



## The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

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B10/230

The Hon Michael Egan  
Chairman  
Australian Fisheries Management Authority  
Box 7051 Canberra BC  
CANBERRA ACT 2610

Dear Mr Egan,

In September 2009, the Australian Fisheries Management Authority (AFMA) submitted its *DRAFT Assessment Report Bass Strait Central Zone Scallop Fishery* for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act).

The submission is now undergoing a strategic assessment under Part 10 as well as being assessed for the purposes of the protected species provisions of Part 13 and the wildlife trade provisions of Part 13A of the EPBC Act. The Bass Strait Central Zone Scallop Fishery's (BSCZSF) performance has been assessed against the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries- 2<sup>nd</sup> Edition*. While the fishery is relatively well managed, I am of the view that there are a number of issues that need to be addressed to contain environmental risks in the longer term.

To ensure that these issues are addressed and risks are minimised, I have made fifteen recommendations to improve the environmental performance of the fishery. These are set out in Attachment A. Officers from my Department and AFMA have discussed key areas requiring ongoing and increased attention, and I understand that these recommendations have been agreed to by officials in both agencies.

Once you have agreed to the recommendations, and I have received notice from AFMA advising that the recommendations will be implemented and that the management plan for the BSCZSF has been determined, I shall be able to make decisions under the EPBC Act in relation to accrediting the fishery's management plan under section 33 of Part 4, exporting from this fishery under Part 13A, and in relation to endorsing the fishery's management plan under Part 13.

I would like to thank you for the constructive way in which your officials have approached this task and I look forward to receiving your response.

Yours sincerely

[Signed]

**Peter Garrett**

**Recommendations to the Australian Fisheries Management Authority (AFMA) on the ecologically sustainable management of the Bass Strait Central Zone Scallop Fishery (BSCZSF)**

The BSCZSF is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include: sufficient quota Statutory Fishing Rights (SFRs) for commercial and Doughboy Scallops, area closures, seasonal closures, minimum size limits and set Total Allowable Catch (TAC).

The following recommendations will further strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the longer term. Unless a specific time frame is provided in the recommendation, AFMA should action these recommendations before the next review of the fishery.

**Recommendation 1:**

Operation of the fishery will be carried out in accordance with the management arrangements for the Bass Strait Central Zone Scallop Fishery (BSCZSF) in force under the *Fisheries Management Act 1991*.

**Recommendation 2:**

AFMA to inform DEWHA of any intended amendments to the BSCZSF's management arrangements that may affect the assessment of the fishery against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) Act decisions are based.

**Recommendation 3:**

AFMA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Recommendation 4:**

By 1 July 2010, AFMA to conduct a review of the performance of the Observer Program for the BSCZSF, and provide to DEWHA, a summary report on the outcomes of the performance review.

**Recommendation 5:**

By 1 August 2010, AFMA to provide a report based on the outcomes of the 2010 BSCZSF Harvest Strategy review.

**Recommendation 6:**

Upon completion of the Fisheries Research and Development Cooperation funded project on Australian scallop spatial management and harvest strategies, AFMA to provide an update of the outcomes of the project, outlining any effects of dredging on the environment.

AFMA to consider issues identified in the report, including impacts on stock biomass, when developing future management arrangements.

**Recommendation 7:**

AFMA to ensure improvements to the monitoring and analysis of bycatch and byproduct data is developed and implemented in the BSCZSF.

This is to include improved methods for identification and recording of dredged bycatch and byproduct species.

**Recommendation 8:**

AFMA to work with the relevant jurisdictions to actively pursue consistent and/or complementary management arrangements for the commercial scallop stock off south-east Australia, where appropriate.

**Recommendation 9:**

AFMA to commit to ensuring that mandatory closures are put in place for the scallop spawning season based on 1 January to 31 March, as advised/agreed in the recent 2009 ScallopMAC meeting.

AFMA to ensure these dates are incorporated into the revised management plan amendments and the reviewed Harvest Strategy, expected February 2010.

**Recommendation 10:**

AFMA to:

a) retain the 90mm size in the Harvest Strategy, while allowing fishing in areas, if it can be demonstrated that scallops have had the opportunity to experience at least two major spawning events (based on advice by ScallopRAG); and

b) monitor the impacts of any change in management arrangements regarding the minimum size limit of scallops.

**Recommendation 11:**

AFMA to provide final copies of the Ecological Risk Assessment (ERA) and report for the BSCZSF by 1 July 2010.

**Recommendation 12:**

AFMA to continue to implement appropriate management responses to address and mitigate risks and impacts, including those species identified at high risk, and review the effectiveness of management responses at appropriate intervals.

**Recommendation 13:**

AFMA to:

- a) Provide results of the formal two-year review of the Bycatch and Discarding Workplan to DEWHA by 31 July 2011;
- b) By 1 June 2011, implement a new Bycatch and Discarding Workplan that outlines the strategic approach to reduce bycatch and discards in the BSCZSF; and
- c) Ensure that the impacts of the fishery on bycatch are minimised and consistent with achieving the objectives of other legislative and policy requirements including:
  - i. all relevant Recovery Plans
  - ii. all relevant Threat Abatement Plans
  - iii. all relevant National Plans of Action

**Recommendation 14:**

AFMA to ensure:

- a) The September 2009 survey report reflecting the location of new areas of scallops is made publicly available upon its finalisation; and
- b) Provide an update with the outcomes of the CSIRO/BRS project 'Reducing Uncertainty in Stock Status' upon its completion.

**Recommendation 15:**

AFMA to consider the impacts of post capture mortality of scallops when setting the annual TAC.