



Australian Government

Department of the Environment and Water Resources

Mr Rod Pearn
Senior Fisheries Management Officer
Department of Primary Industries and Water
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Dear Mr Pearn

Thank you for your email to Mark Allen on 30 March 2007, seeking an extension to a Department of the Environment and Water Resources' recommendation for the Tasmanian Scallop Fishery.

The recommendation that you referred to in your email (recommendation 3) was to be initially addressed by December 2006. It is now understood that, due to delays with gaining agreement among members in the Scallop Fishery Advisory Committee (ScFAC) to draft objectives for the fishery, the Tasmanian Department of Primary Industries and Water (DPIW) have been unable to address this recommendation by the December 2006 timeframe.

While the Tasmanian Scallop Fishery is a well-managed fishery, this recommendation addresses specific issues which must be managed to ensure that the fishery's impacts are minimised. Recommendations were developed by the Department of the Environment and Water Resources, and agreed with by DPIW officials, to address these issues and improve management of the fishery. While I understand the reasons for the delay in meeting the recommendation, an important consideration in the Delegate's decision to declare the Tasmanian Scallop Fishery exempt from the export controls of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was agreement to and implementation of the recommendations.

While the Department of the Environment and Water Resources is concerned with delays in implementing recommendations within the nominated timeframe, I believe that DPIW is committed to addressing these issues and has already taken proactive steps in some areas.

I understand that draft objectives for the Tasmanian Scallop Fishery were discussed at the ScFAC meeting in December 2006 and further discussed at the ScFAC meeting in April 2007. This should partially address recommendation 3 and I anticipate that performance indicators and performance measures, linked to the existing and new objectives, for target and byproduct species, protected species interactions and ecosystem impacts will be developed once fishery specific objectives have been developed. I also note that DPIW have reported this delay in addressing recommendation 3 to the Department of the Environment and Water Resources even though annual reporting is not a requirement under the fishery's current exempt accreditation.

In recognition of the scheduled ScFAC meeting in April 2007 and management arrangements in place for the fishery including limited entry, possession limits, minimum size limits, gear restrictions and area restrictions, I am willing to extend the timeframe for recommendation 3 until 31 December 2007. This will allow DPIW to complete the development of fishery specific objectives and associated performance indicators and performance measures, as mentioned in your email of 30 March 2007.

I have included a full list of updated recommendations for the Tasmanian Scallop Fishery at Attachment A for your information.

While the inability of DPIW to meet this recommendation is unlikely to affect the immediate sustainability of the target species, these issues and recommendations need to be addressed for the longer term sustainability of scallop stocks. Please note, that should recommendations associated with the exempt declaration for the Tasmanian Scallop Fishery continue to not be implemented, the Minister could revoke the declaration. If the declaration is revoked, export of product from this fishery would no longer be permitted and would be an offence under the EPBC Act.

I thank you for the update on DPIW's progress in implementing recommendation 7 and note that DPIW have promoted the importance of protected species protection and accurate incident reporting in the Protected Species Interaction Record in the scallop catch quota docket books. I look forward to receiving confirmation that recommendation 3 for the Tasmanian Scallop Fishery will be met by 31 December 2007 and that DPIW will report publicly on the status of the fishery on an annual basis, including explicit reporting against each performance measure once developed (recommendation 5).

Yours sincerely

[*signed*]

Lara Musgrave
Director
Sustainable Fisheries Policy and Assessment
Department of the Environment and Water Resources

21 May 2007

Recommendations to the Tasmanian Department of Primary Industries and Water (DPIW, formerly the Department of Primary Industries, Water and Environment) on the ecologically sustainable management of the Tasmanian Scallop Fishery (TSF)

Recommendations

1. DPIW to advise the Department of the Environment and Water Resources of any material change to the fishery's management arrangements that could affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based, within 3 months of that change being made.
2. DPIW to work with the relevant jurisdictions to actively pursue consistent and/or complementary management arrangements for the commercial scallop stock off south-east Australia, where appropriate.
3. By the end of 2007, DPIW to develop fishery specific objectives to guide ecologically sustainable harvest of byproduct species and to minimise interactions with protected species. As part of the review of the "Tasmanian Scallop Fishery Policy Document - June 2000", or by no later than 31 December 2007, DPIW to also develop performance indicators and performance measures, linked to the existing and new objectives, for target and byproduct species, protected species interactions and ecosystem impacts.
4. DPIW to monitor the status of the fishery in relation to the performance measures once developed. Within 3 months of becoming aware of a performance measure not being met, DPIW to commence a review and finalise a clear timetable for the implementation of appropriate management responses, where appropriate.
5. From 2006, DPIW to report publicly on the status of the fishery on an annual basis, including explicit reporting against each performance measure once developed.
6. DPIW to review the harvesting strategy employed in the TSF to ensure that it is adequately precautionary. DPIW should consider the available scientific information regarding maintaining spatially distributed scallop beds and the impacts of fishing of the southeast Australian scallop stock. Notably, DPIW should consider the recommendations of the Fisheries Research and Development Corporation project titled "Juvenile Scallop Trashing Rates and Bed Dynamics: Testing the Management Rules for Scallops in Bass Strait". DPIW to also take into account the cumulative impacts of fishing on the entire scallop stock targeted in southeast Australia as relevant information becomes available.
7. To support the implementation of the Protected Species Interaction Monthly Record DPIW, within 12 months, to develop and implement an education program for fishers to promote the importance of protected species protection and accurate incident reporting.
8. Should new information determine that the fishery is having significant interactions with any endangered, threatened or protected species, DPIW to develop appropriate

measures to mitigate those interactions. Measures should be implemented within 12 months of the information becoming available.

9. DPIW to review the current management regime within the TSF to ensure that it takes account of ecosystem impacts, in particular:
 - high risk impacts of fishing identified through ecological risk assessments relevant to the fishery;
 - important juvenile/spawning/refuge grounds identified for byproduct and protected species; and
 - the impacts of fishing on benthic habitats.

During the review DPIW is to liaise with the Victorian Department of Primary Industries and the Australian Fisheries Management Authority and consider information relating to the risk assessment of their respective fisheries.

