



**Australian Government**

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**Department of Sustainability, Environment, Water, Population and Communities**

Assessment of the  
**Tasmanian Scallop Fishery**

**January 2012**



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#### **Disclaimer**

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 – 2<sup>nd</sup> Edition*. It forms part of the advice provided to the Minister for Sustainability, Environment, Water, Population and Communities on the fishery in relation to decisions under Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for Sustainability, Environment, Water, Population and Communities or the Australian Government.

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**Table 1: Summary of the Tasmanian Scallop Fishery**

<b>Publicly available information relevant to the fishery</b>	<ul style="list-style-type: none"><li>• Tasmanian <i>Living Marine Resources Management Act 1995</i></li><li>• Tasmanian <i>Fisheries (General) Regulations 2000</i></li><li>• The Management Plan for the Tasmanian Scallop Fishery. Tasmania <i>Fisheries (Scallop) Rules 2010</i>. Statutory Rules 2010, No.3</li><li>• Scallop Season Information and Monthly Catch Updates</li><li>• Tasmanian Department of Primary Industries, Parks, Water and Environment submission – Progress in implementing the Department of Sustainability, Environment, Water, Population and Communities recommendations made in the 2005 assessment of the Tasmanian scallop fishery, November 2011.</li><li>• Department of the Environment and Heritage – Assessment of the Tasmanian Scallop Fishery, November 2005</li></ul>
<b>Area</b>	The area of the fishery extends from the high water mark to 20 nautical miles into Bass Strait and from the high water mark out to 200 nautical miles offshore from the remainder of the Tasmanian coastline.
<b>Fishery status</b>	<p>In 2006, harvest from the fishery declined significantly from 4293.6 t to 1330 t in 2007. There was further decline in harvest in 2008 with 378 t landed and subsequently no fishing occurred in the 2009 and 2010 seasons.</p> <p>The harvest strategy for the TSF requires that candidate open areas are assessed against the fishery performance measures before the area can be considered for opening to commercial scallop harvesting. Data on candidate open areas is collected from industry based preseason surveys overseen by scientists from the Institute for Marine and Antarctic Studies (IMAS). This data is then used to assess the suitability of the proposed open area for commercial scallop harvesting after being presented to and considered by the Scallop Fishery Advisory Committee against the 13 biological, environmental, economic and social performance measures as listed in Appendix 2 of the submission.</p> <p>During the process of considering an area for commercial scallop harvesting, any area that does not meet the performance measures is not considered for opening or the area is amended to ensure the final open area meets the performance measures. Other management measures may also be developed to minimise the impact of scallop harvesting to an acceptable level.</p> <p>Based on 2009 survey results carried out in the fishery, the White Rock scallop bed showed positive signs of a high abundance of scallops for potential future harvest in 2010. However, later surveys suggested delaying harvest with the aim of allowing the scallop size to increase for a potential 2011 season. Most recent surveys have indicated, however, that a scallop bed-die off occurred in the White Rock area. A review of the minimum criteria relating to scallop size and age at harvest for candidate open areas will be considered by the Tasmanian Department</p>



	<p>of Primary Industries, Parks, Water and Environment.</p> <p>No fishing occurred in the 2009 and 2010 seasons and no product was exported during the current assessment period since 2005. Some fishing took place in the 2011 season.</p> <p><b>Year Activity</b>  2006 = 4293.6t landed  2007 = 1330t landed  2008 = 378t landed  2009 = No season  2010 = No season  2011 = figure not available, due to commercial-in-confidence reasons.</p>
<b>Target Species</b>	<p>Commercial scallops (<i>Pecten fumatus</i>). Commercial scallops occur along the coast of southeast Australia, from New South Wales, through Victoria, to South Australia including the coastline around Tasmania. They are typically found on soft sediments (mud and sand) and frequently aggregate, forming 'beds'. They usually occur in water of 10–20 metres in depth, but can be found in water deeper than 40 metres in the Bass Strait.</p> <p>Scallops typically mature at 12–18 months of age. Fecundity increases with age. Further information about commercial scallops can be found in the 2005 Department of the Environment and Heritage assessment of the fishery, found at:  <a href="http://www.environment.gov.au/coasts/fisheries/tas/scallop/index.html">http://www.environment.gov.au/coasts/fisheries/tas/scallop/index.html</a></p>
<b>Byproduct Species</b>	<p>Doughboy (<i>Mimachlamys asperimus</i>) and queen scallops (<i>Equichlamys bifrons</i>).</p>
<b>Gear</b>	<p>Commercial fishing for scallops in Tasmania is done solely by dredging. Dredges (typically three to four metres wide) are deployed from the rear of the fishing vessel and are attached by a single cable. They consist of a toothbar or 'scraper' bar on the bottom of the 'mouth' of the dredge which deflects scallops into the dredge basket. As the dredge is dragged along the bottom the teeth dig into the substrate (typically soft sand or mud), lifting the scallops so that they are caught in the dredge. Each dredge run lasts for about 15 minutes after which it is lifted and emptied. The gear is typically deployed on the shelf in water deeper than 20 metres where the best scallop beds tend to occur.</p> <p>Recreational/Indigenous – currently dive only. The take of scallops by the Indigenous and recreational sectors within Tasmanian waters is not significant. Apart from the restrictions on method, the recreational fishery is managed through licences, seasons, bag and possession limits, size limits and some area restrictions.</p>



Season	Candidate open areas are assessed against the fishery performance measures before the area can be considered for opening to commercial scallop harvesting. The most recent season was open from 18 June 2011 to 31 December 2011.																																
Commercial harvest	One vessel participated in the fishery. Harvest figure not available due to commercial-in-confidence reasons.																																
Value of commercial harvest for 2011	Figure not available due to commercial-in-confidence reasons.																																
Take by other sectors	<p>In addition to the Tasmanian Scallop Fishery, the commercial scallop is harvested in the Commonwealth Bass Strait Central Zone Scallop Fishery (BSCZSF) and the Victorian Scallop Fishery (VSF). The catch and total allowable catch limits (in tonnes of shell weight) over the past two years for these fisheries are given below:</p> <table><tr><td></td><th colspan="3">Year</th></tr><tr><td></td><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>BSCZSF Catch</td><td>82</td><td>2426</td><td>2278</td></tr><tr><td>BSCZSF TAC<sup>1</sup></td><td>150</td><td>2650</td><td>3150</td></tr></table> <table><tr><td></td><th colspan="3">Season</th></tr><tr><td></td><th>2008/09</th><th>2009/10</th><th>2010/11</th></tr><tr><td>VSF Catch</td><td>473</td><td>21</td><td>0</td></tr><tr><td>VSF TAC</td><td>1504</td><td>1504</td><td>0</td></tr></table> <p>The 2007-08 survey of recreational fishing in Tasmania estimated a total of 397,000 scallops (number in kilos not available) had been harvested in the recreational sector during 2007/8.</p> <p>Over 95% of the recreational scallop effort is directed in the D’entrecasteaux Channel. Each year IMAS survey the D’entrecasteaux Channel to check out scallop size distribution. When the D’entrecasteaux Channel is closed (as in 2009 and 2011) there are virtually no scallops taken by recreational fishers outside the D’entrecasteaux Channel.</p> <p>A research project assessing the impact of seismic testing on scallops undertaken by the Tasmanian Aquaculture and Fisheries Institute, completed in November 2010, entitled ‘<i>Assessing the short-term impact of seismic surveys on adult commercial scallops (Pecten fumatus) in Bass Strait</i>’, detected:</p> <ul style="list-style-type: none"><li>• no change in the abundance of live scallops (or related change in dead scallop categories) or macroscopic gonad and meat condition after seismic testing, and</li><li>• no observable change in the size frequency distribution of scallops following seismic surveying.</li></ul>		Year				2008	2009	2010	BSCZSF Catch	82	2426	2278	BSCZSF TAC <sup>1</sup>	150	2650	3150		Season				2008/09	2009/10	2010/11	VSF Catch	473	21	0	VSF TAC	1504	1504	0
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<sup>1</sup> Bass Strait Central Zone Scallop Fishery total allowable catch (TAC) includes 150 tonnes for surveys. Note that a zero commercial harvest TAC was set in 2008, but 150 tonnes were allocated for surveys.



<b>Commercial licences issued</b>	<p>The commercial scallop fishery has been limited entry since the late 1980's.</p> <p>Since 2006, the number of active vessels participating when there is an open season has been less than 25.</p> <p>There are currently 75 commercial scallop licences which have been issued.</p>
<b>Management arrangements</b>	<p>The fishery is managed under the Tasmanian <i>Living Marine Resources Management Act 1995</i>, the Tasmanian <i>Fisheries (General) Regulations 2000</i> and the Tasmanian <i>Fisheries (Scallop) Rules 2010</i>.</p> <p>The Input and Output controls for the fishery are:</p> <ul style="list-style-type: none"> <li>• Total Allowable Commercial Catch (TACC);</li> <li>• limited entry (fishers must also hold a scallop entitlement) and a minimum unit holding to operate;</li> <li>• minimum size limits;</li> <li>• spatial management regime, where most of the fishery area is closed and only certain defined areas opened if criteria are met;</li> <li>• seasonal closure – fishing only allowed when scallops have reached optimum condition and to maximise opportunity for successful recruitment;</li> <li>• limits on number, dimensions and structure of dredges; and possession limits.</li> </ul>
<b>Export</b>	Mainly domestic market. No export has occurred since 2005.
<b>Bycatch</b>	Bycatch is relatively low, consisting mostly of molluscs such as dog cockles ( <i>Glycymeris sp.</i> ) and the native oyster ( <i>Ostrea angas</i> ). Diogenid hermit crabs ( <i>Paguristestuberculatus</i> ) and the introduced screw shell ( <i>Maoricolpus roseus</i> ) are also taken as bycatch.
<b>Interaction with Protected Species<sup>2</sup></b>	Given the slow movement of the dredge fishing gear and the short duration of dredge tows, which provides an opportunity for protected species to avoid capture or escape, impacts on protected species are likely to be low.
<b>Ecosystem Impacts</b>	<p>Commercial scallop fishing is conducted using dredge equipment on coarse sandy bottoms. Scallop dredging is a non-selective fishing method, which can impact on the substrate and associated biota in fishing areas.</p> <p>Whilst dredging can potentially occur over a large region, ecological impacts are reduced because dredging is generally limited to commercially productive areas, which are usually small regions where there are known to be high abundances of scallops. Catch is also sorted on board commercial fishing vessels and bycatch is returned to the water as soon as practicable.</p>

<sup>2</sup> 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.







**Table 2: Progress in implementation of recommendations made in the 2005 assessment of the Tasmanian Scallop Fishery**

<b>Recommendation</b>	<b>Progress</b>	<b>Recommended Action</b>
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.	The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) has been advised of any management changes to the fishery in the submission for ongoing export accreditation.	<p>The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) considers that this recommendation has been met.</p> <p>DSEWPaC recommends that this requirement be ongoing and continue to apply under the new exemption for this fishery for the next five years.</p> <p><b>See Recommendations 1 and 2 Table 4.</b></p>



Recommendation	Progress	Recommended Action
<p>2. 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.</p>	<p>DPIPWE has developed fishery specific objectives to guide ecological sustainable harvest of byproduct species and to minimise interactions with protected species along with other objectives pertaining to community social values and governance.</p> <p>These objectives were developed in consultation with the scallop industry, Scallop Fishery Advisory Committee (ScFAC) and have been signed off by the Minister for Primary Industries. These objectives currently sit within <i>The Management of the Tasmanian Scallop Fishery Policy and Decision Making Guidelines</i> which is currently in a draft form. A copy of the objectives is attached in Appendix 1 of the submission.</p> <p>DSEWPaC understands that performance measures were developed in 2009 and that there was no fishing in 2009 and 2010. Thirteen performance measures, indicators and decision rules cover biological, environmental, economic and social criteria for the Tasmanian Scallop fishery. These are listed along with a brief description in Appendix 2 of the submission.</p> <p>DSEWPaC acknowledges the progress made to date in regard to the development of objectives and performance measures and the consultation involved in the process. DSEWPaC expects DPIPWE to include in its Annual Status reports regular updates on the implementation within the fishery management arrangements of the objectives and performance measures/indicators for target and byproduct species, protected species interactions and ecosystem impacts.</p>	<p>DSEWPaC considers that this recommendation has been met.</p> <p>Regular updates should be provided to the department via the Annual Status reports.</p> <p><b>See Recommendation 3, Table 4.</b></p>



Recommendation	Progress	Recommended Action
<p>3. 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.</p>	<p>DPIPWE advised in their submission that the harvest strategy for the fishery requires that candidate open areas are assessed against the fishery performance measures before the area can be considered for opening to commercial scallop harvesting.</p> <p>Opening of a proposed area is based upon preseason surveys, with the data being used determine whether or not the proposed area is suitable for commercial scallop harvest. This is done in consultation with the Institute for Marine and Antarctic Studies and the Scallop Fishery Advisory Committee (ScFAC), based on performance measures, listed in Appendix 2 of the submission.</p> <p>DPIPWE has confirmed that any area that does not meet the performance measures is not considered for opening or the area is amended to ensure the final open area meets the performance measures. Other management measures may also be developed to minimise the impact of scallop harvesting to an acceptable level.</p> <p>DPIPWE consider that due to this process of opening proposed areas based on pre-season survey data, consultation and performance measures, there has been no need to conduct a review. The management response to not meeting performance measures is to not open an area to commercial scallop harvesting.</p> <p>In view of the pre-season survey, consultation and assessment against performance measures, DSEWPaC consider that this recommendation has been met.</p>	<p>DSEWPaC considers that this recommendation has been met.</p>



Recommendation	Progress	Recommended Action
<p>4. 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.</p>	<p>DPIPWE has published on their website monthly catch updates and general fishery updates. It should be noted that in 2009 and 2010 there was no commercial scallop fishing in Tasmanian waters.</p> <p>DPIPWE has advised that scallop fishery updates are also provided as necessary in a Tasmanian Seafood Industry News magazine called '<i>Fishing Today</i>'. This magazine is distributed free to the Tasmanian Seafood Industry.</p> <p>The Institute for Marine and Antarctic Studies (IMAS) produces survey reports which outline the size frequency, densities and locations of scallop beds along with any other item of note such as if a category of bycatch is particularly high in an area. Whilst these reports are generally not publicly available they are distributed to industry participants.</p> <p>Please see the Submission for a summary of fishing activity in the fishery.</p>	<p>DSEWPaC considers that this recommendation has been met.</p>



Recommendation	Progress	Recommended Action
<p>5. DPIW to work with the relevant jurisdictions to actively pursue consistent and/or complementary management arrangements for the commercial scallop stock off southeast Australia, where appropriate.</p>	<p>DPIPWE continues to work with relevant jurisdictions (Victoria and the Commonwealth) to pursue consistent and/or complementary management arrangements.</p> <p>DPIPWE has a representative attending the Commonwealth Scallop Resources Assessment Group (Commonwealth Scallop RAG) and the Commonwealth Scallop Management Advisory Committee (Commonwealth Scallop MAC). A representative from the Australian Fisheries Management Authority (AFMA) sits on the Tasmanian Scallop Fishery Advisory Committee (ScFAC), giving both jurisdictions a clear understanding of what is happening in each fishery from a management perspective.</p> <p>DPIPWE is currently participating in an AFMA initiated project to review current management arrangements and investigate options for improving management of the commercial scallop resource in south east Australia into the future. One of the project's main outputs is to look at future options to align management arrangements across the three jurisdictions with the potential long term prospect of having a single jurisdictional fishery. The project is overseen by a steering committee comprising of a senior member from each of the three fisheries management agencies, an industry member from each jurisdiction and the Chairman from both the Commonwealth Scallop RAG and the Tasmanian ScFAC, with a consultant engaged to help perform the review.</p>	<p>DSEWPaC considers that this recommendation has been met.</p>



Recommendation	Progress	Recommended Action
5 ( <i>cont.</i> )	<p>The project is being conducted in two stages. The first is a comprehensive review of the south eastern commercial scallop fishery in the three jurisdictions, advice on the current value of entitlements and identification of management activities that have the potential for integration/rationalisation to best meet the objectives. The second stage of the project will identify pathways to implement rationalised management arrangements into the future and further develop options identified as having potential for integration/rationalisation.</p> <p>The project is currently at the end of the first stage with a draft report currently being considered.</p>	



Recommendation	Progress	Recommended Action
<p>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.</p> <p>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".</p> <p>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.</p>	<p>DPIPWE has advised in their submission that the Fisheries Research and Development Corporation project titled “<i>Juvenile Scallop Trashing Rates and Bed Dynamics: Testing the Management Rules for Scallops in Bass Strait</i>” conducted by IMAS (previously known as TAFI), compared the advantages and disadvantages of the spatial management strategies employed by Tasmanian (most areas closed, small areas open), the Commonwealth (most areas open, small areas closed) and Victorian scallop (all beds open, potential for temporal closures) fisheries and found there were many advantages of the Tasmanian system, with few disadvantages.</p> <p>DPIPWE advised that the study concluded that the ‘most areas closed, small area open’ strategy in regard to sustainability of the fishery each year was of highest advantage, compared to alternative options, with some of the benefits including: greater larval biomass produced; greater chance of securing the future of scallop beds; and longer rests for beds between periods of fishing (DPIPWE 2011 Submission).</p> <p>The study also found that rotational harvest strategies of relatively small areas, so-called paddock fishing, will maximize the chance of a worthwhile annual fishery, permit the selection of scallops in the best condition, enable greater control over the exploitation of an easily targeted easily depleted species, and maximise the chances of successful recruitment into the fishery.</p>	<p>DSEWPaC acknowledge the progress made to date. Given the scallop die-off which occurred in the White Rock area, DSEWPaC considers that further investigation of possible causes of this would be beneficial to help improve the future sustainable management of the fishery.</p> <p><b>See Table 4, Recommendation 4.</b></p>



Recommendation	Progress	Recommended Action
6. (cont.)	<p>During the term of the current export approval scallop dredge prohibited areas have been introduced. These areas include all waters less than 20m deep and other areas around the state that have been identified as having significant environmental, recreational or tourism values, or areas of potential user group interactions. The areas primarily comprise of estuaries and enclosed bays.</p> <p>In light of a recent significant scallop bed die off in the White Rock area, DPIPWE is considering a review of the minimum criteria relating to scallop size and age at harvest for candidate open areas. This scallop bed died at a relatively early age with the scallops being in their fourth year. The cause of the die off is unknown with pathology testing giving no indication of cause. This scallop bed had been regularly monitored since early 2007 when newly settled scallop spat were first identified.</p> <p>The review being considered by DPIPWE ought to review available research, including the recent Fisheries Research and Development Corporation (FRDC) funding application <i>‘Determining when and where to fish: Linking scallop spawning, settlement, size and condition to collaborative spatial harvest and industry in-season management strategies’</i>.</p>	



Recommendation	Progress	Recommended Action
<p>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.</p>	<p>DPIPWE advised that in 2006 it introduced new changes to the Scallop Catch Record portion of the Scallop Quota Docket to include protected species interactions, with the record book instructions clearly stating that a ‘Protected Species Interaction Record’, must be completed for every interaction which occurs.</p> <p>Copies of dockets are forwarded to DPIPWE within 48 hours from the time of unloading. To assist fishers, a list of protected species which may be encountered by a scallop fisher, is included in the instructions section of the quota docket book.</p> <p>In an effort to improve the level and quality of reporting. DPIPWE is also in the process of distributing the Protected Species ID Guide produced by the Australian Fisheries Management Authority (AFMA).</p> <p>In addition, DPIPWE officers have been giving presentations to fishers at port meetings, to explain how to report protected species interactions, in an effort to improve the quality data collection.</p>	<p>DSEWPaC considers that this recommendation has been met.</p>



<p>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.</p>	<p>The current management regime for the TSF comprises a comprehensive closed area management strategy, with the majority of the fishery being closed to commercial scallop harvesting and discrete areas open to commercial fishing on a rotational basis. Only those areas containing scallops meeting the harvesting criteria are considered for opening. This is done to reduce the impact on the remainder of the scallop stock, non target species, sensitive habitats, and minimise interactions with threatened, endangered or protected species (TEP).</p> <p>Pre-season surveys are used to determine those areas found to have significant interactions with TEP species and these areas are not considered for opening. A range of measures are developed to ensure that scallop harvesting has a minimal impact on the identified TEP species and may include closed areas, closed seasons or other measures appropriate to reduce or minimise the interaction.</p> <p>In addition to these measures, all vessels participating in commercial scallop fishing are fitted with a vessel monitoring system that allows continual 24 hour monitoring of fleet movements.</p>	<p>DSEWPaC considers that this recommendation has been met.</p>
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<p>9. DPIW to review the current management regime within the TSF to ensure that it takes account of ecosystem impacts, in particular:</p> <ul style="list-style-type: none"> <li>• high risk impacts of fishing identified through ecological risk assessments relevant to the fishery;</li> <li>• important juvenile/spawning/refuge grounds identified for byproduct and protected species; and</li> <li>• the impacts of fishing on benthic habitats.</li> </ul> <p>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.</p>	<p>DPIPWE has confirmed that the management regime has been through several reviews.</p> <p>The current management regime has undergone a number of reviews since the department's last assessment. In 2007 a number of scallop dredge prohibited areas were declared which included all waters less than 20 metres deep and also included a number of embayments and estuaries. The criteria used to identify dredge prohibited areas included: Recreational and tourism values; Potential user group conflict; Environmentally sensitive habitats such as sea grass; Shark nursery areas; Seamap Tasmania habitat mapping data.</p> <p>These areas were developed in consultation with the ScFAC, industry and the wider community. A fishery scallop management plan review in 2009 saw the <i>Management Objectives and Strategies</i> along with the <i>Performance Measures, Indicators and Decision Rules</i> released for consultation with stakeholders and the wider community. These can be found in Appendix 1 and 2 of the DPIPWE 2011 submission.</p> <p>This review also looked at the system of setting the annual TAC. This resulted in the scallop quota unit value being fixed at 400kg a unit, with the percentage of a unit which can be fished to be varied according to a relative level of abundance which is determined through pre-season surveys. The relative abundance indices are used to determine what percentage of the total available units within the fishery can be fished, therefore setting a (variable) TAC in line with expected stock abundance.</p> <p>The management plan was made available for a minimum 60 day consultation period in which in addition to public comment, comment was sought from other agencies and fisheries departments.</p>	<p>DSEWPaC considers that this recommendation has been met.</p>
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**Table 3: The Department of Sustainability, Environment, Water, Population and Communities’ assessment of the Tasmanian Scallop Fishery against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A.**

**Please Note** – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13 and Part13A. A complete version of the EPBC Act can be found at <http://www.comlaw.gov.au/>.

**Part 13**

<b>Division 1 Listed threatened species</b> <b>Section 208A Minister may accredit plans or regimes</b>	<b>DSEWPaC assessment of the Tasmanian Scallop Fishery (TSF)</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p style="margin-left: 40px;">i. made by a State or self-governing Territory; and</p> <p style="margin-left: 40px;">ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> 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 TSF will be managed under the <i>Fisheries (Scallop) Rules 2010</i>, the <i>Tasmanian Fisheries (General) Regulations 2000</i> and the <i>Tasmanian Living Marine Resources Management Act 1995</i>.</p> <p>The management regime for the TSF was accredited in January 2005. The department considers that the management regime for the TSF continues to require operators to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method, the likelihood of interactions with listed threatened species is very low. Therefore, the department considers the current operation of the TSF is not likely to adversely affect the conservation status of a listed threatened species or a population of that species.</p>



**Part 13 (cont.)**

<b>Division 2 Migratory species</b> <b>Section 222A Minister may accredit plans or regimes</b>	<b>DSEWPaC assessment of the Tasmanian Scallop Fishery (TSF)</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"><li>i. made by a State or self-governing Territory; and</li><li>ii. in force under a law of the State or self-governing Territory;</li></ul> <p>if <b>satisfied</b> 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 TSF will be managed under the <i>Fisheries (Scallop) Rules 2010</i>, the <i>Tasmanian Fisheries (General) Regulations 2000</i> and the <i>Tasmanian Living Marine Resources Management Act 1995</i>.</p> <p>The management regime for the TSF was accredited in January 2005. The department considers that the management regime for the TSF continues to require operators to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method, the likelihood of interactions with listed migratory species is very low. Therefore, the department considers the current operation of the TSF is not likely to adversely affect the conservation status of a listed migratory species or a population of that species.</p>



**Part 13 (cont.)**

<b>Division 3 Whales and other cetaceans</b> <b>Section 245 Minister may accredit plans or regimes</b>	<b>DSEWPaC assessment of the Tasmanian Scallop Fishery (TSF)</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p class="list-item-l1">(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p class="list-item-l2">i. made by a State or self-governing Territory; and</p> <p class="list-item-l2">ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> that:</p> <p class="list-item-l1">(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 class="list-item-l1">(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 TSF will be managed under the <i>Fisheries (Scallop) Rules 2010</i>, the <i>Tasmanian Fisheries (General) Regulations 2000</i> and the <i>Tasmanian Living Marine Resources Management Act 1995</i>.</p> <p>The management regime for the TSF was accredited in January 2005. The department considers that the management regime for the TSF continues to require operators to take all reasonable steps to ensure that whales and cetaceans are not killed or injured as a result of the fishing.</p> <p>Due to the selective nature of the fishing method, the likelihood of interactions with whales and cetaceans is very low. Therefore, the department considers the current operation of the TSF is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>



**Part 13 (cont.)**

<b>Division 4 Listed marine species</b> <b>Section 265 Minister may accredit plans or regimes</b>	<b>DSEWPaC assessment of the Tasmanian Scallop Fishery (TSF)</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> 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 TSF will be managed under the <i>Fisheries (Scallop) Rules 2010</i>, the <i>Tasmanian Fisheries (General) Regulations 2000</i> and the <i>Tasmanian Living Marine Resources Management Act 1995</i>.</p> <p>The management regime for the TSF was accredited in January 2005. The department considers that the management regime for the TSF continues to require 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>Due to the selective nature of the fishing method, the likelihood of interactions with listed marine species is very low. Therefore, the department considers the current operation of the TSF is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>



**Part 13** (*cont.*)

<b>Section 303AA Conditions relating to accreditation of plans, regimes and policies</b>	<b>DSEWPaC assessment of Tasmanian Scallop Fishery (TSF)</b>
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	DSEWPaC recommends that the TSF 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.	No condition has been imposed on the TSF 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 CITES<sup>3</sup> 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.

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<sup>3</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora



Section 303DC Minister may amend list	DSEWPaC assessment of the Tasmanian Scallop Fishery (TSF)
<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"> <li>(a) including items in the list;</li> <li>(b) deleting items from the list; or</li> <li>(c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(d) varying of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(e) correcting an inaccuracy or updating the name of a species.</li> </ul>	
<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"> <li>(a) must consult such other Minister or Ministers as the Minister considers appropriate; and</li> <li>(b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and</li> <li>(c) may consult such other persons and organisations as the Minister considers appropriate.</li> </ul>	<p>The public comment period on the TSF submission, sought comment on the submission for the TSF and provided sufficient opportunity for consultation with other persons and organisations.</p> <p>A letter to the Hon Bryan Green MP advises him of the intention to include product derived from the fishery in the list of exempt native specimens.</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 TSF made under section 303DC will be gazetted and made available on the department's website.</p>



## Part 16

<b>Section 391 Minister must consider precautionary principle in making decisions</b>	<b>DSEWPaC assessment of the Tasmanian Scallop Fishery (TSF)</b>
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The precautionary principle has been considered by the department when making its recommendation to the delegate to include specimens in the list of exempt native specimens.
(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.	



**The Department of Sustainability, Environment, Water, Population and Communities' final recommendations to the Department of Primary Industries, Parks, Water and Environment for the Tasmanian Scallop Fishery**

The material submitted by DPIPWE indicates that the Tasmanian Scallop Fishery (TSF) operates in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries -2<sup>nd</sup> Edition*.

Management measures in the TSF include input and output controls including: Total Allowable Commercial Catch limits; limited entry (fishers must also hold a scallop entitlement) and a minimum unit holding to operate; minimum size limits; spatial management regime, where most of the fishery area is closed and only certain defined areas opened if criteria met; seasonal closure – fishing only allowed when scallops have reached optimum condition and to maximise opportunity for successful recruitment; limits on number, dimensions and structure of dredges; and possession limits.

Given the management arrangements in place within the TSF, the department considers that it continues to be unlikely that fishing operations conducted in accordance with the current management arrangements will adversely affect the conservation status of protected species, or affect the survival and recovery of listed threatened species. The department also considers that under the current management arrangements operators are required to take all reasonable steps to avoid the killing or injuring of protected species.

The department considers that the range of management controls is sufficient to ensure that the fishery is conducted in a manner that does not lead to over-fishing and that there are arrangements to recover any overfished stocks. The department also considers that fishing operations are managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

The department recommends that product taken in the fishery be included in the list of exempt native specimens under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for a period of 5 years. To contain and minimise the risks in the longer-term the recommendations listed in Table 4 have been made. Unless a specific time frame is provided in the recommendation, each recommendation should be addressed during the five year period.



**Table 4: The Tasmanian Scallop Fishery Assessment – Summary of Issues and Recommendations, January 2012**

	<b>Issue</b>	<b>Recommendation</b>
1	<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 (DSEWPaC) 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><b>Recommendation 1:</b></p> <p>Operation of the fishery will be carried out under the <i>Fisheries (Scallop) Rules 2010</i>, the <i>Tasmanian Fisheries (General) Regulations 2000</i> and the <i>Tasmanian Living Marine Resources Management Act</i>, to the extent that the management regime is a plan of management for the Tasmanian Scallop Fishery.</p> <p><b>Recommendation 2:</b></p> <p>The Department of Primary Industries, Parks, Water and Environment (DPIPWE) to advise DSEWPaC of any material change to the Tasmanian Scallop Fishery management arrangements that could affect the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based, within three months of that change being made.</p>



2	<p><b><u>Annual Reporting</u></b></p> <p>It is important that reports be produced and presented to DSEWPaC annually in order for the performance of the fishery and progress in implementing the recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the exemption (five years).</p> <p>Annual reports should follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition</i> (the Guidelines) and include: a description of the fishery; management arrangements in place; research and monitoring outcomes; recent catch data for all sectors of the fishery; status of target stock; interactions with protected species; impacts of the fishery on the ecosystem in which it operates; and, progress in implementing the department’s recommendations. Electronic copies of the Guidelines are available from the department’s website at <a href="http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html">http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html</a></p> <p>DSEWPaC expects DPIPWE to ensure the objectives and performance measures/indicators for target and byproduct species, protected species interactions and ecosystem impacts are implemented within the fishery management arrangements and regular updates should be provided to DSEWPaC via the Annual Reports.</p>	<p><b>Recommendation 3:</b></p> <p>DPIPWE to produce and present reports to the DSEWPaC annually as per Appendix B of the ‘<i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition</i>’.</p>
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3	<p><b><u>Review of minimum size and age limits of scallop:</u></b></p> <p>The department notes in the 2011 submission from DPIPWE that a significant scallop bed die-off occurred recently at White Rock, where scallops were in their fourth year which is considered to be an early age for the scallop bed. The cause of the die-off was unknown, with pathology testing finding no apparent cause. This bed has been regularly monitored since early 2007.</p> <p>Given that the reason for the die-off occurring is unknown at this stage, DSEWPaC consider that it should be regarded a priority to conduct further investigation and to consider relevant current research and findings conducted into scallop spawning, size and any other relevant findings. Results from such investigation may assist in reducing the possibility of die-off occurring again and to inform the development of appropriate management measures, to ensure the sustainable management of the fishery.</p> <p>DPIPWE has advised that it will consider conducting a review of minimum size and age limit criteria for scallop harvest. It was also noted that a recent Fisheries Research and Development Corporation (FRDC) funding application <i>‘Determining when and where to fish: ‘Linking scallop spawning, settlement, size and condition to collaborative spatial harvest and industry in-season management strategies’</i> is also expected to be taken into consideration for the review of scallop minimum size limits and age limits.</p>	<p><b>Recommendation 4:</b></p> <p>DPIPWE to place priority on conducting a review of scallop minimum criteria relating to size and age at harvest and explore further possible causes of the die-off which occurred in White Rock.</p> <p>Consideration should be given to all available research, including any research that may result if the FRDC funding application <i>‘Determining when and where to fish: Linking scallop spawning, settlement, size and condition to collaborative spatial harvest and industry in-season management strategies’</i> is approved.</p> <p>DSEWPaC encourages DPIPWE to complete the review prior to the end of 2013, so as to ensure the fishery is able to implement any future management measures seen necessary to assist in possible prevention/response to die-off reoccurring.</p>
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## **Acronyms**

CSIRO	Commonwealth Scientific & Industrial Research Organisation
DPIPWE	Department of Primary Industries, Parks, Water and Environment
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities
FRDC	Fisheries Research and Development Corporation
IMAS	Institute for Marine and Antarctic Studies
LENS	List of Exempt Native Specimens
ScFAC	Scallop Fishery Advisory Committee
TSF	Tasmanian Scallop Fishery
WTO	Wildlife Trade Operation