



Australian Government

Department of the Environment and Energy

Assessment of the

WESTERN AUSTRALIAN

WEST COAST ROCK LOBSTER MANAGED FISHERY

MAY 2018

© Copyright Commonwealth of Australia, 2018.



Assessment of the Western Australian West Coast Rock Lobster Managed Fishery May 2018 is licensed by the Commonwealth of Australia for use under a Creative Commons By Attribution 3.0 Australia licence with the exception of the Coat of Arms of the Commonwealth of Australia, the logo of the agency responsible for publishing the report, content supplied by third parties, and any images depicting people. For licence conditions see: <http://creativecommons.org/licenses/by/3.0/au/>.

This report should be attributed as '*Western Australian West Coast Rock Lobster Managed Fishery May 2018*, Commonwealth of Australia 2018'.

Disclaimer

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

While reasonable efforts have been made to ensure that the contents of this report are factually correct, the Australian Government does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this report. You should not rely solely on the information presented in the report when making a commercial or other decision.

CONTENTS

Executive Summary of the Assessment of the Western Australian (WA) West Coast Rock Lobster Managed Fishery	1
Section 1: Assessment Summary of the WA West Coast Rock Lobster Managed Fishery against the Guidelines for the <i>Ecologically Sustainable Management of Fisheries (2nd Edition)</i> , consistent with the EPBC Act.....	2
Section 2: Detailed analysis of the WA West Coast Rock Lobster Managed Fishery Against the Guidelines for the <i>Ecologically Sustainable Management of Fisheries (2nd Edition)</i>	5
Section 3: Assessment of the WA West Coast Rock Lobster Managed Fishery against the requirements of the EPBC Act	10

EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE WESTERN AUSTRALIAN (WA) WEST COAST ROCK LOBSTER MANAGED FISHERY

In March 2018, the WA Department of Primary Industries and Regional Development (DPIRD) submitted an application for the WA West Coast Rock Lobster Managed Fishery (WCRLF) to the Department of the Environment and Energy for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. A public comment period was open from 29 March to 4 May 2018, with no comments received.

The fishery

The WA WCRLMF operates off the west coast of WA between Shark Bay and Cape Leeuwin, using baited pots to target western rock lobster (*Panulirus cygnus*).

The fishery is primarily managed through annual total allowable catch limits, prescribed in accordance with the *West Coast Rock Lobster Harvest Strategy and Control Rules 2014-19*. The most recent ecological risk assessment (ERA) was completed for the fishery in 2013.

Target stocks

Western rock lobster is managed as a single stock within WA's West Coast Bioregion, with the same genetic stock extending in to the South Coast Bioregion. Stock monitoring is undertaken across four breeding stock management areas throughout the fishery. The biomass and egg production of western rock lobster throughout the area of the fishery is currently at record high levels since the 1970s. The 2016/17 stock assessment described the breeding stock as sustainable-adequate.

Byproduct in the fishery is generally low, with the main byproduct species being octopus, champagne crabs and baldchin groper. The status of these stocks is monitored through other fisheries in which these species are key target stocks.

Protected species and ecosystems

This fishery has demonstrated effective use of mitigation measures to reduce interactions with protected species during periods when elevated risk has been identified. The use of sea lion reduction devices in prescribed sea lion areas was mandated in 2006 and there have been no sea lion drownings recorded since this time. The fishery has recorded low (<9 per year) entanglements with migrating humpback whales since the 1980s, when this rate increased in 2012-14 after the fishery moved from input to output controls, measures were developed and mandated by 2014 that have effectively reduced entanglements back to within historic levels. Regular ERAs help assure that potential emerging risks to protected species and ecosystems are considered and managed appropriately.

The overall risk to protected species and ecosystems is minimal under the current management arrangements. There are no CITES species caught in this fishery.

Conclusion

Following assessment against the Guidelines at Section 2, the WA WCRLMF has been found to meet the requirements of the EPBC Act. Product taken in this fishery is therefore recommended for inclusion in the list of exempt native specimens under Part 13A of the EPBC Act until 30 May 2025.

SECTION 1: ASSESSMENT SUMMARY OF THE WESTERN AUSTRALIAN (WA) WEST COAST ROCK LOBSTER MANAGED FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND ED.), CONSISTENT WITH THE EPBC ACT

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime	8 of 9	1 of 9		The fishery is well managed, with appropriate arrangements in force. Good consultation mechanisms are in place, although opportunities for general public engagement are limited.
Principle 1 (target stocks)	9 of 11		2 of 11 n/a	Robust management of target stocks, with excellent monitoring and stock assessment protocols.
Principle 2 (bycatch and TEPS)	8 of 12		4 of 12 n/a	Low risks to bycatch and protected species under management arrangements. Previous issues with whale entanglements have been actively and effectively addressed.
Principle 2 (ecosystem impacts)	5 of 5			Potential ecosystem impacts are regularly assessed and considered low.
EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 12	Met			The marine bioregional plans for the South-west and North-west marine regions were considered, values not compromised.
Part 13	All met			Risks to protected species are minimal and appropriately managed
Part 13A	All met			Based on the outcomes of the Guidelines assessment, the Objects of Part 13A were considered met, and the consultation requirements of the EPBC Act were also met.
Part 16	Met			The fishery's management arrangements are considered precautionary.

Assessment history:

1st assessment finalised 2002 – LENS

2nd assessment finalised 2007 – LENS with 6 recommendations

3rd assessment finalised 2013 – WTO with 3 conditions, 2 recommendations and additional conditions on Part 13 accreditation

4th assessment finalised 2015 – WTO with 3 conditions, 1 recommendation and additional conditions on Part 13 accreditation

Fishery reporting:

Annual report – Page 34 of *Status reports of the fisheries and aquatic resources of Western Australia 2015/16*

<http://www.fish.wa.gov.au/About-Us/Publications/Pages/State-of-the-Fisheries-report.aspx>

Protected species interactions – Reported publicly in the annual State of the Fisheries report (“Status Reports”), link above.

Key links:

Fishery information page on agency website: <http://www.fish.wa.gov.au/Species/Rock-Lobster/Pages/default.aspx>

Management plan or equivalent:

West Coast Rock Lobster Managed Fishery Management Plan 2012

[https://www.slp.wa.gov.au/statutes/subsiduary.nsf/0/11A21FD8939B0E5048257FC400257E4A/\\$file/43.10+wcrlmfmp+2012+-+22.09.17.pdf](https://www.slp.wa.gov.au/statutes/subsiduary.nsf/0/11A21FD8939B0E5048257FC400257E4A/$file/43.10+wcrlmfmp+2012+-+22.09.17.pdf)

West Coast Rock Lobster Harvest Strategy and Control Rules 2014-2019

http://www.fish.wa.gov.au/Documents/management_papers/fmp254.pdf

Submission for reassessment under the EPBC Act in March 2018, which includes information that articulates how WA DPIRD has met the conditions prescribed in the 2015 WTO declaration and Part 13 accreditation:

<http://www.environment.gov.au/marine/fisheries/wa/rock-lobster/application-2018>

Enforcing legislation:

WA Fish Resources Management Act 1994

WA Fish Resources Management Regulations 1995

Stock assessment and reports:

Resource Assessment Report – Western Rock Lobster Resource of Western Australia, 2016

www.fish.wa.gov.au/Documents/wamsc_reports/wamsc_report_no_9.pdf

Status of Australian Fish Stocks 2016 – Western Rock Lobster (Fisheries Research and Development Corporation)

www.fish.gov.au/report/78-Western-Rock-Lobster-2016

Risk assessment and mitigation:

West Coast Rock Lobster Fishery Ecological Risk Assessment, 2013

www.fisheries.wa.gov.au/Documents/occasional_publications/fop118.pdf

Other:

Governance arrangements – WA Rock Lobster Fishery Marine Stewardship Council Principle 3, 2016 (Governance – Policy – Fishery Specific Management)

www.fish.wa.gov.au/Documents/occasional_publications/fop133.pdf

SECTION 2: DETAILED ANALYSIS OF THE WESTERN AUSTRALIAN (WA) WEST COAST ROCK LOBSTER MANAGED FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Fishery performance against Guidelines

Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition)	Comment
THE MANAGEMENT REGIME	
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:	
Be documented, publicly available and transparent	Meets The WA WCRLMF management plan, harvest strategy, control rules, governing legislation and general information describing the management regime are available online on the Department of Primary Industries and Regional Development (DPIRD) Fisheries Division website (links above).
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	Meets Yes, management plan developed through open process, including public consultation.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	Partially meets Fisheries management decisions are negotiated between government (including fishery scientists) and industry, both directly with license holders and through WAFIC. However, opportunities for general public to be involved are limited.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	Meets Performance measures are articulated in the harvest strategy and reported on publically in the annual Status Reports (links above).
Be capable of controlling the level of harvest in the fishery using input and/or output controls	Meets Level of harvest is primarily managed through annual total allowable catch limits, prescribed in accordance with the harvest strategy and control rules (link above). In addition, a number of input controls are in place including zonal management, restrictions on pots (size, configuration and escape gaps) and minimum size limits.
Contain the means of enforcing critical aspects of the management arrangements	Meets There is targeted and opportunistic on-land and at-sea inspections of vessels, gear, authorisations and catch. The majority of enforcement effort is applied to ensure fishers' catches are within their quota entitlements.
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	Meets The fishery's performance is reviewed annually and reported in the Status Reports (link above).
Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates	Meets Ecosystem impacts are considered through the west coast bioregion Ecosystem Based Fisheries Management framework, reported against annually in the Status Reports (link above). In 2015/16, impacts on the habitat and ecosystem from commercial fishing were assessed as low to negligible risk, with management measures in place to mitigate these risks as appropriate.

Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy	Meets The WCRLF is compliant with relevant Commonwealth plans and policies.
PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.	
Objective 1 - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.	
Information requirements	
1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.	Meets Mandatory monthly returns on all catch and effort. Daily electronic logbooks and at-sea monitoring by independent human observers placed on vessels opportunistically.
Assessment	
1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.	Meets Stock status is reviewed regularly and published in annual Status Reports and biennially in FRDC Status of Key Stocks reports (see links above). The fishery has a long-term scientific monitoring program and data for western rock lobster is very robust, with methods for estimating annual recruitment from puerulus settlement.
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	Meets Western rock lobster is managed as a single stock within the West Coast Bioregion, with the same genetic stock extending in to the South Coast Bioregion. Stock monitoring is undertaken across four breeding stock management areas throughout the fishery (see harvest strategy and control rules, link above). The biomass and egg production of western rock lobster throughout the area of the fishery is currently at record high levels since the 1970s. The 2016/17 stock assessment described the breeding stock as 'sustainable-adequate'.
1.1.4 There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.	Meets There are sound estimates of all removals, which are primarily from the commercial sector (year round) and the recreational sector (15 October – 30 June annually). These estimates are considered in annual total allowable catch setting, in accordance with the harvest strategy and control rules (see link above).
1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.	Meets Fisheries independent stock monitoring indicators and catch and effort data inform annual annual resource assessment reviews and total allowable catch setting.
Management responses	
1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.	Meets There are target and limit reference points articulated in the harvest strategy and control rules, which has the primary Sustainability Objective of maintaining egg production in breeding stock management areas above articulated threshold values. Once the Sustainability Objective has been satisfied, the target of the Harvest Objective is to determine the legal proportion of lobsters harvested to meet maximum economic yield.

1.1.7 There are management strategies in place capable of controlling the level of take.	Meets The primary management strategy is annually determined total allowable catch determinations, which are applied within spatially explicit management zones.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	Meets Byproduct in the fishery is generally low. The main byproduct species are octopus, champagne crabs and baldchin groper. The status of these stocks is monitored through other fisheries in which these species are key target stocks.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The fishery's management arrangements appear likely to maintain stocks within ecologically viable levels.
If overfished, go to Objective 2: If not overfished, go to PRINCIPLE 2:	
Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
Management responses	
1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.	N/a No stocks overfished
1.2.2 If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.	N/a No stocks overfished
PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.	
Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.	
Information requirements	
2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.	Meets Daily log books record bycatch, supplemented by e-monitoring and opportunistic at-sea human observers.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Meets Fishery independent monitoring has shown that bycatch in the fishery is minimal.
Management responses	

2.1.3 Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	Meets A regulation in the fishery requires the mandatory use of escape gaps on pots which lowers the risk of taking bycatch. Commercial fishers are not permitted to retain incidentally caught finfish.
2.1.4 An indicator group of bycatch species is monitored.	N/a Bycatch has been assessed as minimal.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	N/a No bycatch indicator species monitored as bycatch is minimal.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets It is likely that the fishery is conducted in a way that does not threaten bycatch species. Various management measures have been implemented to assist in reducing the impacts of fishing on bycatch species.
Objective 2 - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
Information requirements	
2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.	Meets Mandatory reporting of protected species interactions in daily log books record bycatch, supplemented by e-monitoring and opportunistic at-sea human observers
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Meets Protected species interactions and assessment of risk to these species reported publicly in annual Status Reports.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	N/a There are no EPBC Act listed threatened ecological communities in the area of the fishery.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Meets <u>Whales</u> - Following a change from input controls to quota management in 2011, entanglement rates with migrating humpback whales rose from <9/year to a peak of 18 in 2013. To reduce these interactions, a suite of mitigation measures were voluntarily adopted by industry in 2013 that were mandated by amendment to the fishery's management plan in 2014. These measures include reducing the amount of slack line in the water column, specifying soak times and prescribed float configurations. Application of these measures has reduced interactions with migrating humpback whales to levels similar to pre-2011. Further details on whale interactions are in WA DPIRD's 2018 submission for reapproval (link above). <u>Australian sea lions</u> – All lobster pots within designated Australian sea lion areas are fitted with sea lion exclusion devices (SLED), to mitigate the risk of drowning to Australian sea lion pups. There have been no recorded drownings of Australian sea lions since SLEDs were mandated in 2006. <u>Marine turtles</u> – Marine turtles can occasionally become entangled in the float rigs of lobster pots. The performance indicator for the fishery is 2-5 marine turtles per year, with a high success rate for disentanglement and release. There have been no recorded marine turtle entanglements in recent years.

2.2.5 There are measures in place to avoid impact on threatened ecological communities.	N/a There are no EPBC listed threatened ecological communities within the area of the fishery.
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets Yes, the fishery is conducted in a way that is likely to be effective in avoiding impacts to protected species and ecological communities.
Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.	Meets Impacts of fishing, including by the WCRLF, on the West Coast Bioregion are assessed annually through WA DPIRD's ecosystem based fisheries management (EBFM) framework, and reported publicly in the annual Status Reports.
Assessment	
2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery. 1. Impacts on ecological communities <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities 2. Impacts on food chains <ul style="list-style-type: none"> • Structure • Productivity/flows 3. Impacts on the physical environment <ul style="list-style-type: none"> • Physical habitat • Water quality 	Meets The annual risk assessments through the EBFM framework consider risks of fishing to stock assemblages and the removal of target stocks from the ecosystem, as well as impacts on physical habitat and marine ecosystems. Risks posed by the WCRLF were assessed as low to negligible in the 2015/16 report (see link above).
Management responses	
2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.	Meets Management measures used in the fishery are not specific to managing ecosystem impacts, however, the risks to the ecosystem from harvesting this species using the methods prescribed in the management arrangements are very low.
2.3.4 There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.	Meets Impacts on the ecosystem are generally considered to be low in the fishery, however the harvest strategy and control rules primary objective to maintain lobster biomass above articulated thresholds recognises and protects the ecological importance of healthy populations of the target stock to the ecosystem.
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The management response appears likely be effective in minimising the impact of the fishery on the ecosystem.

SECTION 3: ASSESSMENT OF THE WESTERN AUSTRALIAN (WA) WEST COAST ROCK LOBSTER MANAGED FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

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

Part 12

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	<p>Meets</p> <p>The fishery operates adjacent and within the South-west and North-west Marine Regions. The western rock lobster stock has been identified as a key ecological feature of the South-west Marine region, while extraction of living resources, bycatch, physical habitat modification and pollution from oil and chemicals have been identified as pressures operating within both the South-west and North-west marine bioregional planning areas.</p> <p>These pressures were explicitly considered in the last ERA process undertaken in 2013. Under the management arrangements in place, including annually reviewed total allowable catch limits and gear restrictions to mitigate bycatch, and considering the harvesting method, each of the threats were assessed as low to negligible. Therefore, the fishery is not expected to have an impact on matters identified as priorities in the marine bioregional plans for the South-west or North-west Marine Regions.</p>

Part 13

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
s. 208A (1) (a-e) , s.222A (1) (a-e), s.245A (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	Yes , there is an accreditable management regime, which was last accredited under Part 13 in 2015.
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Yes . While the fishery is known to have occasional interactions with listed threatened species, including humpback whales, Australian sea lions and marine turtles, specific measures are mandated through the fishery's management regime (links above in Section 1) that require fishers to take all reasonable steps to avoid killing or injuring listed threatened species. These measures are described above in Section 2 , and include specific operational measures to mitigate the risk of entanglements with migrating humpback whales and the requirement for sea lion excluder devices to be used in lobster pots deployed in designated Australian sea lion areas.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?	No , the fishery is unlikely to adversely affect the survival or recovery in nature of a listed threatened species. Entanglements with humpback whales have been very low since the specific mitigation measures were mandated and there have been no interactions with Australian sea lions reported since 2006. Interactions with marine turtles, which are typically entanglements at the surface, are very rare (<5/year) and often conclude with the turtle being released alive.

Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	Yes. While the fishery is known to have occasional interactions with listed migratory species, such as humpback whales and marine turtles, specific measures are mandated through the fishery's management regime (links above in Section 1) that require fishers to take all reasonable steps to avoid killing or injuring protected species, including migratory species. These measures are described above in Section 2 , and include specific operational measures to mitigate the risk of entanglements with migrating humpback whales.
a. (g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	No , the fishery is unlikely to adversely affect the conservation status of a listed migratory species, or a population of that species. Entanglements with humpback whales have been very low since the specific mitigation measures were mandated. Interactions with marine turtles, which are typically entanglements at the surface, are very rare (<5/year) and often conclude with the turtle being released alive.
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Yes. While the fishery is known to have occasional interactions with cetaceans, specific measures are mandated through the fishery's management regime (links above in Section 1) that require fishers to take all reasonable steps to avoid killing or injuring these species. These measures are described above in Section 2 , and include specific operational measures to mitigate the risk of entanglements with migrating humpback whales.
(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	No , the fishery is unlikely to adversely affect the conservation status of a cetacean species, or a population of that species. Entanglements with humpback whales have been very low since the specific mitigation measures were mandated.
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	Yes. While the fishery has previously been known to have interactions with listed marine species, such as Australian sea lions, specific measures are mandated through the fishery's management regime (links above in Section 1) that require fishers to take all reasonable steps to avoid killing or injuring protected species, including marine species. These measures are described above in Section 2 , and include specific operational measures to mitigate the risk of foraging sea lion pups being caught and drowned in lobster pots.
(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	No , the fishery is unlikely to adversely affect the conservation status of a listed marine species, or a population of that species. There have been no recorded interactions with Australian sea lions since the sea lion excluder devices were mandated in 2006.

Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The Department recommends that the management regime for the WA West Coast Rock Lobster Managed Fishery be reaccredited under sections 208A, 222A, 245 and 265. Interactions with protected species are negligible under existing arrangements.
(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: <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. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	No conditions required.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	Not applicable.

Part 13A

Section 303BA Objects of Part 13A	
(1) The objects of this Part are as follows: <ul style="list-style-type: none"> (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention; (b) to protect wildlife that may be adversely affected by trade; (c) to promote the conservation of biodiversity in Australia and other countries; (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way; (e) to promote the humane treatment of wildlife; (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife. 	
	Comment
Section 303DC Minister may amend list (non CITES species)	
(1) The Minister may amend the LENS by: <ul style="list-style-type: none"> (a) doing any of the following: <ul style="list-style-type: none"> (i) including items in the list; (ii) deleting items from the list; (iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject 	The Department recommends that specimens derived from species harvested in the WA West Coast Rock Lobster Managed Fishery , other than specimens that belong to species listed under Part 13 of the EPBC Act (other than a conservation dependent species), and specimens that belong to taxa listed under section 303CA (Australia's CITES list), be included in the list of exempt native specimens until 30 May 2025.
(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div 1 Or 2 assessment	N/a , not a Commonwealth fishery.

(1C) The above does not limit matters that may be considered when deciding to amend LENS.	Meets Through the above assessment at Section 2 against the Guidelines, the Department has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.
(3) Before amending LENS, Minister must consult: (a) other Minister or Ministers as appropriate; and (b) other Minister or Ministers of each State and self-governing Territory as appropriate; and (c) other persons and organisations as appropriate.	Meets The submission from WA DPIRD was made available for public comment on the DoEE website from 29 March 2018 until 4 May 2018. No comments were recieved.

Part 16

	Comment
Section 391 Minister must consider precautionary principle in making decisions	
(1) Minister must take account of precautionary principle (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	Meets Given the annually reviewed total allowable catch limits, the sophisticated stock monitoring regime and the effective measures implemented to mitigate risks to protected species, precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery.

