



Australian Government

Department of the Environment, Water, Heritage and the Arts

Assessment of the
Victorian Abalone Fishery

June, 2009

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Disclaimer

This document is an assessment carried out by the Department of the Environment, Water, Heritage and the Arts 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, Heritage and the Arts 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, Heritage and the Arts or the Australian Government.

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Table 1: Summary of the Victorian Abalone Fishery

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • Victorian <i>Fisheries Act 1995</i> • Victorian <i>Fisheries Regulation 1998</i> • Victorian Abalone Fishery Management Plan 2002 • Fishery Status Report 2008 • Abalone Disease http://www.dpi.vic.gov.au/abalonedisease • Submission to Environment Australia: Assessment of the Victorian Abalone Fishery against the Guidelines for the ecologically sustainable management of fisheries – April 2001 • July 2003 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) assessment of the Victorian Abalone Fishery • Application to the Department of the Environment, Water, Heritage and the Arts for the re-assessment of the Victorian Abalone Fishery (the Submission)
<p>Area</p>	<p>The Commonwealth and State of Victoria are signatories to an Offshore Constitutional Settlement agreement that gives the State of Victoria management responsibility for abalone below low water mark.</p> <p>The area of the Victorian Abalone Fishery (VAF) encompasses Victorian State waters, extending into Commonwealth waters of the northern Bass Strait region. The meridian of latitude 39° 12' South which runs approximately six nautical miles south of Wilson's Promontory is the generally agreed border. As abalone is normally harvested inshore from depths up to 30 metres, fishing operations are primarily located in State waters.</p> <p>The commercial fishery is divided into three separate management zones – eastern, western and central.</p> <div data-bbox="608 1245 1321 1554" data-label="Figure"> </div> <p>Map of the VAF (Source the Submission)</p> <div data-bbox="671 1615 842 1749" data-label="Image"> </div> <p>Blacklip abalone</p> <div data-bbox="1082 1615 1252 1749" data-label="Image"> </div> <p>Greenlip abalone</p> <p>(Source FRDC website)</p>
<p>Fishery status</p>	<p>The VAF is considered a fully exploited commercial fishery.</p> <p>The Fishery Status Report 2008 for the VAF notes that commercial catch trends in the western and central zones are decreasing while the eastern zone is reported as stable.</p> <p>The decreasing catch trends have resulted in reductions in the Total</p>

	<p>Allowable Commercial Catch (TACC) and increases in the legal minimum size limit over the past five years due to the recent outbreak of the Abalone viral ganglioneuritis (AVG) and recent lower production capacity in comparison to historical capacity for some reef structures.</p> <p>Greenlip abalone are only permitted to be harvested from the western and central zones as the eastern zone does not have a viable commercial greenlip abalone fishery.</p>																		
Target Species	<p>Primarily blacklip abalone (<i>Haliotis rubra</i>), however greenlip abalone (<i>Haliotis vaevigata</i>) is taken as a minor component and both are under quota management arrangements by zones.</p> <p>Information on the biology of the species can be found in the 2003 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) assessment of the VAF.</p>																		
Byproduct Species	None as the VAF is a hand collection fishery.																		
Gear	<p>Hand collection using commercial diving equipment is permitted for commercial divers; predominantly surface air supply (hookah system) is used from small, high speed fishing boats.</p> <p>Recreational catch is permitted using diving equipment similar to commercial divers including hookah, scuba diving and snorkelling equipment from the shore and recreational fishing vessels.</p>																		
Season	<p>Commercial fishing for abalone is permitted for the full year with the commercial quota management season applying from 1 April until 31 March each year.</p> <p>Recreational fishing in central Victorian waters is subject to a closed season.</p>																		
Commercial harvest	<p>The 2007-08 (quota year) TACC of 1174.2 tonnes was fully caught with 1170 tonnes of blacklip and 4.2 tonnes of greenlip abalone taken from the respective zones.</p> <p>Production in tonnes for the past five quota years is:</p> <table><thead><tr><th></th><th>2006/07</th><th>2005/06</th><th>2004/05</th><th>2003/04</th><th>2002/03</th></tr></thead><tbody><tr><td>Blacklip</td><td>1216</td><td>1246</td><td>1489</td><td>1460</td><td>1280</td></tr><tr><td>Greenlip</td><td>5</td><td>id¹</td><td>1</td><td>3</td><td>1</td></tr></tbody></table> <p>(id¹ - insufficient data to report in 2005/06 as there were less than five licence holders)</p>		2006/07	2005/06	2004/05	2003/04	2002/03	Blacklip	1216	1246	1489	1460	1280	Greenlip	5	id ¹	1	3	1
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Value of commercial harvest	<p>Blacklip abalone is the most valuable Victorian fishery, generating more than half of the States total value of fishery production in 2006/07.</p> <p>2006/07 produced the lowest wholesale value for Blacklip abalone in five years -\$45.7 million. Within the last five years production the value of production for Blacklip abalone has ranged from \$45.7 million to \$60 million.</p> <p>Greenlip abalone production over this same period has trended in the opposite direction ranging from \$31 000 (in 2002/03) up to \$182 000 (2006/07)</p>																		

Take by other sectors	<p>There is currently no reliable estimate of the recreational sector with the only estimate to date (2000/2001) indicating a harvest of about 3.1 tonnes. However, the Victorian Department of Primary Industries (DPI) considers catches to be low in comparison to the commercial sector, especially now as the central zone has limited fishing allowed (only permitted to harvest recreationally within a set 60 day period), which is where the largest recreational fishing was thought to occur. Recreational abalone fishers are also subject to a range of additional input and output controls such as bag limits, size limits, and a ban on night harvesting.</p> <p>There is currently no reliable estimate for the take of abalone by indigenous or illegal fishers.</p>
Commercial licences issued	Commercial fishing licences or Abalone Fishery Access Licences (AFAL) are limited to 71 within the VAF (23 in the eastern zone, 34 in the central zone and 14 in the western zone)
Management arrangements	<p>The VAF is currently managed under the 2002 Abalone Fishery Management Plan, the Victorian <i>Fisheries Regulations 2009</i> and the Victorian <i>Fisheries Act 1995</i>.</p> <p><u>Input controls</u></p> <ul style="list-style-type: none"> • No take areas which include: Port Phillip Bay (for greenlip abalone by both commercial and recreational fishers); the inter-tidal zone; and within Marine National Parks and Marine Sanctuaries; • Limited entry; • Zonation; and • Gear restrictions (no sharp instruments can be used). <p><u>Output Controls</u></p> <ul style="list-style-type: none"> • Quota management including individually transferable quota-units (ITQs) for each species that can not be transferred across zones; • Annually set Total Allowable Commercial Catch (TACC) for each species and zone; and • Minimum size limits for each zone.
Export	The majority of product is exported with a small domestic market.
Bycatch	Due to the hand collection method of the fishery, there is no bycatch in the fishery.
Interaction with Protected Species¹	There are no known interactions.
Ecosystem Impacts	Ecosystem impacts of the VAF are considered to be low due to the hand collection method, which does not result in bycatch and generates limited physical habitat damage.

¹ 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.

Impacts on CITES-listed specimens	No specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are permitted to be harvested in the fishery. Therefore no assessment of the VAF's impact on specimens listed under CITES has been conducted.
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Table 2: Progress in implementation of recommendations made in initial assessment of the VAF

Recommendation	Progress	Recommended Action
Recommendation 1: Fisheries Victoria should inform Environment Australia of any future changes to the management regime of the Victorian Abalone Fishery.	Ongoing DPI have notified DEWHA of any changes to the VAF management regime, although over the period of the last accreditation the majority of changes were to recreational fishing management arrangements.	DEWHA considers that this recommendation has been met, but as it is ongoing it will continue to apply under the new exemption for this fishery for the next two years. DEWHA reiterates the importance of notification prior to implementation to ensure accreditations remain valid. This is particularly important in light of the development of the new management plan for the VAF. Refer to Recommendation 2, Table 4.
Recommendation 2: Abalone Fishery Committee to report on the performance of the fishery against fishery objectives, performance indicators and reference points as part of the annual Fishery Assessment Report process.	Ongoing The VAF's performance has been reported against in the Fishery Status Reports, with the most recent figures being found within the 2008 report.	DEWHA considers that this recommendation has been met and commends DPI on its transparent reporting. DEWHA considers that the information found within the annual Fishery Status Reports is critical to the ongoing EPBC Act Assessment of the VAF and as such DEWHA expects this recommendation will continue within Recommendation 3, Table 4.
Recommendation 3: Fisheries Victoria to consult with other fishery agencies on the development and implementation of appropriate biological parameters and reference points for abalone harvesting, and pursue with these agencies a national process for developing, adopting and reviewing these	Ongoing DPI have been involved in a range of activities to meet this recommendation which include: <ul style="list-style-type: none"> • Sending all State fishery managers to an informal national workshop in May 2005; 	DEWHA commends DPI on the range of work undertaken in an attempt meet this recommendation. DEWHA acknowledges that this is a large body of work which requires further collaboration between the jurisdictions and as such recommends that this momentum in work continues over the upcoming years. Refer to Recommendation 6, Table 4.

<p>indicators, along with periodic review of respective abalone stock assessment processes.</p>	<ul style="list-style-type: none"> • hosting three national abalone health scientific forums aimed at discussing options for abalone health and management nationally; • development of a 'length based' stock assessment model for use by other States to promote complimentary data collection and modelling; and • looking to engage with other abalone producing States to identify consistent and appropriate triggers when revising current reference points as part of the broader VAF management plan review process. 	
<p>Recommendation 4: Abalone Fishery Committee to give priority to defining target biomass to produce the ecologically sustainable yield from the fishery within 3 years and review this estimate within the context of the annual stock assessment process.</p>	<p>Complete</p> <p>DPI states that the target biomass to achieve maximum sustainable yield (B_{MSY}) is defined as part of the annual fishery assessment and reporting process.</p>	<p>DEWHA considers that this recommendation has been met.</p> <p>Notwithstanding this DEWHA expects that an ongoing review process to ensure that B_{MSY} remains accurate based on the latest science, for both target species, will be incorporated in the new VAF management plan.</p>

<p>Recommendation 5: Fisheries Victoria to ensure reliable growth data across the various regions of the fishery is obtained as a high priority to ensure the effectiveness of existing management controls and continued sustainability of abalone stocks.</p>	<p>Ongoing</p> <p>DPI have indicated that in addition to a Fisheries Research and Development Corporation (FRDC) project to assess the fecundity of abalone through out Victorian waters, further tagging work is planned for the next three years. In addition DPI report that data loggers are used to determine the catch composition of abalone and that this information is used extensively to determine appropriate size limits for each area.</p>	<p>DEWHA considers that this recommendation is ongoing. Limited progress has been made against this recommendation over the previous 6 years, which concerns DEWHA particularly in light of access being granted to underutilized reefs codes and undersized abalone within the zones.</p> <p>As growth rate data are a key determinate in the assessment of the relative biomass of abalone, and in the establishment of suitable legal size limits to ensure protection of a sustainable proportion of spawning stock, DEWHA reiterates the importance of obtaining reliable growth data information as a priority.</p> <p>Refer Recommendation 5, Table 4.</p>
<p>Recommendation 6: Fisheries Victoria to investigate and establish, over the next 3 years, appropriate decision rules, relevant to the regional-scale or sub-zonal management, to prevent the potential serial depletion of abalone stocks.</p>	<p>Ongoing</p> <p>DPI advise that FRDC Project – Developing cost-effective and reliable industry-based surveys to advise re-opening and conservative management of abalone populations on AVG impacted reefs – is underway to address this recommendation.</p> <p>DPI have developed a website for divers to view real time catches on reefs and have also issued permits within two zones to allow access</p>	<p>DEWHA considers this recommendation to be ongoing as more progress is required in developing decision rules and management responses.</p> <p>Over the past six years, progress has been made in implementing a range of co-operative tools to improve spatial management, however DEWHA remains concerned that appropriate decision rules, relevant to the regional-scale or sub-zonal management, have not yet been established.</p> <p>DEWHA considers it critical that appropriate triggers, decision rules and management responses are outlined within the new management plan to ensure that the range of co-operative tools are preventing serial depletion of both species of abalone.</p>

	<p>to underutilised reef complexes in order to encourage dispersion of fishing effort.</p> <p>Revised decision rules and a management response to deal with disease and large mortality events are being developed for inclusion in the new management plan.</p> <p>A number of co-operative tools have been implemented to improve spatial management within the VAF. Tools include an industry-government Memorandum of Understanding, and industry managed zonal reef assessments, higher voluntary size limits and voluntary reef closures.</p>	<p>DEWHA notes that DPI have stated that this will be completed as part of the development of the new management plan and as such expect that this recommendation will be completed as part of Recommendation 4, (Table 4).</p>
<p>Recommendation 7: Fisheries Victoria to review within 3 years the effectiveness of beach weighing measures currently being implemented, including any implications for the stock assessment process.</p>	<p>Complete</p> <p>A review was conducted and presented to the Abalone Fishery Assessment Group in 2004.</p> <p>DPI reported that the review found the introduction of beach weighing was a positive addition to the quota management system.</p> <p>Previously processors had time to drain abalone prior to reporting</p>	<p>DEWHA considers that this recommendation has been met.</p>

	<p>their weights, resulting in the abalone losing between 5-10% of their weight and more abalone being harvested than was intended under the quota.</p>	
<p>Recommendation 8: Fisheries Victoria to take actions to improve the reliability of illegal catch estimates and establish and implement measures to achieve the reduction targets set out in the Victorian Abalone Fishery Compliance Strategy.</p>	<p>Ongoing</p> <p>DPI have enhanced compliance resources, field operations capacity and amended legislation to make trafficking in commercial quantities an indictable offence.</p> <p>DPI reported that compliance strategy targets were achieved for the western and eastern zones and that the implementation of additional management measures will enhance compliance in the central zone.</p> <p>DPI state that their illegal unreported and unregulated (IUU) fishing monitoring program is considered best practice, but that ongoing difficulties remain regarding measuring trends over time. DPI have implemented a State based national docketing system for abalone export and new tracking system for the domestic and international transport of</p>	<p>DEWHA considers that this recommendation has been partially met but that work is ongoing.</p> <p>DEWHA acknowledges that DPI have implemented a range of measures to improve illegal catch estimates and achieve the reduction targets set out in the VAF Compliance Strategy. However these measure have not been implemented for long and noting the difficulties that DPI are having in gathering trend data over time, DEWHA considers that ongoing work is needed to continue improving illegal catch estimates, monitoring catch trends and implementing measures to ensure illegal catch rates over time are minimised.</p> <p>Therefore this recommendation will continue in a revised form.</p> <p>Refer Recommendation 7, Table 4.</p>

	abalone which will also aid in IUU fishing monitoring.	
Recommendation 9: Fisheries Victoria, within 12 months, to assess the extent of take and level of recreational abalone fishing, with an emphasis on greenlip abalone impacts, and implement additional measures where necessary.	Complete A review of the recreational fishery sector of the VAF was completed and announced in May 2005. From this review a number of recreational sector management changes were implemented aimed at reducing the level of harvest taken by the recreational sector.	DEWHA considers that this recommendation has been met. However DEWHA expects that DPI will continue to monitor the effectiveness of the new recreational management arrangements in reducing recreational harvest levels, and that all recreational harvest levels are factored into the stock assessments and annual TACC setting processes outlined within the new management plan.
Recommendation 10: Fisheries Victoria to ensure a full risk assessment on the ecological implications, including disease and genetic impacts, of artificial stock enhancement of abalone in Victorian reefs is completed before any reseeding program is undertaken.	Complete DPI have advised that no new reseeding has occurred since 2003, and that any future reseeding will occur in line with the DPI translocation policy. Additionally DPI held a workshop in 2007 to investigate options for rebuilding AVG affected abalone stocks. The workshop determined that a risk based approach was needed for any reseeding or rebuilding approaches.	DEWHA considers that this recommendation has been met.

<p>Recommendation 11: The Abalone Fishery Committee to give priority to the development of decision rules based on an identified list of indicator species to provide the basis for monitoring and responding to ecosystem changes.</p>	<p>Ongoing</p> <p>DPI reported that a desktop study was completed in 2004.</p> <p>DPI with industry collaboration and FRDC support are undertaking a project to identify and evaluate biological performance indicators for abalone fisheries. The aim of this project is to develop decision rules, based on indicator species, as the basis for monitoring and responding to ecosystem changes.</p> <p>DPI are additionally undertaking field trials to investigate ecosystem changes associated with the removal of abalone from reef structures.</p>	<p>DEWHA considers that this recommendation has been partially met but that work is ongoing.</p> <p>DEWHA acknowledges that the development of ecosystem decision rules is a complex task and notes that are involved in a range of activities , including the FRDC project, to try and resolve this issue. DEWHA commends DPI's efforts to date and supports their continued efforts to determine ecosystem decision rules as these are an important component of ecosystem based fisheries management.</p> <p>DEWHA also acknowledges that the new VAF management plan is likely to be finalised in advance of ecosystem decision rules being determined.</p> <p>In light of the timing of these two activities DEWHA considers that this recommendation should continue, in a revised form as Recommendation 8 (Table 4).</p>
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Table 3: DEWHA assessment of the VAF 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 Parts 13 and 13A. A complete version of the EPBC Act can be found on the DEWHA website.

Part 13

Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes	DEWHA assessment of the VAF
<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> <ol style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The VAF will be managed under the management regime for the fishery made under the <i>Victorian Fisheries Act 1995</i>.</p> <p>The management regime for the VAF was accredited in July 2003. The management arrangements for the VAF have not significantly changed since this accreditation was granted.</p> <p>DEWHA considers that the VAF still takes all reasonable steps to ensure that members of listed threatened species are not killed or injured. Currently evidence suggests that within the VAF, there is minimal possibility of interactions with listed threatened species. Therefore, DEWHA considers the current operation of the VAF is not likely to adversely affect the survival or recovery in nature of any listed threatened species. As such, the VAF will be reaccredited under Part 13 of the EPBC Act.</p>

Division 2 Migratory species Section 222A Minister may accredit plans or regimes	DEWHA assessment of the VAF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"> (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <ul style="list-style-type: none"> (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 (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>The VAF will be managed under the management regime for the fishery made under the Victorian <i>Fisheries Act 1995</i>.</p> <p>The management regime for the VAF was accredited in July 2003. The management arrangements for the VAF have not significantly changed since this accreditation was granted.</p> <p>DEWHA considers that the VAF still takes all reasonable steps to ensure that listed migratory species are not killed or injured. Currently evidence suggests that within the VAF, there is minimal possibility of interactions with listed migratory species. Therefore, DEWHA considers the current operation of the VAF is not likely to adversely affect the conservation status of any listed migratory species or a population of that species. As such, the VAF will be reaccredited under Part 13 of the EPBC Act.</p>
Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes	DEWHA assessment of the VAF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"> (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; 	<p>The VAF will be managed under the management regime for the fishery made under the Victorian <i>Fisheries Act 1995</i>.</p> <p>The management regime for the VAF was accredited in July 2003. The management arrangements for the VAF have not significantly changed since this accreditation was granted.</p>

<p>if satisfied that:</p> <ul style="list-style-type: none"> (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 (g) the fishery to which the plan, regime or policy relates does or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species. 	<p>DEWHA considers that the VAF still takes all reasonable steps to ensure that whales and other cetaceans are not killed or injured. Currently evidence suggests that within the VAF, there is minimal possibility of interactions with whales or other cetaceans. Therefore, DEWHA considers the current operation of the VAF is not likely to adversely affect the conservation status of any species of cetacean or a population of that species. As such, the VAF will be reaccredited under Part 13 of the EPBC Act.</p>
<p>Division 4 Listed marine species Section 265 Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the VAF</p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"> (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <ul style="list-style-type: none"> (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 (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>The VAF will be managed under the management regime for the fishery made under the Victorian <i>Fisheries Act 1995</i>.</p> <p>The management regime for the VAF was accredited in July 2003. The management arrangements for the VAF have not significantly changed since this accreditation was granted.</p> <p>DEWHA considers that the VAF still takes all reasonable steps to ensure that listed marine species are not killed or injured. Currently evidence suggests that within the VAF, there is minimal possibility of interactions with listed marine species. Therefore, DEWHA considers the current operation of the VAF is not likely to adversely affect the conservation status of any listed marine species or a population of that species. As such, the VAF will be reaccredited under Part 13 of the EPBC Act.</p>

Section 303AA Conditions relating to accreditation of plans, regimes and policies	DEWHA assessment of VAF
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	DEWHA recommends that VAF 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: <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 condition has been imposed on the VAF 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 303DC Minister may amend list	DEWHA assessment of the VAF
(1) Minister may, by instrument in published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by: <ul style="list-style-type: none"> (a) including items in the list; (b) deleting items from the list; or (c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (d) varying of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (e) correcting an inaccuracy or updating the name of a species. 	
(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister: <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the 	The public comment period on the VAF submission sought comment on the submission for the VAF and provided sufficient opportunity for

<p>(b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and</p> <p>(c) may consult such other persons and organisations as the Minister considers appropriate.</p>	<p>consultation with other persons and organisations.</p> <p>A letter to the Hon Joe Helper MP, Minister for Agriculture advises him of the intention to declare the fishery exempt from the export provisions of the EPBC Act.</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 VAF made under sections 303DC will be gazetted and made available on the DEWHA website.</p>
<p>Section 303FR Public consultation</p>	<p>DEWHA assessment of the VAF</p>
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>Under the EPBC Act, a decision to amend the LENS does not require a public consultation period. However, a public notice, which set out the proposal to grant export approval to the VAF and included the submission for the VAF, was released for public comment which closed on 18 May 2009 with one submission received.</p>
<p>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p>	<p>A public notice, which set out the proposal to grant export approval to the VAF and included the submission for the VAF was released for public comment on 9 April 2009 and closed on 18 May 2009, a total of 24 business days.</p>
<p>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p>The public comment received on the submission was included in the brief to the Delegate of the Minister for the Environment, Heritage and the Arts. The DEWHA assessment has considered the public comments received on the submission.</p>

Part 16

Section 391 Minister must consider precautionary principle in making decisions	DEWHA assessment of the VAF
(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 when making a decision to include specimens on the LENS.
(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.	

Objects of Part 13A

- (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.

Final DEWHA recommendations to the DPI for the VAF

The material submitted by the DPI indicates that the VAF operates in accordance with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries 2nd edition*. DEWHA considers that the fishery is well managed and unlikely to have an unacceptable or unsustainable impact on the environment in the short to medium term.

DEWHA acknowledges that DPI is currently in the process of reviewing and preparing a new management plan for the VAF, which is anticipated to be finalised and implemented by the end of 2009. DEWHA acknowledges that the finalisation of a number of recommendations from the last EPBC Act assessment are tied to this process.

Notwithstanding this, overall DEWHA recognises that the current management arrangements which include limited entry, ITQs, an annual TACC, legal minimum lengths, the strong investment in research, national docketing system and the highly selective fishing method are sufficient to suggest that the fishery is being managed in an ecologically sustainable way.

In making its assessment, DEWHA considers that the range of management measures are sufficient to ensure that the fishery is conducted in a manner that does not lead to overfishing and that stocks are not currently overfished. Taking into account the fishery's range of input and output controls such as legal minimum lengths, zonation of the fishery, TACC's, limited entry and ITQ's, DEWHA considers that fishing operations are managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

DEWHA is satisfied that the fishery will not be detrimental to the survival or conservation status of the taxon to which it relates in the short term. Similarly, it is not likely to threaten any relevant ecosystem in the short term. To contain and minimise the risks in the longer term the recommendations listed below have been made. DEWHA believes that product taken in the fishery should be exempt from the export controls of Part 13A of the EPBC Act, with that exemption to be reviewed in two years.

DEWHA considers that the operation of the fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. DEWHA also considers that under the management plan operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and the level of interaction under current fishing operations is low.

For these reasons, the management regime in force under the Victorian *Fisheries Act 1995* was accredited under Part 13 of the EPBC Act in July 2003. Since there have been no changes to the management arrangements since the initial assessment of the VAF and the level of reported interactions with protected species in the fishery remains very low, DEWHA considers that the fishery should be reaccredited under Part 13.

Recommendations are provided below with a brief explanation of the related issue/intent. Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (two years).

Table 4: VAF Assessment– Summary of Issues and Recommendations - JUNE, 2009

	Issue	Recommendation
1	<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. In order to ensure that these decisions remain valid and export approval continues uninterrupted, the DEWHA 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>Key components of the management regime include, but are not limited to, the 2002 Abalone Fisheries Management Plan, the Victorian <i>Fisheries Regulations 2009</i> and the Victorian <i>Fisheries Act 1995</i>.</p> <p>DEWHA is aware that DPI is currently in the process of reviewing and preparing a new management plan for the VAF, which is anticipated to be finalised and implemented by the end of 2009. DEWHA expects that DPI will keep DEWHA informed of progress on the development of the management plan to ensure that an EPBC Act reassessment can occur prior to the management plan coming into force.</p>	<p>Recommendation 1: Operation of the fishery will be carried out in accordance with the management regime for the VAF in force under the Victorian <i>Fisheries Act 1995</i>.</p> <p>Recommendation 2: DPI to inform the DEWHA of any intended amendments to the management arrangements that may affect the assessment of the VAF against the criteria on which EPBC Act decisions are based.</p>
2	<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to DEWHA annually in order for the performance of the fishery and progress in implementing the conditions and recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p>	<p>Recommendation 3: DPI to produce and present reports to DEWHA annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition</i>.</p>

	<p>Annual reports should include: a description of the fishery; management arrangements in place; research and monitoring outcomes; recent catch data for all sectors of the fishery; status of target stock; interactions with protected species; impacts of the fishery on the ecosystem in which it operates; and information outlining progress in implementing conditions and recommendations resulting from the previous accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the Guidelines available from the DEWHA website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	
3	<p><u>New Management Plan</u></p> <p>The current VAF management plan was established in 2002 and contains a clause that after a period of five years the plan will be subject to review. As such DPI has been in the process of reviewing and finalising a new management plan for the VAF which is expected to be completed and implemented by the end of 2009.</p> <p>DEWHA has not yet reviewed the proposed draft management plan but understands that this management plan will set out the future management direction and strategies for the VAF for the upcoming five years and beyond.</p> <p>DEWHA anticipates that the new management plan will include the best practice aspects of the current management plan. In addition, that the new plan will contain revised target biomass levels, performance indicators, reference points, decision rules and associated management responses for abalone, at an appropriate sub-zonal scale and level of precaution, to ensure long term stock sustainability and prevent localised serial depletion.</p> <p><u>Greenlip Abalone</u></p> <p>The 2001 DPI submission for assessment under the EPBC Act outlined concerns that Greenlip abalone was probably depleted by overfishing in the 1970's and as indicated in the 1998 assessment, had not recovered. As such the total allowable catch for Greenlip</p>	<p>Recommendation 4 – DPI to finalise and implement the new management plan for the VAF.</p>

<p>abalone was to be set at zero until a substantial increase in abundance, defined as a three to five-fold increase, could be determined.</p> <p>The 2009 DPI submission states that small Greenlip abalone quotas have since been implemented in the western and central zones, whilst the eastern zone remains closed as the stock is not considered to be able to support a viable commercial fishery. Due to the susceptibility of Greenlip abalone to overfishing and as the stocks have only recently returned to harvestable levels, DEWHA expects that DPI will outline within the new management plan suitably precautionary management arrangements, which includes the data collection requirements to develop comprehensive management arrangements should the harvest continue to increase, in order to ensure Greenlip abalone stocks are not overfished.</p> <p><u>Serial depletion</u></p> <p>Recommendation 6 from the 2003 EPBC Act assessment was for DPI to investigate and establish, over the next three years, appropriate decision rules, relevant to the regional-scale or sub-zonal management, to prevent the potential serial depletion of abalone stocks. DEWHA acknowledges that DPI has put in place a number of co-operative tools which has improved spatial management within the VAF but that continuing work is required to avoid further serial depletion within the central and western zones. This is particularly crucial in light of the ongoing impact of Abalone Viral Ganglioneuritis (AVG) which continues to spread across the zones, resulting in zones being managed at smaller scales.</p> <p>DEWHA also acknowledges that DPI has issued permits to distribute effort to under-utilised reef complexes and to allow the harvesting of under-size abalone as a means of reducing the risk of serial depletion in heavily fished areas. DEWHA expects that precautionary management arrangements coupled with close monitoring of these stocks will be outlined within the new management plan to ensure that serial depletion is avoided.</p>	
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4	<p><u>Growth data collection</u></p> <p>The 2003 EPBC Act assessment (Recommendation 5) noted that stock assessments by DPI at the time had indicated that in some zones of the fishery growth rates to maturity were faster than previously expected and that size limits were too low to optimise spawning potential. DEWHA therefore indicated the urgent need for further data collection to determine the extent that this applied to the VAF, along with more tagging studies to provide more representative growth data to evaluate the appropriateness of legal size limit.</p> <p>Although some tagging work has been planned for the next three years, DEWHA considers that this recommendation should be pursued as a priority, especially in light of granting permits to allow access to undersized abalone and underutilized reef codes within the zones.</p>	<p>Recommendation 5 – DPI to continue to ensure reliable growth data is obtained across all regions of the fishery to ensure the effectiveness of existing management controls and continued sustainability of abalone stocks.</p>
5	<p><u>Biological Parameters</u></p> <p>DEWHA acknowledges the work that DPI has undertaken since the last assessment against this recommendation, and commends DPI’s leadership in hosting three cross-jurisdictional national abalone health scientific forums to discuss health and management options for abalone fisheries nationally.</p> <p>In light of the impact that AVG has had on abalone stock status in Victoria and the potential for the virus to spread to other jurisdictions, DEWHA considers it imperative for DPI to continue working closely with the other relevant jurisdictions to develop and implement appropriate biological parameters and reference points for the species, which are robust enough to ensure the stocks’ long term sustainability through all sources of mortality (in particular AVG). Consideration also needs to be given to the development of stock rebuilding strategies to assist the stocks to recover, particularly in the event of such large mortalities.</p> <p>DEWHA is also aware the Fisheries Research and Development Corporation (FRDC)</p>	<p>Recommendation 6 – DPI to continue to consult with other fisheries agencies on:</p> <ul style="list-style-type: none"> • the development and implementation of appropriate biological parameters and reference points for abalone harvesting; and • pursue a national process for developing, adopting and reviewing these indicators, along with periodic review of respective abalone stock assessment processes.

	has funded a project to develop and implement a national performance-based harvest management system for abalone fisheries. Although the focus of the project is on South Australia and Tasmania at this stage, DEWHA strongly recommends that DPI should remain closely engaged in this work, as a priority of the project is to develop and implement appropriate biological parameters and reference points that can be used to manage the national harvest of abalone.	
6	<p><u>Illegal Catch</u></p> <p>DEWHA acknowledges that DPI has undertaken a range of measures, including enhancing compliance resources, to reduce illegal fishing within the VAF. DEWHA also acknowledges that two of the three zones have met their respective compliance strategy targets, and further regulation amendments are expected to enhance compliance and aid the last zone to reach its target.</p> <p>DEWHA also commends DPI for recently implementing a Victorian docketing system for tracking the domestic and international transport of abalone which will further improve illegal catch estimates.</p> <p>Acknowledging that illegal fishing is an ongoing risk to the sustainability of abalone stocks and that the range of measures implemented to reduce illegal fishing haven't been implemented long enough to determine trends in illegal catch rates, DEWHA recommends that DPI continues to improve illegal catch estimates, monitor catch trends and implement measures to ensure illegal catch levels are minimised.</p>	<p>Recommendation 7 –</p> <p>DPI to continue to improve illegal catch estimates, monitor catch trends and implement additional measures to minimise illegal catch in the VAF.</p>
7	<p><u>Ecosystem</u></p> <p>In the 2003 EPBC Act assessment DEWHA noted that information was not specifically collected on the ecosystem impacts of the VAF, despite the Management Plan including objectives, performance indicators and trigger reference points to monitor impacts on ecosystem health resulting from fishing practices. As the basis for measuring change in ecosystem health indices was not evident at the time of the 2003 EPBC Act assessment,</p>	<p>Recommendation 8 – DPI to ensure that the new management plan has the capacity to incorporate appropriate decision rules, which provide the basis for monitoring and responding to ecosystem changes, as they are developed.</p>

	<p>it was recommended that the ecosystem indices required further clarification to function as an accountable monitoring tool and precipitate effective management measures.</p> <p>DEWHA acknowledges that since 2003, DPI has conducted a desk top study, and is currently investigating ecosystem changes associated with the removal of abalone from reef structures, and is in the process of working with FRDC and industry to develop decision rules, based on indicator species, as the basis for monitoring and responding to ecosystem changes.</p> <p>As this work is not yet complete DEWHA considers that the management plan should have the capacity to incorporate appropriate decision rules to provide the basis for monitoring and responding to ecosystem changes, as they are determined.</p>	
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Acronyms

AFAL	Abalone Fishery Access Licences
AVG	Abalone Viral Ganglioneuritis
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DEWHA	Department of the Environment, Water, Heritage and the Arts
DPI	Victorian Department of Primary Industries
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FRDC	Fisheries Research and Development Corporation
ITQ	Individual transferable quota
IUU fishing	Illegal, Unreported and Unregulated fishing
TACC	Total Allowable Commercial Catch
VAF	Victorian Abalone Fishery