



Australian Government

Department of the Environment, Water, Heritage and the Arts

Assessment of the
Eastern Tuna and Billfish Fishery

July 2008

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Assistant Secretary
Marine Policy Branch
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
Canberra ACT 2601

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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 Eastern Tuna and Billfish Fishery (ETBF)

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • <i>Annual Status Report Eastern Tuna and Billfish Fishery – April 2008, Australian Fisheries Management Authority (the Submission);</i> • <i>Fisheries Management Act 1991;</i> • <i>The Eastern Tuna and Billfish Management Plan 2005 (the Management Plan);</i> • <i>Strategic Assessment of the Eastern Tuna and Billfish Fishery – 2005, The Department of Environment and Heritage (the 2005 Assessment); and</i> • <i>Threat Abatement Plan 2006 – For the Incidental Catch (or Bycatch) of Seabirds During Oceanic Longline Fishing Operations, (Seabird TAP).</i>
<p>Area</p>	<p>The ETBF extends from Cape York, Queensland, to the South Australian/Victorian border.</p> <p>Fishing occurs in both the Australian Fishing Zone (AFZ) and adjacent high seas.</p> <p>Major ports used by the fleet include Cairns, Mooloolaba, Coffs Harbour, various south coast New South Wales (NSW) ports and Hobart.</p>
<p>Fishery Status</p>	<p>The five target species in the ETBF are highly migratory and internationally managed by the Western and Central Pacific Fisheries Commission (WCPFC). The assessment of the resources below is based on WCPFC stock assessments which are conducted on the broader region (Western and Central Pacific Ocean - WCPO).</p> <p>Bureau of Rural Sciences (BRS) Fishery Status Reports 2006 results for target species in the ETBF are:</p> <ul style="list-style-type: none"> • Yellowfin and bigeye tuna – overfishing occurring in WCPO but not yet overfished; • Striped marlin and broadbill swordfish (in south-western Pacific) – uncertain; and • Albacore (in south Pacific) - underfished <p>Stock assessments of south Pacific albacore tuna, broadbill swordfish and bigeye tuna will be revised in 2008.</p> <p>For an overview of the target and byproduct species in ETBF, please refer to the Bureau of Rural Sciences (BRS) fisheries status review of the ETBF at: http://www.affashop.gov.au/PdfFiles/04_fsr06_etbf.pdf</p> <p>Albacore</p> <p>The current stock assessment for albacore tuna in the south Pacific (2005) identified albacore fishing mortality well below the mortality associated with Maximum Sustainable Yield (MSY) and total biomass well above the level capable of supporting MSY.</p>

Striped Marlin

The first formal stock assessment for striped marlin in the south-west Pacific was conducted in 2006 and results were surrounded by considerable uncertainty. Some model runs indicated that biomass and fishing effort were close to exceeding MSY. The WCPFC has implemented boat country limits in the south Pacific below 15° south to prevent further increases in fishing mortality which was the recommendation from its Scientific Committee.

Broadbill Swordfish

The first formal stock assessment for broadbill swordfish in the south-west Pacific was conducted in 2006 and results were surrounded by considerable uncertainty. Some model runs indicated that biomass and fishing effort were close to exceeding MSY. Australia and New Zealand completed the stock assessment at a time when catch rate declines were occurring in the ETBF, indicating localised depletion of stock. No regional stock recovery strategy has been developed for broadbill swordfish due to disagreement between the parties, however, boat country limits have been implemented in the south-west Pacific below 20° south. Australian Fisheries Management Authority (AFMA) has implemented domestic arrangements (an annual total allowable catch (TAC) of 1,400 tonnes on swordfish since 2006), which is expected to stabilise catch rates and prevent further depletion of stock in the local area.

Yellowfin Tuna

The 2006 stock assessment of yellowfin tuna identified overfishing likely to be occurring in the WCPO but the stock was not overfished. The WCPFC Scientific Committee recommended a 10 percent reduction in fishing mortality to maintain stock at levels capable of supporting MSY. The 2007 stock assessment, however, was more positive indicating that current exploitation rates were at the limit of MSY. No stock recovery strategy has been developed yet for yellowfin tuna by WCPFC.

Bigeye Tuna

The 2006 stock assessment for bigeye tuna (2006) identified overfishing is highly likely to be occurring in the WCPO but the stock was not yet overfished. The fishing mortality was above MSY but biomass was above MSY. The stock assessments for yellowfin and bigeye tuna indicated that most of the overfishing is occurring in equatorial waters whilst only moderate fishing mortality is occurring in more temperate waters (such as off Australia). Of particular concern is the capture of juvenile yellowfin and bigeye tuna when fishing on Fishery Aggregation Devices (FADs).

For more information see stock assessments and recovery strategies at: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/06_status.htm

Target Species	<p>Yellowfin tuna (<i>Thunnus albacares</i>); bigeye tuna (<i>T. obsesus</i>); albacore tuna (<i>T. alalunga</i>); broadbill swordfish (<i>Xiphias gladius</i>); and striped marlin (<i>Tetrapturus audax</i>).</p> <p>Further information on the biology of target species can be found in the Submission on the AFMA website: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/01_desc.htm#target.</p>																								
Byproduct Species	<p>A wide range of byproduct species are caught in the ETBF including: rudderfish, dolphinfish, black oilfish, skipjack tuna, shortbilled spearfish, wahoo, moonfish, shortfin mako, bronze whaler and blue shark.</p> <p>Operators fishing in the ETBF also take Southern Bluefin Tuna (SBT) along the NSW coast during certain times of the year as a byproduct species. All catch of SBT that are not released in an alive and vigorous state have to be covered by quota under the <i>Southern Bluefin Tuna Management Plan 1995</i>.</p> <p>For further information on byproduct species and catch data, refer to the Submission on AFMA’s website: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/default.htm</p>																								
Gear	<p>Operators in the ETBF use pelagic longline and minor lines (handline, troll, rod and reel).</p> <p>During minor line fishing operations a fishing line, or number of lines, remains attached to the vessel throughout the fishing operation and only one hook, or one set of ganged hooks, or one lure is attached to each line at any one time.</p> <p>The 2005 Management Plan is currently operating under transitional arrangements. When it comes into full effect in early 2009 there will be restrictions placed on the number of hooks that can be used in the fishery.</p>																								
Season	<p>The fishery operates throughout the year, however, there are restricted access zones and increased observer requirements off the NSW coast in winter to control interactions with SBT.</p>																								
Commercial Harvest 2006/07	<p>Target Species: 2006/2007</p> <table><thead><tr><th>Species</th><th>Number Kept</th><th>Number not Kept¹</th><th>Retained (kg)</th></tr></thead><tbody><tr><td>Albacore Tuna</td><td>170,147</td><td>5,092</td><td>2,654,698</td></tr><tr><td>Yellowfin tuna</td><td>57,908</td><td>2,935</td><td>1,637,717</td></tr><tr><td>Broad Billed Swordfish</td><td>20,266</td><td>397</td><td>1,059,169</td></tr><tr><td>Bigeye Tuna</td><td>19,356</td><td>1,358</td><td>538,776</td></tr><tr><td>Striped Marlin</td><td>4,141</td><td>104</td><td>366,954</td></tr></tbody></table>	Species	Number Kept	Number not Kept ¹	Retained (kg)	Albacore Tuna	170,147	5,092	2,654,698	Yellowfin tuna	57,908	2,935	1,637,717	Broad Billed Swordfish	20,266	397	1,059,169	Bigeye Tuna	19,356	1,358	538,776	Striped Marlin	4,141	104	366,954
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	Byproduct species/catch: 2006/2007			
	Species	Number Kept	Number not Kept¹	Retained (kg)
	Rudderfish	14,804	125	127,814
	Dolphinfish	10,445	81	101,301
	Black Oilfish	9,417	230	77,086
	Skipjack Tuna	7,302	270	43,692
	Northern Bluefin Tuna	21	2	3,914
	Shortbilled Spearfish	1,309	101	22,605
	Indo-Pacific Sailfish	79	21	2,659
	Ray's Bream	3,384	12	8,019
	Wahoo#	3,236	49	45,755
	Moonfish	3,105	57	100,818
	Oilfish	465	28	6,598
	Shortfin Mako*	1,019	173	35,697
	Southern Bluefin Tuna**	106	5	7,696
	Bronze Whaler*	359	567	14,134
	Blue Shark*	238	2,004	10,840
	Oceanic Whitetip Shark*	158	214	5,030
	Blacktip sharks*	119	32	2972
	Hammerhead Shark*	107	31	3,405
	Tiger Shark*	102	119	3,850
	Silky Shark*	75	49	2,387
	Australian Bonito#	63	0	305
	Dusky Shark*	33	84	1350
	Porbeagle*	17	6	570
	Thresher Shark*	10	106	690
	Barracouta#	9	250	104
	Narrow barred spanish mackerel#	7	0	68
	Mackerel#	3	720	23
	Black Kingfish#	7	0	116
	Longfin Mako*	1	0	80
	*Chondrichthyans are subject to a 20 carcass per trip limit.			
	** Managed under the Southern Bluefin Tuna Management Plan 1995 and is subject to quota.			
	# Subject to trip limits under OCS agreements.			
	(AFMA Catch figures, the Submission).			
Value of Commercial Harvest 2006/07	The total value of the commercial harvest of target species was approximately \$A 26.8 million.			

Take by Other Sectors	<div>Catch of ETBF target species in other Commonwealth fisheries 1 January 2006- 1 April 2008:</div> <table><thead><tr><th colspan="3">Gillnet Hook and Trap Fishery</th></tr><tr><th>Species</th><th>Estimated kgs kept</th><th>Estimated kgs discarded</th></tr></thead><tbody><tr><td>Bigeye Tuna</td><td>0</td><td>25</td></tr><tr><td>Broadbill Swordfish</td><td>1440</td><td>0</td></tr><tr><td>Yellowfin Tuna</td><td>15</td><td>0</td></tr></tbody></table> <table><thead><tr><th colspan="3">Southern Bluefin Tuna Fishery</th></tr><tr><th>Species</th><th>Estimated kgs kept</th><th>Estimated kgs discarded</th></tr></thead><tbody><tr><td>Albacore Tuna</td><td>2</td><td>0</td></tr></tbody></table> <table><thead><tr><th colspan="3">South East Trawl Fishery</th></tr><tr><th>Species</th><th>Estimated kgs kept</th><th>Estimated kgs discarded</th></tr></thead><tbody><tr><td>Broadbill Swordfish</td><td>154</td><td>0</td></tr></tbody></table> <div>(AFMA catch data, the Submission).</div>	Gillnet Hook and Trap Fishery			Species	Estimated kgs kept	Estimated kgs discarded	Bigeye Tuna	0	25	Broadbill Swordfish	1440	0	Yellowfin Tuna	15	0	Southern Bluefin Tuna Fishery			Species	Estimated kgs kept	Estimated kgs discarded	Albacore Tuna	2	0	South East Trawl Fishery			Species	Estimated kgs kept	Estimated kgs discarded	Broadbill Swordfish	154	0
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Commercial Licences Issued	<div>115 longline permits and 44 minor line only permits.</div> <div>The number of active vessels operating in the ETBF in 2006/07 was 72.</div>																																	
Management Arrangements	<div>The ETBF is managed under the Management Plan in force under the <i>Fisheries Management Act 1991</i>. The fishery is currently being managed by annual fishing permits (through transitional arrangements under the Management Plan) until Statutory Fishing Rights (SFRs) are granted in the fishery sometime in 2008 at which point the Management Plan will come into full effect.</div> <div>Current management measures for ETBF include:</div> <div><ul style="list-style-type: none">A formal mid-year-review of albacore tuna management arrangements for economic performance either at the August 2008 Eastern Tuna Resource Assessment Group (ETRAG) meeting or when 2,000 tonnes has been taken by the fishery, whichever comes earliest. Performance indicators examining catch and effort, fish size (length and weight) and catch value will be used to assess albacore with a trigger response;A competitive TAC of 1,400 tonnes for broadbill swordfish with monthly trigger limits in response to localised depletion. If a trigger limit is breached it restricts all vessels to a 10 fish per trip bycatch limit. Broadbill swordfish arrangements have been rolled over for 2008 or until the Management Plan comes into full effect;Restricted access zones and increased observer requirements on the NSW coast around May to November to control interactions with SBT;</div>																																	

	<ul style="list-style-type: none"> • Reporting obligations including logbooks, carriage of observers and independently verified catch disposal records (CDRs); • Seabird bycatch mitigation measures including use oftori lines, weighted lines, offal discharge and thawed baits; • Ban on the use of wire trace and bycatch trip limits on sharks; and • No take of blue or black marlin. <p>Under the Management Plan the operators in each sector will be granted either longline and/or minor line SFRs. For a season, each SFR entitles the holder to expend an equal share of the Total Allowable Effort (TAE) for the fishery. Longline and Minor Line TAEs will be determined annually by AFMA in accordance with the Management Plan. Input controls will be the primary management tools and will include limited entry and restrictions on the number of hooks used. These controls will be complemented by a range of other tools, including (but not limited to) spatial management and trip limits on certain species.</p> <p>The initial TAE for the longline sector has not been formally determined, however, the AFMA Board decided in 2006 that in principal each SFR will equate to 7.8 longline clips. The Eastern Tuna Management Advisory Committee (ETMAC) has recommended the minor line TAC be set such that each minor line SFR will be allocated 16 lines with a review occurring if the sector takes greater than 100 tonnes of total catch.</p> <p>AFMA have advised that the implementation of a quota management system in the longer term (possibly 2010) is currently under consideration.</p> <p>The Department of Agriculture, Fisheries and Forestry (DAFF) has been working with the commercial and recreational fishing sectors seeking to reach an equitable agreement on the allocation of resources between the commercial and recreational sectors.</p> <p>Australia's commitments and obligations under the WCPFC are met through the Management Plan.</p> <p>Further information regarding management arrangements can be found in the Submission located on AFMA's website at: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/01_desc.htm#allocation</p>
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Export	The main export markets for fresh product are Japan and the United States. The main export markets for canneries includes Samoa, Thailand and Indonesia (Albacore).
Bycatch	<p>The bycatch of species such as sharks, black and blue marlins, seabirds and marine turtles is a significant issue in the management of longline fisheries.</p> <p>Fishery specific arrangements are required to increase knowledge about shark catches and ensure their sustainability. AFMA has banned the practice of finning sharks at sea. This prohibits the possession or landing of fins separate from carcasses. AFMA also enforces a landing limit of 20 sharks per vessel per fishing trip. In 2005, AFMA banned the use of wire leaders or ‘traces’ on longline branchlines in the ETBF. The measure is intended to reduce shark mortality: sharks are more likely to bite through synthetic fibre leaders and escape. In addition, the formation of the Chondrichthyan technical working group of experts is intended to address shark issues across Commonwealth fisheries.</p> <p>AFMA has developed the <i>Australian Tuna and Billfish Longline Fisheries Bycatch and Discarding Workplan-May 2008 (Bycatch and Discarding Workplan)</i>, for the two Australian Government managed tuna and billfish longline fisheries (the ETBF and the Western Tuna and Billfish Fishery).</p> <p>Over 100 marine species have been recorded from the ETBF longline catch, including sharks, rays, various other fish, seabirds and occasionally sea turtles and marine mammals. Observer data for 2006-07 was not available at time of assessment.</p> <p>For more information on bycatch species within ETBF visit: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/05_catch_data.htm#catch</p> <p>AFMA have undertaken a number of research projects to identify the ecological impacts of longline fishing, assess the effectiveness of bycatch mitigation devices and the impact of changes to fishing practices. For more information on research visit: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/04_research.htm</p> <p>AFMA and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) recently completed an Ecological Risk Assessment (ERA) of the ETBF. This assessment combines various productivity and susceptibility attributes to assess the ecological risk that longlining poses to all species that are encountered. AFMA will use the results of the assessment to develop management strategies for high risk species and ecological groups.</p>

	<p>For more information see the ERA results at: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/08_impacts.htm#results</p>
Interaction with Protected Species¹	<p>The fishery is known to interact with seabirds, marine turtles and cetaceans. More observer data is needed to quantify the risk across the full extent of the fishery. The fishery is managed in accordance with relevant Recovery Plans and Threat Abatement Plans (TAP).</p> <p>There were 33 recorded logbook and observer reported interactions that occurred in 2007, which is a reduction compared to the 39 reported interactions in 2006. These included turtles (green, leatherback, hawksbill, loggerhead and unspecified), whales (pilot, small toothed, false killer whale), sharks (great white and whale shark) and albatross (yellow nose, black brown, wandering and unspecified).</p> <p>A number of management measures have been implemented in the ETBF to reduce interactions with protected species including:</p> <ul style="list-style-type: none"> • Distribution of line cutters and de-hookers to all operators in 2005 to reduce interactions with turtles and sharks; and • Requirements of the Seabird TAP to use tori lines, weighted lines, thawed baits and banning offal discharge on all vessels south of 25 degrees to reduce interactions with seabirds. <p>Compliance operations have not reported any fishers using wire traces but observers have identified several issues with the deployment and effectiveness of tori lines. A combination of education and compliance actions are required to improve compliance with these requirements.</p> <p>Under sections 199, 214, 232 and 256 of the Environment Protections and Biodiversity Conservation Act (EPBC), persons who interact with a protected species must report that interaction within seven days of the incident occurring to Department of Environment, Water, Heritage and the Arts (DEWHA).</p> <p>A Memorandum of Understanding (MOU) between AFMA and DEWHA for the Reporting of Fisheries Interactions with Protected Species is in place to streamline reporting requirements for interactions with protected species, assisting fishers in meeting their requirements under the EPBC Act. As such, the MOU reduces the administrative reporting burden on individual fishers and provides for regular reporting of protected species interactions. AFMA is required to provide quarterly summary reports of all interactions in Commonwealth fisheries on behalf of fishers.</p>

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.

	<p>For more information on past interactions please visit AFMA's protected species section of the website at: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/07_interactions.htm.</p> <p>For more information on the ERA results visit: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/08_impacts.htm</p>
Ecosystem Impacts	<p>The nature of impacts on the ecosystem by the ETBF is mainly in relation to the take of primary and byproduct species and impacts on bycatch species. No habitats were identified as high risk from the effects of pelagic longline fishing in the ERA process.</p> <p>A key component in AFMA's move towards Ecosystem Based Fisheries Management (EBFM) has been undertaking ERA's for all AFMA managed fisheries. By assessing the impacts of fishing on all parts of the marine environment, the ERAs encompass an ecosystem-based assessment approach. The ERAs will help to prioritise research, data collection monitoring needs and management actions for fisheries and ensure that they are managed both sustainably and efficiently.</p> <p>Further information on the ETBF's impacts on the ecosystem can be found at: http://www.afma.gov.au/fisheries/tuna/etbf/publications/strategic_assessment/08_impacts.htm#nature</p>
Impacts on CITES Listed Specimens	<p>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 ETBF's impact on specimens listed under CITES has been conducted.</p>
Impacts on World Heritage Property/RAMSAR Site	<p>This assessment considered the possible impacts on the World Heritage values of the Great Barrier Reef and Lord Howe Island. A closure (Area E closure) was introduced to protect spawning grounds of Black Marlin and covers the waters outside the Great Barrier Reef from Cape Greville to the waters off Townsville.</p> <p>Due to the importance of the Area E to black marlin, operations within this area are limited to a small number of permits (currently 11), which are subject to restrictions limiting the number of hooks that can be set (500 per shot) and carried (250 spare hooks).</p> <p>On this basis DEWHA considers that an action taken by an individual fisher, acting in accordance with the Management Plan, would not be expected to have a significant impact on a matter protected by the EPBC Act.</p>

Table 2: Progress in implementation of conditions and recommendations made in initial assessment of the ETBF

Condition	Progress	Recommended Action
1. Operation of the fishery will be carried out in accordance with the <i>Eastern Tuna and Billfish Fishery Management Plan 2005</i> .	The ETBF continues to be managed by annual fishing permits through transitional arrangements under the Management Plan until SFRs are granted (expected late 2008).	The condition for the fishery to operate in accordance with the ETBF Management Plan has been complied with to date. This condition remains in force (see Condition 1 , Table 4).
2. AFMA will inform DEH ² of any changes to the ETBF <i>Management Plan 2005</i> or other significant policy documents.	<p>DEWHA was informed as necessary prior to amending the Management Plan in early 2007 (the amendment to the Plan was necessary to allow for progress to be made towards the allocation of SFRs).</p> <p>DEWHA considered the amendment did not affect the sustainability of the fishery and accredited the change accordingly.</p>	The condition for AFMA to notify DEWHA of any future amendments to the ETBF Fishery management regime has been complied with to date. This condition remains in force (see Condition 2 , Table 4).
3. Reports to be produced and presented to DEH annually and to include: (a) a statement of the extent to which the performance criteria of the ETBF <i>Management Plan 2005</i> were met in the year; and	Reports have been provided to DEWHA annually addressing the extent to which the performance criteria of the ETBF Management Plan were met in the previous year, along with information to assess AFMA's progress in	DEWHA requires AFMA to continue to provide annual reports, in line with Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i> . This condition will be continued by Condition 3 , Table 4.

² Now the Department of the Environment, Water, Heritage and the Arts (DEWHA)

(b) information sufficient to allow assessment of the progress of AFMA in implementing the recommendations made in the <i>Strategic Assessment of the ETBF 2005</i> .	implementing recommendations. These can be found in the AFMA Annual Reports, 2005-06 and 2006-07.	
Recommendation	Progress	Recommended Action
<p>1. Operation of the fishery is to be carried out in accordance with the ETBF Management Plan (as determined) including conducting the reviews identified in the Management Plan against an overarching objective of ensuring that the fishery achieves ecological sustainability.</p> <p>AFMA to inform DEH of any proposed amendment to the management regime for the ETBF, including any significant shift in fishing away from the longline method of fishing, to enable DEH to evaluate any impact on the ecological sustainability of the fishery.</p>	<p>DEWHA considered the 2007 amendment did not affect the sustainability of the fishery and a full assessment was therefore not required under the EPBC Act (refer to Table 3).</p>	<p>This recommendation has been complied with to date. This condition will be continued by Condition 1, Table 4.</p> <p>AFMA will need to inform DEWHA of any shift away from longline method as per Condition 2, Table 4.</p>

<p>2. AFMA to develop a process and timelines for responding to triggering of performance criteria and reference points.</p>	<p>This recommendation has partially been met. A Harvest Strategy (HS) for the ETBF was adopted by the ETBF Management Advisory Committee (MAC) and the AFMA Board in December 2007. The HS is expected to be finalised during 2008 and implemented when SFRs are in place in the fishery and the Management Plan comes into full effect in early 2009.</p> <p>The HS will include target and limit reference points and clear decision rules to respond to the triggering of performance criteria for each target species.</p>	<p>Condition 4, (Table 4), has been developed and requires AFMA to implement appropriate management arrangements to ensure the ETBF achieves ecological sustainability for each target species by 31 January 2010, in the absence of catch levels for primary species being agreed to at the WCPFC or a whole of government position developed on Australia's national allocation.</p>
<p>3. AFMA to establish formal consultative mechanisms and subsequently implement research, management, monitoring and compliance approaches to ensure that there is complementary and appropriate management of species (that could include harvest limits, reference points, triggers and management responses to breaches) taken in the ETBF and overlapping State managed fisheries (as either target/ primary,</p>	<p>AFMA have established a formal Eastern Tuna MAC, Resource Assessment Group (RAG) and Research Review and Recommendation Group to develop and implement research, the management, monitoring and compliance programs. These groups meet on regular intervals throughout the year.</p> <p>AFMA have also advised that they are holding discussion with NSW and Queensland (QLD) with</p>	<p>The recommendation has been met. Although not a recommendation in the current assessment, DEWHA expects the existing formal consultative mechanisms to continue.</p> <p>DEWHA notes that DAFF are in discussions regarding a potential resource sharing arrangement for key ETBF species between commercial sector and recreation/charter sectors. DEWHA will monitor progress of this through annual status reports.</p>

byproduct/secondary or bycatch species).	regard to complementary management of overlapping fisheries for species such as Wahoo.	
<p>4. DAFF in consultation with AFMA, DEH and other relevant government agencies, must take a proactive role in the early work of the WCPFC to ensure its effectiveness as the regional fishery management forum for managing and conserving the species on which the ETBF relies. This should include the following priorities:</p> <ul style="list-style-type: none"> • Developing management options that address concerns of the Working Groups formed under the WCPFC or the South Pacific Commission on key target species; • Endeavouring that the membership of the WCPFC includes all nations taking tuna species in the area of the convention; • Verifying the catch of all nations, both target and bycatch species; 	<p>DAFF, in consultation with other Australian Government agencies has made some progress to improve the effectiveness of the WCPFC in managing and conserving target species. Specific activities that have been undertaken include:</p> <ul style="list-style-type: none"> • Supporting nations such as Indonesia and Belize that are taking tuna species in the Convention area to be included in the membership of the WCPFC; • Supporting the development of a Regional Observer Programme (ROP) and Vessel Monitoring Systems (VMS); • Joint coordination of swordfish stock assessments with New Zealand in 2008; • Promoting the implementation of 	<p>DEWHA notes the progress Australia has made to improve the effectiveness of the WCPFC. However, DEWHA is concerned that the current conservation and management measures in the WCPFC do not fully reflect a precautionary or ecosystems based approach to management which could jeopardise the future sustainability of the fisheries and the ecosystems.</p> <p>DEWHA also notes that the target stock bigeye and yellowfin tuna continue to be at high risk of being overfished and are currently subject to overfishing. DEWHA is also aware that the overfishing status of broadbill swordfish and striped marlin is currently uncertain in the south-western Pacific.</p> <p>Therefore DEWHA considers that this recommendation should remain, for DAFF to continue to take a proactive role in the WCPFC to improve the effectiveness of the organisation in managing and conserving target, byproduct and bycatch species of the ETBF, in line with Australian legislation and policies (see Recommendation 1, Table 4).</p> <p>A separate condition has been made for AFMA to ensure ecological sustainability for the ETBF. (see Conditions 3 and 4, Table 4).</p>

<ul style="list-style-type: none"> • Strengthening stock assessments of key species (with a priority for big eye tuna and yellowfin tuna which are reportedly ‘fully fished’ in the Pacific and uncertain in the Australian fishery and which may require stock rebuilding objectives to be established); • Developing national allocations including a position for establishing Australia’s claim for catch of key species, noting the status of two of the key target species, bigeye tuna and yellowfin; • Establishing a regime in the Commission to protect ecologically related species; and • Ensuring unsustainable fishing practices and technologies, such as fish aggregating devices, are thoroughly evaluated and if necessary phased out. 	<p>management arrangements consistent with Commonwealth Harvest Strategy Policy; and</p> <ul style="list-style-type: none"> • Working with Japan, the US and New Zealand to trial the effectiveness of ‘lighter’ tori lines in mitigating seabird bycatch in 2008. 	
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<p>5. AFMA to ensure that the observer program continues to meet domestic and international data and management needs and provide the required information at a statistically robust level.</p>	<p>Observers have been deployed in vessels operating in the ETBF since 2003. From December 2006 AFMA have increased the overall target observer coverage levels from 5.1 percent to 8.5 percent. Observer coverage has also increased for vessels operating in the identified SBT zones of the fishery.</p> <p>Specific observer coverage levels in five degree fishing areas in the ETBF are required for the 5-year duration of the Seabird TAP.</p> <p>AFMA is also participating in the development of a ROP under the auspices of the WCPFC. At the fourth meeting of the Commission in December 2007 WCPFC agreed to both a Conservation and Management Measure and an implementation schedule for the ROP.</p>	<p>This recommendation has been complied with to date. However, AFMA must identify and implement actions to address discrepancies between observer and logbook data, particularly in regard to bycatch and protected species (see Recommendation 2, Table 4).</p> <p>The Seabird TAP observer coverage requirements should continue to be monitored for compliance and AFMA to advise DEWHA on proposed future observer coverage levels at the conclusion of the Seabird TAP in 2011.</p>
<p>6. Within 3 years AFMA will identify and implement management responses to fishing impacts identified from the ecological risk assessment process, taking into account known fishing impacts on:</p>	<p>AFMA commissioned CSIRO to undertake a Level 2 ERA for the ETBF, which identified 34 species as being at high risk from fishing activities.</p> <p>Following a residual risk</p>	<p>The results of the ERA have not yet been finalised and the identification of management responses to address and mitigate impacts identified in the ERA are in early stages of development.</p> <p>This recommendation has therefore not been met and consequently it has become a condition of export approval</p>

<ul style="list-style-type: none"> • Species in the fishery listed as protected under the EPBC Act; • Species with low productivity; • Areas of localised depletion and • Species with increasing levels, or significant potential for increased levels of catch landings. 	<p>assessment, there was a change to eight high residual risk species including two byproduct shark species (longfin mako and dusky shark) and six species protected under the EPBC Act including three seabirds (Gibson's albatross, Campbell albatross and Tristan albatross), two whales (short-finned pilot whale and false killer whale) and a marine turtle (leatherback turtle).</p> <p>Rapid quantitative Level 3 assessment of the risk to the sustainability of species from fishing in the ETBF was also completed in 2007.</p> <p>Appropriate management responses to address and mitigate against impacts on high risk issues and impacts identified in the ERA through:</p> <ul style="list-style-type: none"> • Ecological Risk Management (ERM) strategies; • Chondrichthyan technical working group of experts; • Australian Tuna and Billfish Longline Fisheries Bycatch and Discarding 	<p>(see Condition 5, Table 4). DEWHA should be consulted on the development of management responses to address the ERA.</p> <p>For future reassessment of ETBF and at the end of the WTO period, DEWHA will be considering what management responses AFMA has developed and implemented to address the ERA, including specific mitigation measures.</p> <p>DEWHA notes that progress of the Bycatch and Discarding Workplan in meeting its objectives to address high risk species, will be monitored through annual status reports.</p> <p>DEWHA also recognises that a wide range of secondary species are caught and retained as byproduct in the ETBF that are not managed as primary/target species or in the Bycatch and Discarding Workplan. DEWHA has therefore made a recommendation that AFMA monitor the take of secondary species and develop and implement appropriate management responses to minimise risks and impacts for these species (see Recommendation 3, Table 4).</p>
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	<p>Workplan - May 2008; and</p> <ul style="list-style-type: none"> • Management arrangements developed for secondary species. 	
7. AFMA to ensure an effective effort monitoring system is in place to monitor and manage the effort expended in the fishery from the time of introduction of the Total Allowable Effort.	<p>AFMA are trialling the development of a drum monitoring system which will be used to monitor effort unit expenditure by ETBF vessels when the Management Plan is implemented in full. The first round of sea trials commenced in October 2007 with a second round occurring in February 2008.</p> <p>The system is scheduled for distribution to the fleet before the allocation of SFRs to operators which is dependent on the resolution of the current litigation over allocation.</p>	<p>DEWHA acknowledges this is being progressed and understands that an effective monitoring system for managing the effort expended in the fishery will occur from the time of introduction of total allowable effort.</p> <p>DEWHA considers it essential that AFMA focus on improvements to the accuracy of logbook data and validation to ensure sustainable harvest levels for primary species.</p> <p>Although not a specific recommendation, aspects will be addressed through Recommendations 1 and 2, Table 4.</p>
8. AFMA to monitor the impact of technological advancements in the fishery on the ecological sustainability of target, byproduct and bycatch species, and incorporate any mitigation measures into management as necessary taking account of the impacts of technological advancements in stock assessment	<p>AFMA observers collect information about the type of gear being employed in the fishery. No major technological changes have been detected in the fishery by AFMA.</p> <p>Trials and research currently being conducted include:</p>	<p>DEWHA acknowledges the progress being made to assess technological advancements in the fishery and conduct research on mitigation measures where appropriate. DEWHA suggests AFMA continues these investigations and seek opportunities for additional studies.</p> <p>Outcomes of Conditions 4 and 5 (Table 4) may include further investigation of technological advancements and any impacts. AFMA will notify DEWHA of any changes as per Condition 2, Table 4.</p>

and setting the Total Allowable Effort.	<ul style="list-style-type: none"> • Circle hook trials with the results to be released in mid 2008; • Research on the development of tori lines, underwater setting chutes and bait capsules has been undertaken to reduce seabird interactions; • Monitoring deep set operations used in targeted albacore operations, including the impact on catch rates of different species; and • Satellite tagging of marine turtles caught in the ETBF to determine survivorship. 	
9. AFMA to analyse the risks and the extent of the localised depletion of swordfish and to develop appropriate management measures to mitigate against any localised depletion as needed.	The interim measures introduced in 2006 under the transitional arrangements of the management plan include a competitive TAC of 1400 tonnes which, once reached, limits vessels to a 10 fish per trip bycatch limit. These arrangements have been rolled over for 2008, or until the management plan and TAE comes into effect. Catches have remained below this limit.	<p>This recommendation has been met through the interim broadbill swordfish measures introduced under the Management Plan. Formal management measures will be put in place once the Management Plan is implemented in full (i.e. no longer under transitional arrangements) and the Harvest Strategy is implemented.</p> <p>This recommendation will be addressed through Condition 4, Table 4.</p>

<p>10. AFMA to introduce management measures to reduce the incidence of capture, injury and mortality to shark species that are identified in the ERA as being susceptible to fishing pressure.</p>	<p>AFMA have made it a permit condition to limit fishers to 20 shark trunks per trip, with a requirement for the fins and trunk to be attached. Compliance officers regularly check landings to ensure compliance of this measure.</p> <p>The high risk shark species identified in the ERA include longfin mako and dusky shark. The use of wire trace is also prohibited in the fishery as this has been shown to significantly reduce the catch rate of sharks in the ETBF.</p>	<p>DEWHA acknowledges that this recommendation is being progressed and understands that effective management measures and actions to reduce the impact on high risk shark species will be identified through the ERA and the Bycatch and Discarding Workplan.</p> <p>(See Conditions 4 and 5 and Recommendation 4, Table 4).</p>
<p>11. AFMA to implement the Tuna and Billfish Longline and Minor Line Bycatch Action Plan (BAP) as required under the ETBF Management Plan (as determined) as a matter of priority and through the actions set in the BAP or through other approaches (e.g. Directions set under the <i>Fisheries Management Act 1991</i>, regulation or conditions on permits) ensure that the impacts of the fishery on bycatch are minimized and consistent with achieving the objectives</p>	<p>The Australian Tuna and Billfish Longline and Minor Line Fisheries BAP was completed and distributed to all permit holders and interested parties in early 2005. Six-monthly reviews of BAP actions take place to assess outputs against performance indicators.</p> <p>The BAP for the ETBF has now expired and will be replaced by the Bycatch and Discarding Workplan.</p>	<p>AFMA need to ensure greater engagement with DEWHA on bycatch mitigation measures identified and particularly with the Bycatch and Discarding Workplan implementation.</p> <p>DEWHA encourage AFMA to report on progress of the Bycatch and Discarding Workplan at the intervals specified in Recommendation 4 (Table 4) to outline the long term strategic approach to reduce bycatch and discards.</p> <p>In order to ensure that appropriate mitigation measures are put in place, DEWHA have placed Conditions 5 and 6 and Recommendation 4 on the fishery (see Table 4).</p> <p>DEWHA is concerned about the accuracy of reporting on interactions with protected species and bycatch between logbook</p>

<p>of other legislative requirements including:</p> <ul style="list-style-type: none"> • All relevant Recovery Plans (such as the Recovery Plan for Grey Nurse Sharks, <i>Carcharias taurus</i> in Australia, the White Shark (<i>Carcharodon carcharias</i>) Recovery Plan, the Recovery Plan for Albatrosses and Giant Petrels and the Recovery Plan for Marine Turtles in Australia); • All relevant Threat Abatement Plans (such as Incidental Catch (or By-catch) of Seabirds during Oceanic Longline Fishing Operations); and • All relevant National Plans of Action (such as for the Conservation and Management of Sharks). 	<p>The activities AFMA completed to meet the requirements of the BAP include:</p> <ul style="list-style-type: none"> • Prohibiting the take of protected species and monitoring interactions through various data collection programs; • the introduction of seabird mitigation measures and reporting structures compliant with the Seabird TAP under recommendation 13; • the shark related management arrangements under recommendation 10; • The marine turtle arrangements under recommendation 14; and • a 2005 education campaign for protected species interactions. <p>AFMA is currently finalising a Bycatch and Discarding Workplan for the Australian Tuna and Billfish Longline Fisheries which covers a two year period from 1 July 2008 to 30 June 2010. The Bycatch and Discarding Workplan</p>	<p>and observer data which is essential for ensuring that appropriate mitigation measures are in place. DEWHA has placed Recommendation 2 on the fishery to address this (Table 4).</p>
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	has been signed off at the MAC meeting on the 6 June 2008, although AFMA and DEWHA are continuing to discuss suggested changes to the Workplan.	
12. AFMA to monitor the compliance of industry with their code of practice and, where necessary and appropriate, introduce regulatory measures to ensure bycatch is minimised.	A review of the Code of Practice (CoP) has shown that the majority of the voluntary measures stipulated by the CoP have since become mandatory in the ETBF.	<p>DEWHA is satisfied this recommendation has been progressed and understands that the majority of voluntary measures are now mandatory. DEWHA expects fishers will continue to abide by the required CoP.</p> <p>DEWHA expects AFMA to implement appropriate management responses to address and mitigate against high risk and bycatch species and impacts identified in the ERA.</p> <p>(See Conditions 5 and 6 and, Recommendations 2 and 4, Table 4).</p>
<p>13. Within 3 months of acceptance of the ETBF Management Plan by the Minister for Fisheries, Forestry and Conservation, AFMA to apply measures commensurate with the prescriptions of the Longline Fishing TAP to the area of the ETBF between 25° and 30°S.</p> <p>These measures to remain in place until the new Longline Fishing TAP or interim measures, endorsed by the Department in consultation with key stakeholders, come into effect.</p>	<p>Seabird mitigation measures consistent with the current Seabird TAP are prescribed via permit conditions.</p> <p>These include making the use of tori lines, weighted lines, thawed baits and banning offal discharge on all vessels south of 25 degrees south mandatory.</p>	<p>DEWHA acknowledges AFMA's progress in regard to seabird mitigation measures to date. DEWHA also understands, however, that there is an ongoing risk of seabirds interacting with ETBF fishing operations, which has been identified through the ERA and the seabird TAP.</p> <p>To ensure appropriate mitigation measures are in place and complied with and that there is accurate reporting of interactions, Condition 5 and Recommendation 2, Table 4, have been identified.</p>

<p>14. AFMA to introduce measures to reduce the incidental capture of marine turtles and to improve the survivability of those that are caught.</p>	<p>AFMA have provided ETBF operators with de-hooking and line cutting devices and education to improve the survivability of hooked sea turtles and aid in their safe release.</p> <p>Research is also underway into effects of using circle hooks as a potential measure to reduce incidental capture of marine turtles.</p>	<p>DEWHA acknowledges the progress to date regarding measures to reduce the incidental capture of marine turtles.</p> <p>DEWHA expects that measures to reduce incidental capture and improve survivability of marine turtles will be addressed through the management responses identified through the ERA process and the Bycatch and Discarding Workplan.</p> <p>Although management responses can not be applied to individual species in isolation, interactions with leatherback turtles are of particular concern given their identification as high risk species under the ERA.</p> <p>(See Condition 3, 5 and 6 and Recommendation 4, Table 4).</p>
<p>15. AFMA to ensure that:</p> <ul style="list-style-type: none"> • Morphological measurements are taken from turtles caught; • Tagging programs are established to collect data on post release survival; • Genetic samples are taken where possible so that stocks of turtles being caught may be determined; and • Feedback is provided on modifications to fishing operations or fishing gear to reduce the likelihood of interactions and/or 	<p>Observers are required to take morphological measurements of marine turtles caught during fishing operations.</p> <p>AFMA observers provide additional data and samples to researchers as required. Logbooks and observer reports provide opportunity to comment on modified fishing practices to reduce turtle interactions and increase survival rates.</p> <p>AFMA observers have also been trained in how to attach satellite tagging of marine turtles caught in the ETBF as part of a DEWHA</p>	<p>DEWHA acknowledges the progress to date regarding observer data collection for marine turtles. AFMA have advised that comparisons of ETBF logbook and observer data show that target and byproduct species reporting is reasonably accurate, however, logbooks do not accurately represent the level of interactions with protected species and bycatch.</p> <p>DEWHA recommends AFMA identify and implement additional actions to address discrepancies between observer and logbook data.</p> <p>DEWHA is also aware of tagging programs which have been conducted by our department and recommends that AFMA continue to remain aware of tagging programs and their progress in regard to turtle post release survival and possibly include outcomes once available in the Bycatch and Discarding Workplan.</p>

increase the survival rates.	funded project to determine post-capture survivorship.	<p>AFMA should continue to remain aware of relevant research on interactions with fishing operations and post release survival and include outcomes where relevant into bycatch mitigation strategies.</p> <p>AFMA should continue to address potential discrepancies between logbook and observer data for interactions with protected species and bycatch in accordance with Conditions 5 and 6 and Recommendation 2, Table 4.</p>
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Table 3: DEWHA assessment of the ETBF 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 ETBF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <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 ETBF will be managed under the <i>Eastern Tuna and Billfish Management Plan 2005</i> (the Management Plan) in force under the <i>Fisheries Management Act 1991</i>.</p> <p>The Management Plan for the ETBF was accredited in April 2005. AFMA advised DEWHA of minor amendments to the Management Plan for the ETBF in December 2006. DEWHA agreed that the amendments did not significantly affect the sustainability of the ETBF and that a new Part 13 declaration was not required at that time. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that the existing Part 13 accreditation remains valid.</p> <p>Noting arrangements to decrease interactions with threatened species and that high risk species will be addressed through the ERA process, DEWHA considers the current operation of the ETBF is not likely to adversely affect the survival or recovery in nature of any threatened species.</p>

Division 2 Migratory species Section 222A Minister may accredit plans or regimes	DEWHA assessment of the ETBF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <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 migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The ETBF will be managed under the Management Plan in force under the <i>Fisheries Management Act 1991</i>.</p> <p>The Management Plan for the ETBF was accredited in December 2005. AFMA advised DEWHA of minor amendments to the Management Plan for the ETBF in December 2006. DEWHA agreed that the amendments did not significantly affect the sustainability of the ETBF and that a new Part 13 declaration was not required at that time. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that the existing Part 13 accreditation remains valid.</p> <p>Noting arrangements to decrease interactions with migratory species and that high risk species will be addressed through the ERA process, DEWHA considers the current operation of the ETBF is not likely to adversely affect the survival or recovery in nature of any listed migratory species.</p>

Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes	DEWHA assessment of the ETBF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <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 cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The ETBF will be managed under the Management Plan in force under the <i>Fisheries Management Act 1991</i>.</p> <p>The Management Plan for the ETBF was accredited in December 2005. AFMA advised DEWHA of minor amendments to the Management Plan for the ETBF in December 2006. DEWHA agreed that the amendments did not significantly affect the sustainability of the ETBF and that a new Part 13 declaration was not required at that time. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that the existing Part 13 accreditation remains valid.</p> <p>Noting arrangements to decrease interactions with whales and other cetaceans and that high risk species will be addressed through the development of the ERA process, DEWHA considers the current operation of the ETBF is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>
Division 4 Listed marine species Section 265 Minister may accredit plans or regimes	DEWHA assessment of the ETBF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <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</p>	<p>The ETBF will be managed under the Management Plan in force under the <i>Fisheries Management Act 1991</i>.</p> <p>The Management Plan for the ETBF was accredited in December 2005. AFMA advised DEWHA of minor amendments to the Management</p>

<p>reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>Plan for the ETBF in December 2006. DEWHA agreed that the amendments did not significantly affect the sustainability of the ETBF and that a new Part 13 declaration was not required at that time. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that the existing Part 13 accreditation remains valid.</p> <p>Noting arrangements to decrease interactions with listed marine species and that high risk species will be addressed through the ERA process, DEWHA considers the current operation of the ETBF is not likely to adversely affect the conservation status of listed marine species.</p>
Section 303AA Conditions relating to accreditation of plans, regimes and policies	DEWHA assessment of ETBF
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The Management Plan for the ETBF was accredited under sections 208A, 222A, 245 and 265 in December 2005. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that the existing Part 13 accreditation remains valid.
<p>(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:</p> <p style="padding-left: 40px;">(a) during a particular period; or</p> <p style="padding-left: 40px;">(b) while certain circumstances exist; or</p> <p style="padding-left: 40px;">(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	No condition has been imposed on ETBF to satisfy sections 208A, 222A, 245 and 265 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 ETBF
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (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 or 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 	<p>In December 2005, the then Minister for the Environment and Heritage amended the list of exempt native specimens established under section 303DB of the EPBC Act by including in the list:</p> <ul style="list-style-type: none"> • Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the ETBF. <p>With a notation that inclusion of the specimens in the list is subject to the following restrictions or conditions:</p> <ul style="list-style-type: none"> • The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; • The specimens are covered by the declaration of an approved Wildlife Trade Operation under Section 303FN of the Act in relation to the fishery.
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>The ETBF was assessed under Part 10 of the EPBC Act in July 2005. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that outcomes from the existing Part 10 assessment remain valid.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</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 ETBF made under sections 303DC is available on the DEWHA website.</p>

Section 303FN Approved wildlife trade operation	DEWHA assessment of the ETBF
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <i>approved wildlife trade operation</i> for the purposes of this section.	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p>i. the survival of a taxon to which the operation relates; or</p> <p>ii. the conservation status of a taxon to which the operation relates; and</p> <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p> <p>(c) if the operation relates to the taking of live specimens that</p>	<p>The ETBF is consistent with objects of Part 13A (listed after this table) as:</p> <ul style="list-style-type: none"> ▪ the fishery will not harvest any CITES listed species; ▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1); ▪ the operation of the ETBF is unlikely to be unsustainable and threaten biodiversity within the timeframe of the WTO; and ▪ the EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens. <p>DEWHA considers that the ETBF will not be detrimental to the survival or conservation status of a taxon to which it relates within the timeframe of the WTO, given the management measures currently in place, which include: limited entry, gear and area restrictions, management arrangements for byproduct and bycatch, the implementation of transferable effort rights, and a maximum catch limit for target species.</p> <p>DEWHA considers that the ETBF will not threaten any relevant ecosystem within the life of the WTO, given the management measures currently in place, which include: limited entry, gear and area restrictions, management arrangements for byproduct and bycatch, the implementation of transferable effort rights, and a maximum catch limit for target species.</p> <p>The EPBC Regulations 2000 do not specify fish as a class of animal in</p>

<p>belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>relation to the welfare of live specimens.</p> <p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations 2000.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>DEWHA considers that the ETBF will not have a significant impact on any relevant ecosystem within the life of the WTO, given the management measures currently in place, which include: limited entry, gear and area restrictions, management arrangements for byproduct and bycatch, the implementation of transferable effort rights, and a maximum catch limit for target species.</p> <p>The management arrangements that will be employed for the ETBF are likely to be effective. The current management arrangements for ETBF include:</p> <ul style="list-style-type: none"> • A formal mid-year-review of albacore tuna management arrangements, for economic performance, either at the August 2008 ETRAG meeting or when 2,000 tonnes has been taken by the fishery, depending on whichever comes first. Performance indicators examining catch and effort, fish size (length and weight) and catch value will be used to assess albacore with a trigger response; • A competitive TAC of 1,400 tonnes for broadbill swordfish with monthly trigger limits in response to localised depletion. If a trigger limit is breached it restricts all vessels to a 10 fish per trip bycatch limit. This has been in force since 2006 and effectively reduced catch in 2007 to 1,290 tonnes; • Restricted access zones and increased observer requirements on the NSW coast around May to November to control

	<p>interactions with SBT;</p> <ul style="list-style-type: none"> • Reporting obligations including logbooks, carriage of observers and independently verified Catch Disposal Records (CDRs); and • Bycatch reduction measures including use of tori lines, weighted lines, thawed baits, ban on the use of wire trace and any offal discharge and bycatch trip limits on sharks.
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The ETBF will be managed under the Management Plan in force under the <i>Fisheries Management Act 1991</i>.</p> <p>The ETBF will be managed under the <i>Fisheries Management Act 1991</i> which applies throughout Commonwealth waters.</p> <p>The management arrangements that will be employed for the ETBF are likely to be effective. The current management arrangements for ETBF include:</p> <ul style="list-style-type: none"> • A formal mid-year-review of albacore tuna management arrangements, for economic performance, either at the August 2008 ETRAG meeting or when 2,000 tonnes has been taken by the fishery, depending on whichever comes first. Performance indicators examining catch and effort, fish size (length and weight) and catch value will be used to assess albacore with a trigger response; • A competitive TAC of 1,400 tonnes for broadbill swordfish with monthly trigger limits in response to localised depletion. If a trigger limit is breached it restricts all vessels to a 10 fish per trip bycatch limit. This has been in force since 2006 and effectively reduced catch in 2007 to 1,290 tonnes;

	<ul style="list-style-type: none"> • Restricted access zones and increased observer requirements on the NSW coast during certain times of the year (around May-November) to control interactions with SBT. • Reporting obligations including logbooks, carriage of observers and independently verified CDRs; and • Bycatch reduction measures including use of tori lines, weighted lines, thawed baits, ban on the use of wire trace and any offal discharge and bycatch trip limits on sharks.
<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The ETBF is a commercial fishery.</p>
<p>(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>The ETBF was assessed under Part 10 of the EPBC Act in July 2005. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that actions taken in the fishery will not have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area over a further two and half years, while fishers operate in accordance with the Management Plan and AFMA continue to implement conditions and recommendations to improve the management of the fishery.</p>
<p>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.</p>	

Section 303FR Public consultation	DEWHA assessment of the ETBF
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <ul style="list-style-type: none"> (a) setting out the proposal to make the declaration; and (b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and (c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal. 	<p>DEWHA considers that consultation requirements of the EPBC Act for declaring a WTO have been met. A public notice which set out the proposal to declare the ETBF Fishery a WTO and included the submission was released for public comment, which closed on 30 May 2008 with no comments 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 declare the ETBF a WTO and included the ETBF submission was released for public comment on 29 April and closed on 30 May 2008 - 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>No public comments about the proposal were received.</p>
Section 303FT Additional provisions relating to declarations	DEWHA assessment of the ETBF
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the ETBF will be made under section 303FN.</p>
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <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. <p>In such a case, the instrument of declaration is to specify the period,</p>	<p>The standard conditions applied to commercial fishery WTOs include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime; • notifying DEWHA of changes to the management regime; and • annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. <p>Additional conditions were added relating to implementing appropriate harvest strategy arrangements, finalising the ERA and implementing</p>

circumstances or condition.	management strategies to mitigate impacts identified through the ERA process. The WTO instrument for the ETBF specifies the standard and any additional conditions applied.
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the Internet.	The instrument for the ETBF made under sections 303FN and the conditions under section 303FT will be gazetted and made available on the DEWHA website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	DEWHA assessment of the ETBF
(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 must be considered when making a decision to declare an operation as an approved wildlife trade operation.
(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 conditions and recommendations to AFMA (and DAFF) for the ETBF

The material submitted by AFMA demonstrates that the management arrangements for the ETBF meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition (the Guidelines)*. DEWHA recognises that the management arrangements render it somewhat robust to fishing. These include:

- A formal mid-year-review of albacore tuna management arrangements;
- Performance indicators examining catch and effort;
- Fish size (length and weight) and catch value to be used to assess albacore with a trigger response, a competitive TAC of 1,400 tonnes for broadbill swordfish with monthly trigger limits in response to localised depletion;
- Restricted access zones and increased observer requirements on the NSW coast during certain times of the year (around May-November) to control interactions with SBT;
- Reporting obligations including logbooks, carriage of observers and independently verified CDRs; and
- Bycatch reduction measures including use of tori lines, weighted lines, thawed baits, ban on the use of wire trace and any offal discharge and bycatch trip limits on sharks.

The ETBF is currently being managed under the transitional arrangements stated within the *Eastern Tuna and Billfish Fishery Management Plan 2005* in force under the *Fisheries Management Act 1991*. Transitional arrangements include input and output controls such as limited entry, gear and area restrictions, increased observer requirements, bycatch reduction measures and maximum catch limits for broadbill swordfish, albacore tuna and sharks. The grant of SFRs will likely be finalised in early 2009 and key components of the ETBF Harvest Strategy implemented once this process is complete. AFMA have advised that the implementation of a quota management system in the longer term (possibly 2010) is currently under consideration.

DEWHA considers overall that the management regime in place in the ETBF aims to ensure that fishing is conducted in a manner that does not lead to over-fishing and for fishing operations to be managed in such a way to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While the fishery is relatively well managed, DEWHA has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised. These include:

- Lack of finalised Harvest Strategy, which has specific objectives linked to performance indicators and performance measures for target and byproduct species;
- Uncertainty as to whether WCPFC will set a Total Allowable Effort or Catch and allocate between parties in the future;
- Need for the ERA to be finalised to enable the implementation of management strategies to address/mitigate impacts identified with particular focus to be given to impact on bycatch, protected species and the ecosystem;

- Concern about the status of bigeye tuna and yellowfin tuna in the western and central Pacific and uncertainty about the status of striped marlin and broadbill swordfish in the south-western Pacific;
- Interactions with protected species; and
- Quality of logbook data in the fishery.

DEWHA is satisfied that the ETBF fishery will not be detrimental to the survival or conservation status of the taxa to which it relates in the short term. Similarly, it is not likely to threaten any relevant ecosystem in the short term, given the management measures currently in place. To contain and minimise the risks in the longer term the conditions and recommendations listed below have been made.

The key challenges for this fishery will be developing responses to the issues raised in the ERA for the fishery, improving the effectiveness of the WCPFC in managing and conserving target and bycatch species and improving the quality of logbook data collected on bycatch and protected species listed under the EPBC Act. DEWHA therefore considers that a WTO declaration until 20 January 2011 under Part 13A of the EPBC Act is appropriate, to allow the Management Plan to be implemented in full with the allocation of SFRs prior to reassessment of the fishery.

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 species protected under the EPBC Act and ensure the level of interaction under current fishing operations is low. For these reasons, the management plan was accredited under Part 13 of the EPBC Act on 17 December 2005.

AFMA subsequently advised DEWHA in December 2006 of proposed amendments to the Management Plan 2005 to address technical errors, particularly in relation to the SFR allocation provisions. DEWHA reviewed the proposed amendments and considered that they would not materially alter previous decisions made under section 33 and Part 13 of the EPBC Act. Since there have been only minor changes to the management arrangements since the initial assessment of the fishery, DEWHA considers that the existing Section 33 and Part 13 accreditations remain valid.

Conditions and 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 of the WTO (by 20 January 2011).

Table 4: ETBF Assessment– Summary of Issues, Conditions and Recommendations July 2008

	Issue	Condition
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, 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 legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.</p> <p>The ETBF is currently being managed by annual fishing permits under the transitional arrangements of the Management Plan, which came into force on 21 October 2005. The transitional arrangements include annual fishing permits that apply conditions and limit the number of boats operating in the fishery. AFMA have notified DEWHA that the Management Plan will come into full effect in early 2009 with the allocation of SFRs.</p>	<p>Condition 1:</p> <p>Operation of the fishery will be carried out in accordance with the <i>Eastern Tuna and Billfish Fishery Management Plan 2005</i> made under the <i>Fisheries Management Act 1991</i>.</p> <p>Condition 2:</p> <p>AFMA to inform DEWHA of any intended amendments to the management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.</p> <p>[generic conditions]</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>Annual reports should follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> (the Guidelines) and include a</p>	<p>Condition 3:</p> <p>AFMA 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>(generic condition)</p>

	<p>description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing DEWHA conditions and recommendations. Electronic copies of the Guidelines are available from the DEWHA website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html</p>	
3.	<p><u>Harvest Strategy (HS) Management Arrangements</u></p> <p>DEWHA recognises that as a member of the WCPFC, Australia is required to manage the ETBF in a manner consistent with the principles adopted in this forum. Consequently, catch level decisions for primary species made by the WCPFC could be inconsistent with domestic management decisions such as those made under the ETBF HS. However, in the absence of agreement on catch levels at the WCPFC, DAFF will develop a whole of government position on Australia's national catch allocation, which will be underpinned by domestic legislative obligations and guided by the ETBF HS.</p> <p>DEWHA acknowledges the progress made in developing a HS for the ETBF that incorporates elements defined in the <i>Commonwealth Fisheries Harvest Strategy Policy</i> released in September 2007 and the CSIRO lead multi- agency project to develop harvest strategies for yellowfin tuna, bigeye tuna, albacore tuna, broadbill swordfish and striped marlin in the ETBF.</p> <p>The preliminary HS for the ETBF was signed off by the AFMA Board in December 2007. DEWHA understands that the HS is expected to be finalised during 2008 and implemented when SFRs are in place in the fishery and the Management Plan comes into full effect, in early 2009.</p> <p>DEWHA understands that the HS will form the basis for setting the Total Allowable Effort under the Management Plan and will include target and limit reference points and clear decision rules to respond to the triggering of performance criteria and localised</p>	<p>Condition 4:</p> <p>In the absence of catch levels for primary species being agreed to at the WCPFC or a whole of government position developed on Australia's national allocation AFMA will, by 31 January 2010, implement an appropriate harvest strategy designed to achieve ecological sustainability for each primary species including:</p> <ul style="list-style-type: none"> a) target and limit reference points; and b) clear decision rules to respond to the triggering of performance criteria and localised depletions.

	depletions for each target species. The HS will also include the resource sharing arrangements agreed between the longline and minor line sectors and the commercial fishing, recreational and charter sectors that are agreed to with DAFF.	
4.	<p><u>Ecological Risk Assessment (ERA)</u></p> <p>A key component in AFMA's move towards Ecosystem Based Fisheries Management has been the undertaking of ERAs for all AFMA-managed fisheries. The ERA for the ETBF included 34 species at high risk from fishing activities. Following the residual risk assessment, eight species remained at high residual risk.</p> <p>The eight high residual risk species include two byproduct shark species (longfin mako and dusky shark) and six species protected under the EPBC Act including three seabirds (gibson's albatross, campbell albatross and tristan albatross), two whales (short-finned pilot whale and false killer whale) and a marine turtle (leatherback turtle).</p> <p>Rapid quantitative assessment of the risk to the sustainability of species from fishing in the ETBF was also completed in 2007 and identified the longfin mako, pelagic thresher and crocodile shark as precautionary high risk species and two species of Ocean Sunfish as precautionary extreme high risk species.</p> <p>DEWHA expects AFMA to identify and implement appropriate management responses to address and mitigate against impacts on high risk issues and impacts identified in the ERA through the:</p> <ul style="list-style-type: none"> • Ecological Risk Management (ERM) strategies; • Chondrichthyan technical working group of experts; and • <i>Australian Tuna and Billfish Longline Fisheries Bycatch and Discarding Workplan - May 2008</i>; and • Management arrangements developed for secondary species. 	<p>Condition 5:</p> <p>By 31 January 2009, AFMA to finalise the ERA for the ETBF.</p> <p>Condition 6:</p> <p>By 31 July 2009, AFMA to implement appropriate management responses to address and mitigate risks and impacts identified in the ERA and review the effectiveness of management responses at appropriate intervals.</p>

	AFMA to report to DEWHA on progress in implementing these management responses as per Condition 3.	
	Issue	Recommendation
1.	<p><u>International engagement in Western and Central Pacific Fisheries Commission (WCPFC):</u></p> <p>DEWHA notes the progress Australia has made to improve the effectiveness of the WCPFC. However, DEWHA is concerned that the current conservation and management measures in the WCPFC do not fully reflect a precautionary or ecosystem based approach to management, which could jeopardise the future sustainability of the fisheries and ecosystems. DEWHA's recommendations and priorities for engagement in WCPFC include:</p> <ul style="list-style-type: none"> • Endeavouring to establish management strategies and catch limits for target and byproduct species in line with the WCPFC scientific committee's advice and consistent with <i>Australia's Commonwealth Fisheries Harvest Strategy Policy</i>; • Pursuing mechanisms to verify WCPFC members' catch of target species e.g. through the catch documentation scheme and to accurately record information on bycatch species (particularly seabirds, sharks and marine turtles); • Encouraging the implementation of effective mandatory mitigation measures for marine turtles; and • Ensuring unsustainable fishing practices and technologies, such as fish aggregating devices, are thoroughly evaluated and if necessary phased out. <p>As a long-term goal, DEWHA considers that a more strategic approach to engagement by Australia across all regional fisheries management organisations will be essential for improving the management and conservation of target, byproduct and bycatch species.</p>	<p>Recommendation 1:</p> <p>DAFF:</p> <p>a) in consultation with AFMA, DEWHA and other relevant government agencies, to continue to take a proactive role in the WCPFC to improve the effectiveness of the organisation in managing and conserving target, byproduct and bycatch species of the ETBF; and</p> <p>b) to consider the results of the ETBF HS in developing the whole of government position for the WCPFC and to advocate the <i>Commonwealth Fisheries Harvest Strategy Policy</i> as an example of best practice in setting sustainable catch levels.</p>

<p>2. <u>Reporting in the ETBF</u></p> <p>AFMA have advised that comparisons of ETBF logbook and observer data show that target and byproduct species reporting is reasonably accurate, however, logbooks do not accurately represent the level of interactions with protected species and bycatch.</p> <p>DEWHA acknowledges that AFMA has undertaken a number of actions in recent years to address this issue such as increasing observer coverage levels from 5.1 percent to 8.5 percent and providing fishers with information on protected species reporting requirements.</p> <p>DEWHA recognises that the introduction of on-board cameras and the audit of recorded footage could improve the quality of data recorded when observers are not present. However, DEWHA would encourage AFMA to consider identifying and implementing additional actions to address discrepancies between observer and logbook data.</p> <p>These actions should be incorporated into appropriate management responses to address and mitigate risks and impacts identified in the ERA, including, but not limited to, understanding and improving survivorship and accurate identification of bycatch and protected species such as seabirds, sharks and marine turtles and ensuring accurate identification and reporting of bycatch species.</p> <p>Improving the overall accuracy of reporting in the ETBF will be critical for the ongoing sustainable management of the fishery as well ensuring the fishery meets the requirements of the <i>Threat Abatement Plan 2006 for the Incidental Catch (or bycatch) of Seabirds during Oceanic Longline Fishing Operations</i>, relevant EPBC Act Recovery Plans and EPBC Act protected species reporting requirements.</p>	<p>Recommendation 2:</p> <p>AFMA to continue to investigate and identify actions to improve the accuracy of logbook data with regard to reporting bycatch and protected species interactions.</p>
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3.	<p><u>Implementing management arrangements for secondary species:</u></p> <p>DEWHA acknowledges that a wide range of secondary species are caught and retained as byproduct in the ETBF that are not managed as primary/target species or in the Bycatch and Discarding Workplan.</p> <p>DEWHA recommends that AFMA monitor the take of secondary species and develop and implement appropriate management responses to minimise risks and impacts for these species.</p>	<p>Recommendation 3:</p> <p>AFMA to monitor the take of secondary species and develop and implement appropriate management responses to minimise identified risks and impacts.</p>
4.	<p><u>Bycatch and Discarding Workplan:</u></p> <p>DEWHA notes that AFMA have developed a Bycatch and Discarding Workplan for the Australian Tuna and Billfish Longline Fishery, which will replace the <i>Australian Tuna and Billfish Longline and Minor Line Fisheries Bycatch Action Plan</i>. The Bycatch and Discarding Workplan was signed off by the Eastern Tuna Ministerial Advisory Committee on 6 June 2008.</p> <p>The Bycatch and Discarding Workplan covers a two year period from 1 July 2008 to 30 June 2010 and identifies a number of actions that will be achieved within the 2-year life of the Plan.</p> <p>DEWHA is concerned that AFMA do not have a clear process in place for reducing bycatch and discarding once the current Bycatch and Discarding Workplan ends. DEWHA encourages AFMA to regularly review the effectiveness of the plans and identify a long term strategic approach to address the issue.</p> <p>DEWHA is also concerned that the proposed move to a quota system in 2010 may see an increase in the amount of discarding. DEWHA encourages AFMA to monitor and identify ways to address these issues in AFMA's long term bycatch and discard strategy.</p>	<p>Recommendation 4:</p> <p>a) By 30 June 2009, AFMA to provide the results of the annual review of the Bycatch and Discarding Workplan to DEWHA.</p> <p>b) By 31 July 2010 AFMA to provide the results of the formal two-year review of the Bycatch and Discarding Workplan to DEWHA and outline the long term strategic approach to reduce bycatch and discards.</p>

References

- *Fisheries Management Act 1991*
- *Eastern Tuna and Billfish Management Plan 2005* (the Management Plan)

Acronyms

AFMA	Australian Fisheries Management Authority
AFZ	Australian Fishing Zone
BAP	Bycatch Action Plan
BRS	Bureau of Rural Sciences
CDR	Catch Disposal Records
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	Code of Practice
CPUE	Catch per Unit Effort
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DAFF	Department of Agriculture, Fisheries and Forestry
DEWHA	Department of Environment, Water, Heritage and the Arts
ETMAC	Management Advisory Committee to the ETBF
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
ERA	Ecological Risk Assessment for Commonwealth Fisheries project being conducted by the CSIRO
ERM	Ecological Risk Management
ETBF	Eastern Tuna and Billfish Fishery
ETBF MP	Eastern Tuna and Billfish Fishery Management Plan
ETMAC	Eastern Tuna and Billfish Fishery Management Advisory Committee
FAD	Fish Aggregating Device
HS	Harvest Strategy
MAC	Management Advisory Committee
MOU	Memorandum of Understanding
MSY	Maximum Sustainable Yield
RAG	Resource Assessment Group
ROP	Regional Observer Program
SBT	Southern Bluefin Tuna
SCTB	Standing Committee on Tuna and Billfish
SFR	Statutory Fishing Rights
SPC	Secretariat of the Pacific Community
TAC	Total Allowable Catch
TACC	Total Allowable Commercial Catch
TAE	Total Allowable Effort
TAP	Threat Abatement Plan for the Incidental catch (or bycatch) of

	seabirds during oceanic longline fishing operations
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western Central Pacific Ocean
WTBF	Western Tuna and Billfish Fishery
WTO	Wildlife Trade Operation