heritage area are considered unlikely.</p> <p>The Shark Bay World Heritage area is adjacent to the eastern boundary of the Western Deepwater Trawl Fishery. Humpback whales may transit between the World Heritage area and the fishery. Given that there have been no reported interactions with cetaceans in the fishery, significant impacts on the World Heritage values of the Shark Bay World Heritage area are considered unlikely.</p> <p>On this basis the department considers that an action taken by an individual fisher, acting in accordance with the management regime for the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery, in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992, would not be expected to have a significant impact on the World Heritage values of the Ningaloo Coast World Heritage area or the Shark Bay World Heritage area.</p> <p><i>Wetlands of International Importance</i></p> <p>The operational area of North West Slope Trawl Fishery includes the water surrounding Ashmore Reef. As defined in the 'Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve Management Plans', commercial fishing is prohibited in the Ashmore Reef National Nature Reserve. Ashmore Reef was designated a Ramsar Wetland of International Importance in 2003. Due to the implementation of the area closure surrounding Ashmore Reef, significant impacts on the ecological character of the Ramsar Site is considered unlikely.</p> <p>On this basis the department considers that an action taken by an individual fisher, acting in accordance with the fisheries' management arrangements, would not be expected to have a significant impact on the ecological character of a Wetland of International Importance.</p> <p><i>Conclusion</i></p> <p>Given the current relatively low levels of fishing effort in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, the department considers the likely impacts of the fishing operations in the fisheries on the ecosystem to be minimal.</p>
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Table 2: Progress in implementation of conditions and recommendations made since the 2007 assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery

Condition	Progress	Recommended Action
<p>1. Operation of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery will be carried out in accordance with the Western Trawl Fisheries Statement of Management Arrangements 2004 made under the <i>Fisheries Management Act 1991</i>.</p>	<p>The Australian Fisheries Management Authority has advised that the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery was managed as described in the 'Western Trawl Fisheries Statement of Management Arrangements 2004' until September 2012, and afterwards, as described in the 'North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements, September 2012'. The fisheries continue to operate under the governing legislation, the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations.</p>	<p>The Department of Sustainability, Environment, Water, Population and Communities considers that this condition has been met.</p> <p>The department considers that a new approved wildlife trade operation declaration for the fisheries specify a similar condition (see Condition 1, Table 4).</p>
<p>2. The Australian Fisheries Management Authority (AFMA) to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.</p>	<p>The Australian Fisheries Management Authority advised the department in advance of its intention to implement the harvest strategy for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery in 2008 and of its intention to implement a revised harvest strategy in 2011 and all other changes to management arrangements that occurred since the 2007 assessment of the fishery.</p> <p>The Australian Fisheries Management Authority advised the department in advance of the release of updated 'North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements, September 2012'.</p>	<p>The department considers that this condition has been met.</p> <p>The department considers that a new approved wildlife trade operation declaration for the fisheries specify a similar condition (see Condition 2, Table 4).</p>

Condition	Progress	Recommended Action
<p>3. AFMA to produce and present reports to DEW annually as per Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition'.</p>	<p>The Australian Fisheries Management Authority has provided annual fishery status reports to the department.</p>	<p>The department considers that this condition has been met.</p> <p>The department considers that a new approved wildlife trade operation declaration for the fisheries specify a similar condition (see Condition 3, Table 4).</p>
<p>4. By 31 July 2008 AFMA to:</p> <p>a) finalise the Ecological Risk Assessment (ERA); and</p> <p>b) finalise and implement the harvest strategy, for both the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.</p>	<p><i>a) Ecological risk assessment</i></p> <p>In 2007, Level 2 ecological risk assessments (ERAs), were finalised for the fisheries by the Australian Fisheries Management Authority, titled the 'Ecological Risk Assessment for Effects of Fishing: Report For The North West Slope Trawl Fishery' (Wayte et al., 2007a) and the 'Ecological Risk Assessment for Effects of Fishing: Report For The Western Deepwater Trawl Fishery' (Wayte et al., 2007b). Since 2007, the Australian Fisheries Management Authority has further progressed the ERA process.</p> <p><i>b) Harvest strategy</i></p> <p>On 24 July 2008, the department received advice from the Australian Fisheries Management Authority that it had implemented the 'Western Deepwater Trawl Fishery & North West Slope Trawl Fishery – Harvest Strategy'.</p> <p>In 2011, the document was reviewed and the 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011' was implemented.</p>	<p>The department considers that this condition has been met.</p>

Condition	Progress	Recommended Action
5. By 19 December 2008 AFMA to finalise and implement the management response to the risks identified in the North West Slope Trawl Fishery ERA and the Western Deepwater Trawl Fishery ERA.	In 2008, an ecological risk management (ERM) strategy, titled 'Ecological Risk Management Report For The Western Deepwater Trawl Fishery, August 2008', was finalised and implemented by the Australian Fisheries Management Authority. In 2010, an ERM strategy titled 'Ecological Risk Management Report For The North West Slope Fishery, April 2010' was finalised and implemented by the Australian Fisheries Management Authority.	The department considers this condition to be met.

In April 2009, one additional condition was made	Progress	Recommended Action
AFMA to ensure that management arrangements in the WDWTF are complementary to AFMA's School Shark Stock Rebuilding Strategy 2008.	<p>In its 2012 application for further export approval for the fisheries, the Australian Fisheries Management Authority indicated that it considered that current management arrangements in the Western Deepwater Trawl Fishery are complementary to the School Shark Stock Rebuilding Strategy 2008.</p> <p>While quantitative Level 3 ERAs of the fisheries identified no species at any high-risk category under the current level of fishing effort, the school shark has been identified as one of a number of high-risk shark species encountered in the Western Deepwater Trawl Fishery.</p> <p>The 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011' contains two reference points and management responses which apply to all species identified by the Level 2 ERA as high risk in both the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.</p>	The department considers this condition to be met.

Recommendation	Progress	Recommended Action
<p>1. AFMA to validate catch and effort information collected in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery and continue to collect information on key components of the fisheries, including but not limited to, bycatch taken in the fisheries, interactions with protected species and biological information on target and byproduct species.</p>	<p>Due to low effort, and hence low value of the fisheries, a small amount of validation of catch and effort information collected in observer records and fisher logbooks has been undertaken for the North West Slope Trawl Fishery and no validation has been undertaken for the Western Deepwater Trawl Fishery.</p> <p>A comparison of observer and logbook data was used to inform the development of the 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011'. Observer and logbook data will be used to inform annual reviews of the harvest strategy.</p> <p>The North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery continue to collect information on key components of the fisheries. The harvest strategy identifies the need to collect biological data and prescribes species-specific threshold levels for key commercial stocks and catch and effort trigger rules that initiate management responses that progressively increase data and analysis requirements for the fisheries. The triggers were developed from historical catch records for each of the species.</p> <p>The 2011 harvest strategy also specifies three catch trigger rules for bycatch and byproduct species identified as high-risk (Level 2 ERA) that also initiate similar management responses for increasing data requirements as described for the key commercial species above.</p>	<p>The department considers that this recommendation to be partially met and is ongoing (see Recommendation 1, Table 4).</p>

In April 2009, three additional recommendations were made	Progress	Recommended Action
AFMA to continue to ensure that a minimum of 5% observer coverage is achieved in the WTFs.	The original harvest strategy (implemented in 2008) identifies a commitment to an ongoing observer program in both the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery. The 2011 harvest strategy then further specifies a commitment to providing observer coverage on a minimum of six per cent of fishing operations in the fisheries.	The department considers that this recommendation is met.
AFMA to implement species specific identification and reporting of chondrichthyan species taken in the WDWTF.	<p>The Australian Fisheries Management Authority has advised the department that operators in the Western Deepwater Trawl Fishery have been provided with species specific identification guides for chondrichthyan species (sharks and rays).</p> <p>The Level 2 ERA for the Western Deepwater Trawl Fishery identifies 11 chondrichthyan species as being at high risk to effects of fishing. The 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011' identifies two triggers with reference points, conservatively set at two and four tonnes, with management responses for all Level 2 ERA high-risk species, including the 11 chondrichthyan species.</p>	The department considers that this recommendation is met.

In April 2009, three additional recommendations were made	Progress	Recommended Action
<p>AFMA to continue to cooperate with other relevant jurisdictions to pursue complementary management and research for species harvested in the WTFs.</p>	<p>The finfish stocks of goldband snapper and red emperor harvested in North West Slope Trawl Fishery are shared with the Western Australian managed fisheries, the Northern Demersal Scalefish Managed Fishery, the Pilbara Fish Trawl (Interim) Managed Fishery, the Pilbara Trap Managed Fishery and the Pilbara Line Fishery.</p> <p>The Australian Fisheries Management Authority has used information from the Department of Fisheries, Western Australia to determine catch limits for goldband snapper and red emperor caught in the North West Slope Trawl Fishery. The Australian Fisheries Management Authority has advised the department that it will collect key biological data for goldband snapper and red emperor for input into a revised stock assessment in 2013 by having 100 per cent observer coverage for operations targeting finfish in water shallower than 200 metres.</p> <p>The department is also aware that other state managed fisheries, such as the Western Australian managed Gascoyne Demersal Scalefish Managed Fishery may be catching fish species from the same stocks as those being caught in the Western Deepwater Trawl Fishery.</p> <p>Given the shared nature of finfish stocks that are harvested by both trawl fisheries and fisheries managed by other jurisdictions, the department considers it important to continue a recommendation that consistent and complementary management and research is undertaken into the future to ensure the sustainability of the species stocks.</p>	<p>The department considers this recommendation to be met and ongoing (see Recommendation 2, Table 4).</p>

Table 3: The Department of Sustainability, Environment, Water, Population and Communities' assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery against the requirements of the EPBC Act related to decisions made under Part 13 and Part 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 Part 13 and Part 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(d) a regime determined in writing by the Australian Fisheries Management Authority under the <i>Fisheries Administration Act 1991</i> for managing a fishery for which a plan of management (within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>) is not in force;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery is in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992.</p> <p>The management regime for the Western Trawl Fisheries (the name previously used to refer to both fisheries collectively) was accredited under Part 13 of the EPBC Act in September 2005. While management arrangements have changed in the North West Slope Trawl Fishery to allow operators to trawl in waters shallower than 200 metres, the department considers that the management regime for both fisheries 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>Results from ecological risk assessments of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery do not report any listed threatened species at high risk. Therefore, the department considers the current operation of the fisheries 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(d) a regime determined in writing by the Australian Fisheries Management Authority under the <i>Fisheries Administration Act 1991</i> for managing a fishery for which a plan of management (within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>) is not in force;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery is in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992.</p> <p>The management regime for the Western Trawl Fisheries (the name previously used to refer to both fisheries collectively) was accredited under Part 13 of the EPBC Act in September 2005. While management arrangements have changed in the North West Slope Trawl Fishery to allow operators to trawl in waters shallower than 200 metres, the department considers that the management regime for the fisheries 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>Results from ecological risk assessments of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery do not report any listed migratory species at high risk. Therefore, the department considers the current operation of the fisheries is not likely to adversely affect the conservation status of any 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(d) a regime determined in writing by the Australian Fisheries Management Authority under the <i>Fisheries Administration Act 1991</i> for managing a fishery for which a plan of management (within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>) is not in force;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery is in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992.</p> <p>The management regime for the Western Trawl Fisheries (the name previously used to refer to both fisheries collectively) was accredited under Part 13 of the EPBC Act in September 2005. While management arrangements have changed in the North West Slope Trawl Fishery to allow operators to trawl in waters shallower than 200 metres, the department considers that the management regime for the fisheries still requires operators to take all reasonable steps to ensure that whales or cetaceans are not killed or injured as a result of the fishing.</p> <p>Results from ecological risk assessments of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery do not report any whale or cetacean species at high risk. Therefore, the department considers the current operation of the fisheries is not likely to adversely affect the conservation status of any 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(d) a regime determined in writing by the Australian Fisheries Management Authority under the <i>Fisheries Administration Act 1991</i> for managing a fishery for which a plan of management (within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>) is not in force;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>The management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery is in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992.</p> <p>The management regime for the Western Trawl Fisheries (the name previously used to refer to both fisheries collectively) was accredited under Part 13 of the EPBC Act in September 2005. While management arrangements have changed in the North West Slope Trawl Fishery to allow operators to trawl in waters shallower than 200 metres, the department considers that the management regime for the fisheries still requires operators to take all reasonable steps to ensure that listed marine species are not killed or injured as a result of the fishing.</p> <p>The North West Slope Trawl Fishery has reported a very low interaction with syngnathids (seahorses) and seasnakes, which are listed marine species under the EPBC Act. No interactions with listed marine species have been reported from the Western Deepwater Trawl Fishery. Results from ecological risk assessments of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery do not report any listed marine species at high risk. Given the results from the risk assessments and that current levels of fishing effort in the fisheries are relatively low, the department considers the current operation of the fisheries is not likely to adversely affect the conservation status of any 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 North West Slope Trawl Fishery and the Western Deepwater Trawl 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992, 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 North West Slope Trawl Fishery and the Western Deepwater Trawl 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 CITES² 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.

² Convention on International Trade in Endangered Species of Wild Fauna and Flora

Part 13A

Section 303DC Minister may amend list	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none">(a) including items in the list;(b) deleting items from the list; or(c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or(d) varying or 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>The department recommends that product derived from the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery 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 EPBC 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>The impacts of actions under the operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery were assessed under Part 10 of the EPBC Act in November 2004. That assessment concluded that actions approved or taken in accordance with the operations of the fisheries will not have unacceptable or unsustainable impacts on the marine environment in a Commonwealth area.</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 this table, 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 species to include product taken in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, while the fisheries are subject to a declaration as an approved wildlife trade operation, would be consistent with the provisions of Part 13A (listed above this table) 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 operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery during the period of the recommended declaration as an approved wildlife trade operation are unlikely to be unsustainable and threaten biodiversity, and ▪ the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish or crustaceans (such as prawns and scampi) as a class of animal in relation to the welfare of live specimens.
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<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 Minister for Sustainability, Environment, Water, Population and Communities consulted with the Australian Fisheries Management Authority as the Australian Fisheries Management Authority has management responsibilities for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.</p> <p>The public comment period on the Australian Fisheries Management Authority's application for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery sought comment on the application 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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery made under section 303DC will be gazetted and made available on the department's website.</p>

Section 303FN Approved wildlife trade operation	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl 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 operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery are consistent with objects of Part 13A (listed above this table) 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 operations of the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery during the period of the recommended declaration as an approved wildlife trade operation are unlikely to be unsustainable and threaten biodiversity, and ▪ the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) do not specify fish or crustaceans (such as prawns and scampi) as a class of animal in relation to the welfare of live specimens. <p>The department considers that the operations of the North Western Slope Trawl Fishery and the Western Deepwater Trawl 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 ▪ gear restrictions, and ▪ restrictions on the species that may be harvested.

Section 303FN Approved wildlife trade operation	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<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 operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl 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 ▪ gear restrictions ▪ restrictions on the species that may be harvested, and ▪ 'move on' provisions for interactions with vulnerable marine ecosystems. <p>The department also considers that given the current small scale of fishing operations, the impact of the fisheries on the ecosystem is likely to be low, and not likely to threaten any relevant ecosystem.</p> <p>The EPBC Regulations do not specify fish or crustaceans (such as prawns and scampi) 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>

Section 303FN Approved wildlife trade operation	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<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>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>The department considers that the operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery, during the period of the recommended declaration as an approved wildlife trade operation, will not have a significant impact on an ecosystem, given the management measures currently in place, which include:</p> <ul style="list-style-type: none"> ▪ limited entry ▪ gear restrictions ▪ restrictions on the species that may be harvested, and ▪ 'move on' provisions for interactions with vulnerable marine ecosystems. <p>The department also considers that given the current small scale of fishing operations, the impact of the fisheries on the ecosystem is likely to be low, and not likely to be significant on an ecosystem.</p> <p>The department considers that the Australian Fisheries Management Authority's management arrangements for the fisheries are likely to be effective. Management measures include:</p> <ul style="list-style-type: none"> ▪ limited entry ▪ gear restrictions ▪ restrictions on the species that may be harvested, and ▪ 'move on' provisions for interactions with vulnerable marine ecosystems. <p>The fisheries are monitored through compulsory fisher logbooks, observer coverage and the use of an integrated computer vessel monitoring system (commonly referred to as VMS). The 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011' provides reference points with management responses for the key commercial and high-risk species.</p>

Section 303FN Approved wildlife trade operation	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<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 North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery will be managed under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992.</p> <p>The Commonwealth <i>Fisheries Management Act 1991</i> applies throughout Commonwealth 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 North West Slope Trawl Fishery and Western Deepwater Trawl Fishery are commercial fisheries.</p>
<p>(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>The impacts of actions under the operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery were assessed under Part 10 of the EPBC Act in November 2004. That assessment concluded that actions approved or taken in accordance with the operations of the fisheries will not have unacceptable or unsustainable impacts on the marine environment in a Commonwealth area.</p>
<p>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.</p>	

Section 303FR Public consultation	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<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>A public notice, which:</p> <ul style="list-style-type: none"> ▪ set out the proposal to declare the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery an approved wildlife trade operation ▪ included the Australian Fisheries Management Authority's application, and ▪ invited persons and organisations to give written comments about the proposal within the period 1 March 2012 to 2 April 2012, was published on the department's website.
<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>The period specified in the notice included a total of 21 business days.</p>
<p>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p>One public comment was received during the period specified in the notice. The department's assessment has considered the public comment received.</p>

Section 303FT Additional provisions relating to declarations	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	The department recommends that the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery be declared an approved wildlife trade operation 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> <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 department considers that the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery should be the subject of a declaration under section 303FN only if the conditions described in Table 4 are complied with.</p> <p>The wildlife trade operation declaration instrument for the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery specifies the conditions.</p>
(8) A condition may relate to reporting or monitoring.	Condition 3 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 North West Slope Trawl Fishery and Western Deepwater Trawl Fishery made under section 303FN and the conditions under section 303FT will be gazetted and made available on the department's website.

Part 12

Section 176 Bioregional Plans	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(5) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.</p>	<p>The 'Marine Bioregional Plan for the North-west Marine Region 2012' and 'Marine Bioregional Plan for the South-west Marine Region 2012' have been considered in the preparation of advice in relation to decisions under section 303DC and section 303FN (Part 13A) for the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery, as the fisheries operate within these regions. 'Extraction of living resources' and 'Bycatch' are considered pressures of regional priority because of its interaction with a range of conservation values across the region. The department considers that the current management arrangements and low levels of effort in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery minimise the contribution these fisheries on these pressures of regional priority.</p>

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The department's assessment of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery
<p>(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.</p>	<p>The precautionary principle has been considered in preparing the department's advice about decisions under section 303DC and section 303FN.</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>	

**The Department of Sustainability, Environment, Water, Population
and Communities' final conditions and recommendations to the
Australian Fisheries Management Authority for the North West Slope
Trawl Fishery and the Western Deepwater Trawl Fishery**

The North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery are fisheries with limited entry, with seven permits issued for the North West Slope Trawl Fishery and eleven permits issued for the Western Deepwater Trawl Fishery. The North West Slope Trawl Fishery has historically been a deepwater crustacean fishery, primarily targeting scampi and prawns, but has recently (since October 2011) started targeting some finfish species. The Western Deepwater Trawl Fishery is an opportunistic fishery, which is currently targeting deepwater crustaceans and a range of finfish species.

The material submitted by the Australian Fisheries Management Authority demonstrates that the management arrangements for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery meet most of the requirements of the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.

Stock Status and Recovery

The fisheries are managed using a variety of input and output controls prescribed in the 'North West Slope Trawl Fishery and Western Deepwater Trawl Fishery Statement of Management Arrangements, September 2012' which are applied via permit conditions, including:

- limited entry
- gear restrictions, and
- restrictions on the species that may be harvested.

The first harvest strategy for the fisheries was implemented in January 2008. A revised and updated version implemented in October 2011, the 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011', provides reference points with management responses for managing the fisheries' key commercial species, and high-risk byproduct and bycatch species identified by the ecological risk assessment process.

The department considers that overall the management arrangements for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery aim to ensure that fishing is conducted in a manner that does not lead to over-fishing.

Ecosystem Impacts

Taking into account management arrangements for the fishery listed above, and other measures including:

- 'move on' provisions for interactions with vulnerable marine ecosystems (North West Slope Trawl Fishery)
- the development of bycatch and discarding work plans in 2008 for each fishery (which were revised in 2011), and
- the incorporation of performance indicators and management responses for high risk species identified in the ecological risk assessment process,

the department considers that the management regime for the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery provides for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

Ongoing Issues

While the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery are relatively well managed, the department has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised, including a need:

- to review the ecological risk assessment for the North West Slope Trawl Fishery to assess risks to habitats associated with demersal trawling in waters shallower than 200 metres
- for continued validation of catch and effort data recorded by observers and in fisher logbooks, and
- for ongoing communication between AFMA and other jurisdictions to pursue complementary management and research for fisheries with shared stocks.

The department considers that, until it can be demonstrated that these issues have been adequately addressed, declaration of the harvest operations of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery as an approved wildlife trade operation for three years, until 11 December 2015, is appropriate. The department considers that the declaration should be subject to the conditions listed in Table 4 below. To contain and minimise the risks in the longer term the recommendations outlined in Table 4 have been made.

Unless a specific time frame is provided, each condition and recommendation must be addressed within the period of the declaration.

Table 4: The North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery Assessment – Summary of Issues, Conditions and Recommendations, December 2012

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 byproduct, bycatch, protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>Operation of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery will be carried out in accordance with the management regime, in force under the <i>Fisheries Management Act 1991</i> and the Fisheries Management Regulations 1992.</p> <p>Condition 2:</p> <p>The Australian Fisheries Management Authority to advise the Department of Sustainability, Environment, Water, Population and Communities of any intended material change to the legislated management regime and management arrangements of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery that could affect the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>

Issue	Condition
<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 and recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p> <p>Annual reports should 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 information outlining progress in implementing conditions and recommendations resulting from the previous assessment of the fishery (for a complete description of annual reporting requirements, see Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition' available from the department's website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	<p>Condition 3:</p> <p>The Australian Fisheries Management Authority to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.</p>

Issue	Condition
<p data-bbox="120 193 1294 225"><u>Impacts of demersal trawling on bottom habitats in waters shallower than 200 metres</u></p> <p data-bbox="120 256 1294 719">Demersal trawl fishing has the potential to cause significant impacts on the seafloor by reducing the structural complexity of the benthic environment. The department recognises that, as required under fishing permit conditions, for operations of the North West Slope Trawl Fishery in waters shallower than 200 metres there must be 100 per cent observer coverage. Additionally, the Australian Fisheries Management Authority has implemented, also via permit conditions, a ‘move on’ five nautical miles provision to areas where a trigger limit of 50 kilograms of coral or sponges in one shot has been reported. The Australian Fisheries Management Authority has advised the department that any coral or sponges caught in nets must be returned to the water immediately. The department understands that the same demersal trawl gear used to target scampi in deeper waters of the North West Slope Trawl Fishery is being used to target demersal finfish species in shallower waters.</p> <p data-bbox="120 751 1294 1054">While fishing effort in the northeast portion of the North West Slope Trawl Fishery was low in 2011, the ‘Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011’ notes the potential for effort levels in the fisheries to increase in future. The department recognises that the ecological risk assessment (ERA) of the North West Slope Trawl Fishery, which has been used for informing the development of the harvest strategy, does not assess the impacts of fishing upon bottom habitats found in waters shallower than 200 metres in the north east portion of the fishery. Given that:</p> <ul data-bbox="181 1078 1294 1238" style="list-style-type: none"> ▪ these demersal ecosystems support stocks of demersal finfish harvested in the North West Slope Trawl Fishery, and ▪ these demersal ecosystems are of importance in supporting stocks of fish harvested by fisheries managed by other jurisdictions, <p data-bbox="120 1262 1294 1414">the department considers it important for Australian Fisheries Management Authority to review the ecological risk assessment for the North West Slope Trawl Fishery to allow sufficient assessment of the potential risks associated with demersal finfish trawling on bottom habitats in waters shallower than 200 metres.</p>	<p data-bbox="1294 193 2018 225">Condition 4:</p> <p data-bbox="1294 256 2018 560">Should fishing effort in waters shallower than 200 metres in the north east portion of the North West Slope Trawl Fishery exceed 2011 levels in a given season, the Australian Fisheries Management Authority to review the ecological risk assessment for this fishery to include analysis of the impact of demersal trawling on bottom habitats in this area of the fishery.</p>

Issue	Recommendation
<p><u>Data validation</u></p> <p>Previous Australian Government assessments of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> included recommendations for the Australian Fisheries Management Authority to:</p> <ul style="list-style-type: none"> ▪ validate catch and effort information ▪ collect information on bycatch, interactions with protected species, and ▪ ensure a minimum of five per cent observer coverage. <p>In 2007, the department noted that, while effort in the fisheries had been low, it was unclear how observer data was being used to validate information recorded in logbooks, and therefore recommended that the Australian Fisheries Management Authority validate catch and effort information. Since this time, the department recognises that the Australian Fisheries Management Authority validated North West Slope Trawl Fishery logbook data using observer data in the review of 2011 catch data against the harvest strategy. The 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011' specifies a commitment to providing observer coverage on a minimum of six per cent of fishing operations. Observer data for the North West Slope Trawl Fishery was used in the 2011 review of catch data to verify fishers' logbook information, which was subsequently used to determine if any triggers were reached under the harvest strategy. The department recommends that where observer data is available, validation also be undertaken for the Western Deepwater Trawl Fishery in annual reviews.</p> <p>The harvest strategy relies strongly on logbooks for determining whether or not reference points have been reached. The department notes that increases in data requirements are specified in the harvest strategy once reference points are reached and until such time as these reference points are reached, the Australian Fisheries Management Authority has informed the department that annual validation and review of catch and effort information is sufficient to provide assurance that the data is robust.</p>	<p>Recommendation 1:</p> <p>The Australian Fisheries Management Authority to continue to validate catch and effort information collected with independent observer data for target, byproduct and protected species when undertaking the annual review against the 'Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011'.</p>

Issue	Recommendation
<p><u>Data validation (cont...)</u></p> <p>The department considers that, given the reliance placed on logbook data to inform triggers and management responses in the harvest strategy, an ongoing validation of catch and effort data is important in demonstrating that management arrangements continue to be ecologically sustainable. Thus, the department has recommended that the Australian Fisheries Management Authority continue to validate catch and effort information in its annual review of catch data from both logbooks and observers. This will better inform management practices before the fishery is next assessed by the Australian Government under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p>	

Issue	Recommendation
<p data-bbox="136 170 741 202"><u>Complementary management of shared stocks</u></p> <p data-bbox="136 234 1462 617">The Offshore Constitutional Settlement (OCS) arrangement between the Commonwealth and Western Australian governments was originally drafted in 1995 with the intention that Commonwealth trawl operators would operate seaward of the 200 metre depth contour. This was expressed in the 1995 arrangement as a reference to the 200 metre isobath in conjunction with a series of latitudes and longitudes. In 1998, when the OCS arrangement was amended, any reference to the 200 metre isobath was removed, leaving the series of latitudes and longitudes as the boundary of the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery. It has since been found that the series of latitudes and longitudes do not reflect this intent, and as such, there are waters shallower than 200 metres that Commonwealth permit holders have access to, and waters deeper than 200 metres from which Commonwealth permit holders are excluded from.</p> <p data-bbox="136 657 1462 960">Fishing by Commonwealth permit holders in waters shallower than 200 metres in the North West Slope Trawl Fishery occurred in 2007. These waters were closed to fishing up until October 2011 via a series of gazetted and voluntary closures imposed for trawling. In October 2011, coinciding with the implementation of the ‘Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery 2011’, operators recommenced activity in this area, primarily targeting finfish, including goldband snapper and red emperor, which are shared stocks with a number of Western Australian managed fisheries, such as the Northern Demersal Scalefish Fishery and the Pilbara Fisheries (Fish Trawl, Trap and Line fisheries).</p> <p data-bbox="136 1000 1462 1457">Under the harvest strategy, annual catch limits have been set at 44 tonnes for goldband snapper and 12 tonnes for red emperor based on results of stock assessments undertaken by the Department of Fisheries, Western Australia using Northern Demersal Scalefish Fishery data collected up until 2007. The stock assessments indicated that the Western Australian managed fishing levels in 2007 were likely not to be depleting the spawning biomass below threshold limit levels. In 2010, catch limits in the Northern Demersal Scalefish Fishery were lowered by ten per cent. In 2011, the Australian Fisheries Management Authority set the catch limits mentioned above based on the relative geographic area of overlap (9.4 per cent) between the North West Slope Trawl Fishery and Fishing Area 2 Zone B (the overlapping area) of the Northern Demersal Scalefish Fishery for which the stock assessment was conducted. These catch limits are 9.4 per cent of the catches of the species taken in Fishing Area 2 Zone B (the overlapping area) of the Northern Demersal Scalefish Fishery recorded for 2009.</p>	<p data-bbox="1491 170 1771 202">Recommendation 2:</p> <p data-bbox="1491 234 2000 617">The Australian Fisheries Management Authority to continue to work with other jurisdictions to actively pursue consistent and/or complementary research and management arrangements to account for stocks harvested in overlapping or adjacent jurisdictions to the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.</p>

Issue	Recommendation
<p><u>Complementary management of shared stocks (cont...)</u></p> <p>This infers that catch limits are set at approximately the same as levels considered sustainable by the 2007 stock assessments. The Australian Fisheries Management Authority has informed the department that catches from the North West Slope Trawl Fishery will be included in the next stock assessment for goldband snapper and red emperor, scheduled to occur in 2013, and that it is already providing otoliths for key species (such as goldband snapper and red emperor) to Department of Fisheries, Western Australia collected by the Australian Fisheries Management Authority's Scientific Observer Program to assist in the stock assessment for these species.</p> <p>The department notes that a number of other state managed fisheries, such as the Western Australian managed West Coast Deep Sea Crustacean Interim Managed Fishery and the Gascoyne Demersal Scalefish Fishery, overlap in area and/or share the same stocks of species harvested in the North West Slope Trawl Fishery and the Western Deepwater Trawl Fishery.</p> <p>Given the multiple number of other fisheries which share stocks harvested by the North West Slope Trawl Fishery and Western Deepwater Trawl Fishery, the department considers it important for the Australian Fisheries Management Authority to have continued input into the stock assessments and management of species harvested in these Commonwealth managed fisheries which are harvested by other fisheries.</p>	

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Acronyms

AFMA	Australian Fisheries Management Authority
GVP	gross value of production
OCS	Offshore Constitutional Settlement
WTF	Western Trawl Fisheries