



Australian Government

Department of the Environment and Energy

Assessment of the
Tasmanian Abalone Fishery

August 2016

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Disclaimer

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

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SECTION 1: SUMMARY OF THE ASSESSMENT FOR THE TASMANIAN ABALONE FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Purpose: To enable transparent articulation of which commercial fisheries assessed under the EPBC Act clearly meet all legislative requirements and all Guidelines, and those which may require further investigation or assessment to demonstrate requirements are met.

Overview of Tasmanian Abalone Fishery against the relevant requirements of the Guidelines and the EPBC Act.

Guidelines	Meets	Partially meets	Does not meet	Details
Management regime	7 of 9 1 of 9 N/a	1 of 9		<p>The management regime is effective.</p> <p>The management arrangements for the Tasmanian Abalone Fishery (the fishery) are regulated by the Fisheries (Abalone) Rules 2009 and closely monitored by the Department of Primary Industries, Parks, Water and Environment DPIPWE. Management is transparent, information is publicly accessible, and provide opportunities for the general public to be involved in consultation processes.</p> <p>There are no objectives and performance criteria by which the effectiveness of the management arrangements is measured. However, a harvest strategy is under development that will use a multi-criterion decision analysis (MCDA) tool to model future stock biomass and rebuild the stock to target levels.</p>
Principle 1 (target stocks)	7 of 11 1 of 11 N/a	3 of 11		<p>Target stocks are generally well managed.</p> <p>Management arrangements are robust and capable of controlling the level of harvest to within ecologically viable levels. Although there has been a general decline in catch per unit effort (CPUE) over the past 14 years in most areas of the fishery and three of the five Blacklip Abalone zones are classed as 'transitional-depleting', DPIPWE is currently developing a harvest strategy that will recover stocks to target levels. The MCDA tool will allow managers to set the annual total allowable commercial catch (TACC) and size limits at levels that will help to rebuild the stocks to sustainable levels within an appropriate timeframe. The management regime has the capacity to reduce fishing pressure and allow stocks to rebuild if the TACC and size limits are set at sustainable levels.</p>
Principle 2 (bycatch and TEPS)	12 of 12 N/a			<p>Risks to bycatch and protected species are minimal.</p> <p>Not applicable. Bycatch is considered negligible due to the highly selective fishing method used (hand collection).</p>
Principle 2 (ecosystem impacts)	3 of 5 1 of 5 N/a	1 of 5		<p>Ecological risk is inherently low due to the fishing method used.</p> <p>The impact of fishing operations on the wider marine ecosystem is considered benign due to the selective fishing gear used (i.e. hand collection). Although abalone is not considered a keystone species, the</p>

				current level of harvest may impact on ecosystem function. While no formal ecological risk assessment (ERA) exists, the overall impact of the fishery on the wider marine ecosystem is considered minimal.
EPBC requirements				
Part 12	1 of 1 N/a			Not applicable. There is no fishing activity within areas covered by a bioregional plan.
Part 13	11 of 12 1 of 12 N/a			The management regime for the fishery continues to require operators to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.
Part 13A	1 of 3 1 of 3 N/a	1 of 3		The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A. There is limited consultation if LENS is amended, although it is sufficient for strict requirements, as per advice to Minister in MS14-002367.
Part 16	1 of 1			The Department has accounted for the precautionary principle in the preparation of its advice.
<p>Conclusion:</p> <p>The fishery targets Blacklip Abalone (<i>Haliotis rubra</i>) and Greenlip Abalone (<i>H. laevisgata</i>) by hand collection. It operates in Commonwealth and State waters and is spatially managed through six blacklip zones and one greenlip zone. Abalone can be susceptible to overfishing and local stocks in some areas of the fishery are considered depleted. Management arrangements are robust and have the capacity to limit fishing in identified depleted areas as appropriate, in response to annual stock assessments and results from a MCDA tool. There are no bycatch, protected species or wider ecosystem concerns with this fishery, therefore it meets all environmental requirements of the EPBC Act and most of the Guidelines.</p> <p><u>Outstanding issue 1:</u> Three of the five Blacklip Abalone zones are classed as 'transitional-depleting' in the Status of Key Australian Fish Stocks 2014 (SAFS) report (FRDC 2014). DPIPWE is currently developing a harvest strategy that aims to recover stocks to target levels and a MCDA tool will allow managers to set the annual TACCs and size limits at levels that will rebuild the stock to sustainable levels. However, as the harvest strategy and MCDA tool are in the process of being implemented it is too soon to measure how effective these advancements will be in curbing fishing pressure to within sustainable harvest levels. The management regime has the capacity to manage harvest levels so that the stock biomass can rebuild to sustainable levels provided that the stock model has a high degree of accuracy and managers are able to respond to the model outputs.</p>				
<p>Final recommendation for 2016 assessment of the Tasmanian Abalone Fishery:</p> <p>Low risk, eligible for 10 year export approval (2016-2026). While the fishery is considered low risk and the management regime has the capacity to respond to abalone stock fluctuations, the current stock status trend needs to be closely monitored. Recent changes to the fishery's management regime are a positive approach to recovering stocks currently classed as 'transitional-depleting' in the SAFS 2014 report (FRDC 2014).</p> <p>To ensure the management regime is successful in reversing the negative trend in abalone stocks DPIPWE should conduct a review of the performance of the fishery in 2020 and provide a report of its findings to the Department of the Environment and Energy. The review will enable the progress from the recent management developments to be substantiated and ensure the fishery continues to be sustainable in the long term.</p>				

Notes:**Assessment history:**

The assessment history for the Tasmanian Abalone Fishery is available on the Departments website at <http://environment.gov.au/marine/fisheries/tas/abalone>.

1st assessment finalised March 2002 – Exempt from export provisions of the EPBC Act until 15 March 2007. Export approval was subject to six recommendations.

2nd assessment finalised January 2007 – Exempt from export provisions of the EPBC Act until 5 February 2012. Export approval was subject to seven recommendations. Tasmanian Fisheries (Abalone) Rules 2000 accredited under Part 13 in January 2007.

3rd assessment finalised January 2012 – Exempt from export provisions of the EPBC Act until 3 February 2017 (F2012L00146). Export approval was subject to four recommendations. Tasmanian Fisheries (Abalone) Rules 2009 accredited under Part 13 in January 2012.

Fishery reporting:

Annual report – last provided in September 2015.

Protected species interactions – Not reported as TEPS interactions considered negligible.

Key links:

The fishery is managed in accordance with provisions in the following Tasmanian legislation and regulations, and is available at <https://www.legislation.tas.gov.au/>:

Living Marine Resources Management Act 1995

Fisheries (Abalone) Rules 2009

Department of Primary Industries, Parks, Water and Environment 'Abalone Fishery' – <http://dpiwre.tas.gov.au/sea-fishing-aquaculture/commercial-fishing/abalone-fishery>.

Tarbath D and Mundy C 2015 'Tasmanian Abalone Fishery Assessment 2014', Institute for Marine and Antarctic Studies, Hobart TAS, Available at http://www.imas.utas.edu.au/__data/assets/pdf_file/0008/775547/Abalone_Stock_Assessment_2014_Final_Web_dc.pdf.

Fisheries Research and Development Corporation (FRDC) 2014 'Status of Key Australian Fish Stocks Reports 2014', Available at http://www.fish.gov.au/Pages/SAFS_Report.aspx, pp. 80-100.

SECTION 2: DETAILED ANALYSIS OF THE TASMANIAN ABALONE FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines	Meets	Partially meets	Does not meet	Comment
THE MANAGEMENT REGIME				
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:				
Be documented, publicly available and transparent	Meets. Management arrangements for the Tasmanian Abalone Fishery (the fishery) are documented, publicly available and transparent. Fisheries under Tasmanian jurisdiction are administered through the provisions of the Tasmanian <i>Living Marine Resources Management Act 1995</i> and its subordinate legislation. The Fisheries (Abalone) Rules 2009 (Abalone Rules) is the overarching legislation for the fishery. Information on the fishery is available on the Department of Primary Industries, Parks, Water and Environment (DPIPWE) website (see web link above). The website contains information regarding the policy framework for the management of all Tasmanian fisheries.			
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	Meets. The development of and changes to a management regime must be released for public consultation with all stakeholders and the wider public.			
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	Meets. Advisory committees are formed under state legislation to provide advice to the Tasmanian Minister on the management of Tasmanian fisheries, including considerations of stock viability. To ensure a range of expertise and community interests are represented, advisory committees include expertise from the recreational fishery, fishery management, police, scientists and the broader community. Industry representatives are also provided membership to the relevant advisory committee to ensure appropriate representation and consultative processes. The commercial sector is also represented by the Tasmanian Abalone Council.			
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	Partially meets. DPIPWE is currently developing a harvest strategy based on the findings of recent research. The proposed harvest strategy will outline the targets for the fishery and the management measures to achieve those targets. There are no formal performance indicators as the fishery is in the process of transferring to a harvest strategy supported by the use of a multi-criterion decision analysis (MCDA) tool. The strategy will use a stock model to estimate how changes in the total allowable commercial catch (TACC) and minimum size limits will impact on the stock biomass.			

Be capable of controlling the level of harvest in the fishery using input and/or output controls	<p>Meets.</p> <p>Management measures include the following input and output controls:</p> <ul style="list-style-type: none"> • annual total allowable commercial catch (TACC) limits • limited entry (a maximum of 125 dive licences) • six management zones (five blacklip zones and one greenlip zone), each with an individual TACC • minimum size limits for each management zone • mandatory possession of an abalone measuring tool • mandated GPS and depth loggers • area closures, and • monthly reporting requirements.
Contain the means of enforcing critical aspects of the management arrangements	<p>Meets.</p> <p>The Abalone Rules contain penalties that can be imposed by the Court if an offence is proven. Also, infringement notices include mandated penalties, which can be issued at the discretion of a fisheries officer. Enforcement of these rules is undertaken by Tasmania Police, who are authorised fishery officers under state legislation.</p>
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	<p>Meets.</p> <p>All fishery management plans and rules are subject to periodic formal review—generally every ten years. However, if issues arise then more specific reviews can be undertaken if statutory management changes are required. Stock assessment and TACC are reviewed annually.</p>
Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates	<p>Meets.</p> <p>Given the highly selective nature of the fishing method (hand collection), interactions with threatened, endangered or protected species are unlikely for this fishery. Available information suggests that the management arrangements are sufficient to mitigate any adverse impacts on the wider marine ecosystem.</p>
Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy	<p>Not applicable.</p> <p>There are no relevant plans or strategies relating to threat abatement, recovery or bycatch with which the fishery is required to be compliant. Bycatch in this fishery is negligible due to the selective fishing method used, i.e. hand collection.</p>
<p>PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.</p>	
<p>Objective 1 - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.</p>	
<p>Information requirements</p>	

<p>1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.</p>	<p>Meets.</p> <p>Mandatory logbooks (Diver's Docket Book) are used to record dates, locations (fishing block), catches, dive times and depths. There is no observer coverage, however a rigorous catch management and reporting system is in place. This system involves reporting requirements from the time before a diver goes to sea, through the process of transfer to a processor, and until the processor dispatches the processed product. This allows the tracking of abalone and verification of data by cross referencing reports at different stages in the system. Furthermore, global positioning systems (GPS) and depth loggers were made mandatory throughout the fishery from 2012. The use of GPS and depth loggers provide reliable effort data along with information on area dived, number of drops, and time at depth.</p>
<p>Assessment</p>	
<p>1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.</p>	<p>Meets.</p> <p>The fishery is formally assessed annually through the preparation of a fishery assessment report. The assessment is undertaken by abalone research scientists at the Institute for Marine and Antarctic Studies (IMAS), in consultation with the stock assessment sub-committee. This assessment includes the use of the MCDA tool and forms the basis for setting the TACC for the coming year. The introduction of mandatory GPS and depth loggers has improved the data that is collected, allowing for fine-scale monitoring of fishing activity.</p>
<p>1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p>Meets.</p> <p>Yes, the distribution and the population parameters of the target species are well documented. Zones have been developed to allow greater precision in the management of the stock and to disperse fishing pressure over a greater area.</p>
<p>1.1.4 There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.</p>	<p>Meets.</p> <p>The commercial and recreational harvest of abalone is factored into local stock assessments and target species catch levels. Abalone is caught in Tasmanian waters as part of cultural fishing activities by Indigenous people. This catch is not quantified but is believed to be negligible. Catch is also taken under permits for special events and research purposes. In 2014, the catch under permit totalled less than five tonne. Illegal fishing is known to occur but no estimates of this catch are available.</p>
<p>1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.</p>	<p>Partially meets.</p> <p>No comprehensive stock assessment exists for abalone. The MCDA tool and stock model is used to estimate the productivity of the fishery. The model is based on the historic catch and is used to set the TACC and minimum size limits each year. However, the fishery has a long history of exploitation in Tasmania. Commercial fishing has occurred since the 1960s, providing a reliable estimate of the productivity of the fishery.</p>
<p>Management responses</p>	
<p>1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line</p>	<p>Meets.</p> <p>The fishery is quota managed with the TACC based on an annual assessment produced by research scientists at IMAS.</p>

and/or a catch or effort upper limit beyond which the stock should not be taken.	
1.1.7 There are management strategies in place capable of controlling the level of take.	Meets. Management controls include limited entry, size limits, area closures and TACC limits.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	Not applicable. There are no concerns for byproduct species identified in the fishery as only Greenlip and Blacklip Abalone are permitted to be taken and the fishing gear used for the target species is highly selective, i.e. hand collection.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets. The capability of the management strategy to constrain the harvest of abalone to within sustainable levels is high.
If overfished, go to Objective 2:	
If not overfished, go to PRINCIPLE 2:	
Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
Management responses	
1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.	Partially meets. There has been a general decline in catch per unit effort (CPUE) over the past 14 years in most fishery management zones, reflecting the historically high TACC set. CPUE is continuing to decline in most fishery management zones despite reductions in the TACC, and the rate of decline is increasing. This indicates that stocks are likely to become recruitment overfished at the current level of fishing mortality. Three of the five Blacklip Abalone zones are classed as 'transitional-depleting' in the Status of Key Australian Fish Stocks 2014 report (FRDC 2014). One zone is already classed as recruitment overfished, although there has been some recovery in the last two years due to a reduction in fishing pressure. DPIPWE is currently developing a harvest strategy that will recover stocks to target levels. The MCDA tool and stock model will allow managers to set the annual TACC and size limits at levels that will help to rebuild stocks to sustainable levels within an appropriate timeframe.
1.2.2 If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.	Partially meets. The main management response to recover stocks identified as a concern is to reduce the TACC and increase the minimum size limit. The fishery is divided into management zones and the TACC and minimum size limit is set for each zone before the start of the fishing season. The management regime has the potential to reduce fishing pressure and allow stocks to rebuild if the TACC and size limits are set at sustainable levels.

PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.	
Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.	
Information requirements	
2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.	Not applicable. Bycatch is considered minimal due to the selective nature of harvest, i.e. hand collection.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Not applicable. As per 2.1.1
Management responses	
2.1.3 Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	Not applicable. As per 2.1.1
2.1.4 An indicator group of bycatch species is monitored.	Not applicable. As per 2.1.1
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Not applicable. As per 2.1.1
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Not applicable. As per 2.1.1
Objective 2 - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
Information requirements	
2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.	Not applicable. Considered nil. At present, there has been no reported interaction between the fishery and any protected species.

Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Not applicable. As per 2.2.1
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Not applicable. As per 2.2.1
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Not applicable. As per 2.2.1
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	Not applicable. As per 2.2.1
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Not applicable. As per 2.2.1
Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.	Meets. As a hand collection fishery, interactions with the marine environment are limited. Any impact would generally result from the removal of the target species from the ecosystem. Information from scientific research indicates that species of abalone are not keystone species and their harvest within sustainable levels would have a minimal impact on the wider marine ecosystem.
Assessment	
2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery: 1. Impacts on ecological communities <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species 	Partially meets. While an analysis of risks has not been completed for the fishery, the selective fishing gear and method used (i.e. hand collection by diving) has a minimal impact on the ecosystem and environment in which it is deployed. The current level of harvest may impact on the composition of species in other functional groups and disrupt the function of the respective food chains. Such impacts are mitigated through management measures that ensure abalone stocks are maintained at sustainable levels and prevent a significant and unsustainable portion of the abalone population being removed. However, quantifying the risk of such impacts, through an ecological risk assessment (ERA), would provide a more comprehensive analysis of the fishery's effects on the wider ecosystem.

<ul style="list-style-type: none"> • Water column communities <p>2. Impacts on food chains</p> <ul style="list-style-type: none"> • Structure • Productivity/flows <p>3. Impacts on the physical environment</p> <ul style="list-style-type: none"> • Physical habitat • Water quality. 	
Management responses	
2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.	<p>Meets.</p> <p>The Department considers that the range of management measures in place, including minimum size limits, annual TACC, limited entry, and area closures, is sufficient to ensure minimal impact on the ecosystem.</p>
2.3.4 There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.	<p>Not applicable.</p> <p>No such triggers or rules considered necessary.</p>
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<p>Not applicable.</p> <p>No response necessary.</p>

SECTION 3: ASSESSMENT OF THE TASMANIAN ABALONE FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a checklist of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13 and Part 13A.

Part 12

	Meets	Partially meets	Does not meet	Comment
Section 176 Bioregional Plans				
(5) Minister must have regard to relevant bioregional plans	Not applicable. There is no fishing activity within areas covered by a bioregional plan.			

Part 13

	Meets	Partially meets	Does not meet	Comment
Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)				
<p>s. 208A (1) (a-e) , s.222A (1) (a-e), s.245A (1) (a-e), s.265 (1) (a-e)</p> <p>Does the fishery have an accreditable plan of management, regime or policy?</p>	<p>Meets.</p> <p>The Tasmanian Abalone Fishery is managed under the Fisheries (Abalone) Rules 2009 and the Tasmanian <i>Living Marine Resources Management Act 1995</i>.</p>			
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes				
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?</p>	<p>Meets.</p> <p>The Department considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of protected species, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a listed threatened species protected by the EPBC Act.</p>			
<p>(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species.</p>	<p>Meets.</p> <p>The Department considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species.</p>			
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes				
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed</p>	<p>Meets.</p>			

migratory species are not killed or injured as a result of the fishing?	The Department considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of migratory species, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a listed migratory species protected by the EPBC Act.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	Meets. The Department considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a listed migratory species or population of that species.
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Meets. The Department considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of whales and other cetaceans, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a whale or other cetacean species protected by the EPBC Act.
(g) And is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	Meets. The Department considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a whale or other cetacean or population of that species.
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	Meets. The Department considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of listed marine species, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a listed marine species protected by the EPBC Act.
(g) And is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	Meets. The Department considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a listed marine species or population of that species.
Section 303AA Conditions relating to accreditation of plans, regimes and policies	
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	Meets. The Department recommends that the Tasmanian Abalone Fishery be accredited under sections 208A, 222A, 245 and 265.
(2) The Minister may accredit a plan, regime or policy under that section	Meets. No condition has been imposed on the Tasmanian Abalone Fishery under Part 13.

<p>even though he or she considers that the plan, regime or policy should be accredited only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(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>	
<p>(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.</p>	<p>Not applicable.</p>

Part 13A

Section 303BA Objects of Part 13A				
<p>(1) The objects of this Part are as follows:</p> <p>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;</p> <p>(b) to protect wildlife that may be adversely affected by trade;</p> <p>(c) to promote the conservation of biodiversity in Australia and other countries;</p> <p>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;</p> <p>(e) to promote the humane treatment of wildlife;</p> <p>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</p> <p>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.</p>				
	Meets	Partially meets	Does not meet	Comment
Section 303DC Minister may amend list (non CITES species)				
<p>(1) The Minister may amend the LENS by:</p> <p>(a) doing any of the following:</p> <p>(i) including items in the list;</p> <p>(ii) deleting items from the list;</p>	<p>The Department recommends that specimens that are or are derived from fish or invertebrates, taken in the Tasmanian Abalone Fishery as defined in the management regime in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i>, but not including</p> <ul style="list-style-type: none"> specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or 			

<p>(iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject;</p> <p>(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject</p>	<ul style="list-style-type: none"> specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list) be included in the list of exempt native specimens until 25 July 2026.
<p>(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div 1 Or 2 assessment</p>	<p>Not applicable.</p> <p>No assessment under Part 10 of the EPBC Act has been completed as the Tasmanian Abalone Fishery is not a Commonwealth fishery.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets.</p> <p>The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A as:</p> <ul style="list-style-type: none"> the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way, and the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next ten years.
<p>(3) Before amending LENS, Minister must consult:</p> <p>(a) other Minister or Ministers as appropriate; and</p> <p>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and</p> <p>(c) other persons and organisations as appropriate.</p>	<p>Partially meets.</p> <p>General consultation with the (TAS) Minister for Fisheries in October 2014 (MS14-002367).</p>

Part 16

	Meets	Partially meets	Does not meet	Comment
Section 391 Minister must consider precautionary principle in making decisions				
(1) Minister must take account of precautionary principle	Precautionary management measures in place			

<p>(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.</p>	<p>The precautionary principle has been considered by the Department when making its recommendation to the delegate to include specimens in the list of exempt native specimens.</p>
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