



Australian Government

Department of the Environment and Energy

Assessment of the
Tasmanian Abalone Fishery
for the Purposes of Part 13 of the EPBC Act

July 2018

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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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ASSESSMENT OF THE TASMANIAN ABALONE FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

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

Part 13

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	Meets Yes, there is an accreditable management regime. The Tasmanian Abalone Fishery is managed under the Living Marine Resources Management Act 1995 (TAS) and the Fisheries (Abalone) Rules 2017 (TAS).
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Meets Yes, there are specific measures in place to mitigate the risk to members of listed threatened species (other than conservation dependent species), which has been demonstrated to be effective. Given the legislation in force in Tasmania, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of members of listed threatened species.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?	Meets No, there were no interactions reported in the Department's most recent assessment under the EPBC Act in July 2016.
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	Meets Yes, there are specific measures in place to mitigate the risk to members of listed migratory species, which has been demonstrated to be effective. Given the legislation in force in Tasmania, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of members of listed migratory species or a population of that species.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	Meets No, there were no interactions reported in the Department's most recent assessment under the EPBC Act in July 2016.
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	Comment

(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Meets Yes, there are specific measures in place to mitigate the risk to species of cetaceans, which has been demonstrated to be effective. Given the legislation in force in Tasmania, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of cetaceans and the capture of any cetaceans would be incidental to and not the purpose of the operation of the fishery.
(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	Meets No, there were no interactions reported in the Department's most recent assessment under the EPBC Act in July 2016.
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	Meets Yes, the management regime requires fishers to take all reasonable steps to minimise the impact on members of listed marine species.
(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	Meets No, there were no interactions reported in the Department's most recent assessment under the EPBC Act in July 2016. Therefore, the Department considers the current operation of the fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species.
Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The Department recommends that the management regime for the 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 even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	The Department considers that no conditions are required for the accreditation of the management regime for the Tasmanian Abalone Fishery under Part 13 of the EPBC Act.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	Not applicable.