



Australian Government

Department of the Environment and Energy

Assessment of the
Torres Strait Finfish Fishery

December 2017

CONTENTS

Executive Summary of the assessment of the Torres Strait Finfish Fishery.....	3
Section 1: Assessment summary of the Torres Strait Finfish Fishery against the Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition), consistent with the EPBC Act.	4
Section 2: Detailed analysis of Torres Strait Finfish Fishery against the Guidelines for the Ecologically Sustainable Management of Fisheries (2 nd Edition).....	6
Section 3: Assessment of the Torres Strait Finfish Fishery against the requirements of Parts 12, 13 (13a) And 16 of the EPBC Act.....	144
Section 4: Torres Strait Finfish Fishery – Summary of issues requiring conditions, December, 2017	20
References	23

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This report should be attributed as '*Assessment of the Torres Strait Finfish Fishery December 2017*, Commonwealth of Australia 2017'.

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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EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE TORRES STRAIT FINFISH FISHERY

On 13 April 2017 the Australian Fisheries Management Authority (AFMA) submitted an application for Torres Strait Finfish Fishery to the Department of Environment and Energy for assessment under the EPBC Act as a wildlife trade operation.

The Department of the Environment and Energy assessed this application against the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'. Public consultation was undertaken on the application between 26 April and 31 May 2017. No comments were received.

The fishery is managed by the Protected Zone Joint Authority in accordance with the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations 1985*. The harvest is controlled through input and output controls including a conservative total allowable catch limit for Spanish mackerel and coral trout. Target stocks are managed using a precautionary approach, including a nominal total allowable catch limit. Due to the current low effort compared to historical catches in the fishery, the status of Spanish mackerel and coral trout is not considered overfished.

A number of measures are being implemented in the fishery including mandatory catch reporting, including a legislative amendment process to begin in 2018, and licenced fish receivers with mandatory catch disposal records implemented 1 December 2017.

Although no environmental risk assessment for the fishery has been undertaken, given the use of selective low impact fishing gear, and no reported protected species interactions, precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery.

The fishery is unlikely to have an unsustainable ecological impact during the period of the proposed approval (three years). The Department has proposed conditions, specified in Section 4 of this assessment, to ensure risks are managed.

The Department recommends that, subject to the conditions specified in Section 4 of this report Torres Strait Finfish Fishery be declared an approved Wildlife Trade Operation for a period of three years until 18 December 2020. Product derived from the fishery should be included on the List of Exempt Native Specimens while a declaration for an approved wildlife trade operation is in place.

Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade operation declaration for the fishery.

SECTION 1: ASSESSMENT SUMMARY OF THE TORRES STRAIT FINFISH FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION), CONSISTENT WITH THE EPBC ACT.

	Meets	Partially meets	Does not meet	Details
Guidelines				
Management regime	9 of 9	0 of 9	0 of 9	Management regime is appropriate for the scale of the fishery.
Principle 1 (target stocks)	3 of 11 & 2 N/A	6 of 11	0 of 11	Target stocks managed using a precautionary approach in the absence of a harvest strategy. There is no recent stock assessment for the reef line sector.
Principle 2 (bycatch and TEPS)	4 of 12 & 5 N/A	2 of 12	1 of 12	Bycatch is of low concern due to gear type used. No reported TEP interactions to date. An ecological risk assessment has not been conducted for the fishery.
Principle 2 (ecosystem impacts)	1 of 5	4 of 5		Ecosystem impacts of low concern due to gear used in the fishery. No ecological risk assessment has been conducted for this fishery.
EPBC requirements				
Part 12				There are no Marine Bioregional Plans applicable to the area of the Torres Strait.
Part 13	Meets			No reported TEP interactions
Part 13A	Meets			The fishery is consistent with the Objects of Part 13A. Declaration of the fishery as a Wildlife Trade Operation for three years, until 18 December 2020 is recommended, subject to conditions detailed in Section 4 of this report.
Part 16	Meets			Fishery is managed in a precautionary manner.

Assessment history:

1st assessment finalised 2005 – WTO 10 recommendations.

2nd assessment finalised 2008 – WTO with 3 conditions and 4 recommendations

3rd assessment finalised 2013 – WTO with 3 conditions and 2 recommendations

Fishery reporting:

Annual report – PZJA Annual Report 2011–2014: http://pzja.gov.au/wp-content/uploads/2016/02/8125-AFMA-PZJA-Annual-Report-20112014_Accessible-updated.pdf

ABARES Fishery Status Report 2017:

http://data.daff.gov.au/data/warehouse/9aam/fsrXXd9abm_/fsr17d9abm_20170929/16_FishStatus2017TorresStraitFinfish_1.0.0.pdf

Key links:

Fishery information page on agency website – Information on the TSSMF and TSRLF can be found on the Protected Zone Joint Authority (PZJA) website: <http://pzja.gov.au/the-fisheries/torres-strait-spanish-mackerel-fishery/> and <http://pzja.gov.au/the-fisheries/torres-strait-finish-reef-line-fishery/>

Management plan – Torres Strait Finfish Fishery Management Plan 2013 <https://www.legislation.gov.au/Details/F2013L01394>

Enforcing legislation – *Torres Strait Fisheries Act 1984* <https://www.legislation.gov.au/Details/C2016C00677>; Torres Strait Fisheries Regulations 1985.

Harvest strategy or document that articulates control rules – A harvest strategy is being developed for the fishery.

Ecological Risk Assessment – no ERA for the fishery.

Publicly available stock assessment – last stock assessment for the Spanish mackerel stock occurred in 2006 and updated in 2016. A stock assessment for coral trout, the main target species of the Reef Line sector has not been undertaken.

SECTION 2: DETAILED ANALYSIS OF TORRES STRAIT FINFISH FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition)	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	<p>Meets</p> <p>All relevant management documents including legislation, regulation, management plan, and fishery resources reports are publicly available.</p> <p>The <i>Torres Strait Fisheries Act 1984</i> (TSF Act) provides for the Protected Zone Joint Authority to make plans or policies for the management of fisheries in the Torres Strait. The Torres Strait Finfish Fishery (TSFF) is managed under the TSF Act, the Torres Strait Fisheries Regulations 1985 and the Torres Strait Finfish Fishery Management Plan 2013.</p> <p>AFMA has committed to review the PZJA website in 2018.</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	<p>Meets</p> <p>The fishery management arrangements are prepared through consultation with the Finfish Working Group and the Finfish Quota Management Committee (FQMC) as well as representations received from outside of the consultative forums. It is not clear if the general public can provide input to development of the management regime.</p> <p>Meeting agendas are released on website prior to the meeting and meetings open to public.</p>
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	<p>Meets</p> <p>A range of expertise is considered through Traditional Inhabitant industry representatives, non-traditional inhabitant industry and government representatives which actively participate in the development of management arrangements and make recommendations to the Protected Zone Joint Authority (PZJA). The PZJA also consults more widely to incorporate relevant issues for the fishery when making management decisions.</p> <p>The Torres Strait Finfish Resource Assessment Group (TSFFRAG) provides scientific advice on the fishery.</p>
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	<p>Meets</p> <p>The TSFF is managed in accordance with the objectives specified in the TSF Act, as implemented through the management plan. The performance of the fishery is reported in the PZJA annual report and measured against performance criteria.</p>

Be capable of controlling the level of harvest in the fishery using input and/or output controls	<p>Meets Controls have the capacity to limit harvest. While the number of non-traditional (TVH) licenses is limited, the number of traditional inhabitant (TIB) licenses is unlimited.</p> <p><u>Input controls</u> Limited entry (TIB entries in Spanish mackerel - 143 in 2015-16, TIB entries in Reef Line sector - 123 in 2015-16; sunset permits 7) gear restrictions (Spanish mackerel – trolling, handlining, droplining; reef line sector – handlines, bait net (defined in TS Fisheries Management Instrument no. 8) vessel restrictions (no longer than 20 m) prohibited species</p> <p><u>Output controls</u> Size limits Amount of leased quota 125 t total allowable catch (TAC) for the Spanish mackerel sector and 135 t TAC for coral trout in the Reef Line sector for 2017–18 season.</p>
Contain the means of enforcing critical aspects of the management arrangements	<p>Meets Compliance in the TSFF is difficult to determine as fishing occurs in remotes areas from boats spread over a vast area. VMS is required on all licenced vessels and required to be operational at all times. The current compliance program is restricted by cost. No observer program is current for the TSFF. Queensland Boating and Fisheries Patrol (QB&FP) enforcement officers check for compliance and regulations. No breaches of regulations reported in the TSFF in 2015.</p>
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	<p>Meets Performance reviews occur annually through the PZJA annual report and relevant accreditation processes.</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 The fishery is capable of effectively managing impacts on the marine environment through area closures, input controls on gear and vessels, and no take species. Research is being undertaken on improving data collection from the TIB sector, a review of the status of Spanish mackerel and monitoring the traditional take of finfish species.</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>Meets Application of the Commonwealth Harvest Strategy Policy and Commonwealth Fisheries Bycatch Policy to the fishery is to be determined. The PZJA has requested advice from its management forums on the application of the Commonwealth Harvest Strategy Policy to Torres Strait fisheries. AFMA is developing a harvest strategy for the fishery consistent with the Commonwealth Harvest Strategy Policy.</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.	
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.	
Information requirements	
<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>Partially meets</p> <p>Majority of catch occurs from non-TIB fishers (maximum seven licenses) that operate by leasing a quota under a temporary licence. These fishers report catch to AFMA via Torres Strait Finfish Daily Log.</p> <p>The level of TIB fishing tends to be small scale and primarily traditional fishing. There are low levels of take reported through the Torres Strait Seafood Buyers and Process Docket Book sheets. There is voluntary reporting of catch for the TIB sector. No independent observer coverage operates in the TSFF.</p> <p>Level of harvest within the recreational and traditional sector (non-commercial) is unknown. A CSIRO research project is in progress to update the existing estimate of catches of commercial species taken for subsistence purposes (traditional take).</p> <p>No illegal harvest reported for 2015–16.</p> <p>Interactions with protected species are reported by the TVH sector to AFMA, but there is no provision for TIB sector to report interactions.</p> <p>A number of measures are being implemented including mandatory catch reporting (legislative amendment process to begin in 2018) and licenced fish receivers (mandatory catch disposal records, from 1 December 2017).</p> <p>Stock assessments have been undertaken in the past but do not consider non-commercial harvest (Williams et al. 2007; O'Neill and Tobin 2016).</p>
Assessment	
<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>Partially meets</p> <p><u>Spanish mackerel</u></p> <p>Last formal stock assessment for Spanish mackerel in Torres Strait was published in 2016 (O'Neill and Tobin 2016) and provides an update to the first assessment published in 2006 (Begg et al., 2006).</p> <p>In 2006, a Management Strategy Evaluation (MSE) formed part of the assessment examined effects of various catch levels on the stock over a 20 year projection (until 2023). No formal limit reference points or targets are set for the fishery, however assessment scenarios have not identified any constant-catch scenarios falling below the biomass limit (proxy 20 per cent of unfished biomass as per Harvest Strategy Policy). AFMA is developing a harvest strategy for this fishery.</p> <p>Recent catches since 2007–08 have been below both the base case estimate (169t) and lower-risk estimate (150t) of Maximum Sustainable Yield (MSY).</p> <p><u>Coral trout</u></p> <p>No formal stock assessment of coral trout in the Reef Line sector has been undertaken. A MSE has been undertaken for the stock (William et al. 2007, 2011). The MSE examined four constant catch scenarios. The outcomes indicated the current management arrangements were predicted to maintain coral trout stocks above 40 per cent of available virgin biomass.</p>

<p>1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p>Partially meets</p> <p>An acoustic survey has been completed and a stock assessment has been undertaken for Spanish mackerel. The RAG has identified areas for further research which will inform management.</p> <p>Spanish mackerel is thought to comprise a separate biological stock from stocks on the east coast and further west (Begg et al 2006, Buckworth et al 2007). The biological stock structure of coral trout species in the Torres Strait remains uncertain.</p> <p>Spanish mackerel linkage with adjacent fisheries has been identified as a research priority but is not yet scheduled for completion.</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>Partially meets</p> <p>Mandatory catch data is provided by non-TIB fishers (sunset licence holders) to AFMA using AFMA approved daily fishing logbooks which accounts for the majority of catch and effort in the fishery. However, catch estimates from the TIB sector are taken from voluntary reports by fish receivers using a docket book system. Mandatory catch disposal records, implemented on 1 December 2017 will provide improved estimates of removals by TIB fishers.</p> <p>The level of harvest within the recreational and traditional fishing sectors is unknown. The RAG has considered the available data and considers that the catches are likely to be minimal. There has been no illegal harvest reported for 2015–16.</p> <p>Catch limits consider available TIB and non-TIB sector (sunset licence holders) catch estimates, The Spanish mackerel TAC is set at a level to account for subsistence take.</p> <p>There has been no stock assessment for the Reef Line sector. AFMA has advised that assessment of the Reef Line sector is a priority, to obtain more reliable estimates of productivity.</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>Spanish mackerel – estimates of potential productivity for Spanish mackerel is based on stock assessments and review of catch logs since last stock assessment which occurred in 2016 based on data up until 2014. Precautionary estimate of TIB catch is included in the assessment.</p> <p>There is the potential for hyperstability in the catch rates for Spanish mackerel in the Torres Strait which remains a concern (Patterson et al. 2017). Hyperstability is where the catch rate is maintained while underlying abundance declines. The collection of finer scale spatial and temporal data has been recommended by Begg et al. (2006) to improve standardisation of catch rates and provide a more robust index of abundance but this has not occurred. The issue of hyperstability will be investigated by the RAG during the 2018 assessment update.</p> <p>Coral trout – estimates of potential productivity for coral trout is based on MSE (Williams et al. 2007) and a comparison of the 2014–15 catch with historical catch records. Changes in the management arrangements since the MSE was completed may have diminished the relevance of the results and a formal stock assessment is recommended to estimate the current level of relative biomass (Patterson et al 2017).</p>

Management responses	
<p>1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.</p>	<p>Partially meets</p> <p>Spanish mackerel – no formal limit reference points or targets set for the fishery but a proxy of 20 per cent unfished biomass is used as a Limit Reference Point. The stock assessment and management strategy evaluation have been used as a basis to set biologically relevant reference points.</p> <p>The management strategy evaluation estimated the maximum sustainable yield for Spanish mackerel in the Torres Strait as 169 tonnes. Until the harvest strategy is finalised, the interim recommended biological catch is set at 60 per cent of the unfished biomass (rather than a 40 per cent proxy). The 2016 assessment update provided a 125 tonne recommended biological catch which is used for Total Allowable Catch setting and is allocated to sunset licence holders at the start of each season. For the TIB sector there is no catch limit, however, catch from this sector is relatively low.</p> <p>Coral trout – no formal limit reference points or targets set for the fishery.</p> <p>Total allowable catch is set at 135 t for coral trout and is allocated to licences at the start of each season. Limits have not yet been set for other Reef Line sector species.</p> <p>In November 2015, the Torres Strait Scientific Advisory Committee invited expressions of interest in the development of a Harvest Strategy for the TSFF. The harvest strategy is in development and will consider all target species in the Reef Line and Spanish mackerel sectors.</p>
<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets</p> <p>Input controls (limited entry, gear restrictions and vessel restrictions; output controls (size limits, amount of leased quota, TAC for commercial sector for Spanish mackerel and coral trout).</p> <p>A number of measures are being implemented including mandatory catch reporting (legislative amendment process to begin in 2018) and licenced fish receivers (mandatory catch disposal records from 1 December 2017).</p>
<p>1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p>Meets</p> <p>A range of non-target finfish species are taken and sold as 'reef fish'. Logbooks are being updated to facilitate better reporting of these non-target species in the Reef Line sector.</p> <p>The Torres Strait Finfish Fishery Management Plan 2013 requires harvest levels to be set at or below levels that maintain biologically viable stocks of target and non-target species, following consultation with the Torres Strait Fisheries Management Advisory Committee and other stakeholders (Patterson et al. 2017).</p>
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
<p>1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Meets</p> <p>Considered likely to meet objective.</p>
<p>If overfished, go to Objective 2:</p> <p>If not overfished, go to PRINCIPLE 2:</p>	

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.	Not applicable Target species not considered overfished or subject to overfishing.
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.	Not applicable Target species not considered overfished or subject to overfishing.
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.	Partially Meets Due to the TSFF being restricted to fishing with hand lines rigged with a single hook and the small scale of the fishery, all bycatch is returned to the water alive. There is no provision in the Torres Strait Finfish Daily Fishing Log to record this catch. Observation of fishing practices in Torres Strait indicates that between 40 and 45 per cent of total catch are released (Williams et al. 2007). The non-TIB fishers (sunset licences) are required to report all interactions with threatened, endangered or protected species (TEPs) using AFMA approved logbooks. There is no provision for reporting by the TIB sector.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Not applicable
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.	Meets The TSFF is restricted to fishing with hand lines rigged with a single hook. This allows bycatch to be returned to the water alive. Observation of fishing practices in Torres Strait indicates that between 40 and 45 per cent of total catch are released (Williams et al. 2007). Survival rates for released reef fish are considered to be high, ranging from between 40 and 100 per cent depending on species (http://frdc.com.au/research/final-reports/Pages/2003-019-DLD.aspx) The highly selective fishing methods used, and the low level of exploitation results in very low levels of interaction with bycatch species.

2.1.4 An indicator group of bycatch species is monitored.	Not applicable Majority or catch retained as target or byproduct.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Not applicable Majority or catch retained as target or byproduct.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets This fishery is unlikely to threaten the sustainability of bycatch species.
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.	Partially meets The non-TIB fishers (sunset licences) are required to report all interactions with threatened, endangered or protected species (TEPs) using AFMA approved logbooks. There is no provision for reporting by the TIB sector. There have been no reported interactions with TEPs in this fishery to date. AFMA are seeking to make catch reporting mandatory for target and TEP species in the TIB sector.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Does not meet No ecological risk assessment has been undertaken for the fishery. AFMA expect to undertake an assessment in 2018–2019. The selectivity of the gear used in the Spanish mackerel and Reef Line sectors means the likelihood of interactions between protected species and the fishery is low. There have been no reported interactions with protected species in this fishery to date.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Not applicable No threatened ecological communities identified within the area of the fishery.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Meets Due to the non-destructive nature of fishing methods employed in the fishery, interactions with protected species is highly unlikely.
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	Not applicable No threatened ecological communities identified within the area of the fishery.
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets This fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species.
Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	

<p>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.</p>	<p>Partially meets Information is sufficient to understand impact on target and byproduct species but no research has been undertaken to determine broader ecosystem impacts. AFMA expects to complete an ecological risk assessment, including habitats and communities, in 2018–2019.</p>
<p>Assessment</p>	
<p>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.</p> <ol style="list-style-type: none"> 1. Impacts on ecological communities <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities 2. Impacts on food chains <ul style="list-style-type: none"> • Structure • Productivity/flows 3. Impacts on the physical environment <ul style="list-style-type: none"> • Physical habitat • Water quality 	<p>Partially meets An ecological risk assessment has not been undertaken for the fishery. Due to the scale and nature of the fishery, the likelihood of adverse impacts on habitats and ecosystems is likely to be low. AFMA expects to complete an ecological risk assessment for this fishery in 2018–2019.</p>
<p>Management responses</p>	
<p>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>	<p>Partially meets An ecological risk assessment has not been undertaken for the fishery. Due to the scale and nature of the fishery, the likelihood of adverse impacts on habitats and ecosystems is likely to be low. AFMA expects to complete an ecological risk assessment for this fishery in 2018–2019.</p>
<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>	<p>Partially meets An ecological risk assessment has not been undertaken for the fishery. Due to the scale and nature of the fishery, the likelihood of adverse impacts on habitats and ecosystems is likely to be low. AFMA expects to complete an ecological risk assessment for this fishery in 2018–2019.</p>
<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>	<p>Meets Based on the scale and nature of the fishery, the management response is considered likely to meet the objective.</p>

SECTION 3: ASSESSMENT OF THE TORRES STRAIT FINFISH FISHERY AGAINST THE REQUIREMENTS OF PARTS 12, 13 (13A) AND 16 OF THE EPBC ACT

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

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	Not applicable There is no marine bioregional plan for the Torres Strait.

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.245A (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	Yes There is an accreditable management regime. The Torres Strait Finfish Fishery Management Plan was last accredited in 2013.
Division 1 Listed threatened species, Section 208A 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 threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Yes The Torres Strait Finfish Fishery will be managed under the Torres Strait Finfish Fishery Management Plan 2013, in force under the <i>Torres Strait Fisheries Act 1984</i> . The Torres Strait Finfish Fishery Management Plan 2013 was accredited under section 208A of the EPBC Act in July 2013. The Department acknowledges that the licence conditions of the management plan require fishers to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species.	No No interactions reported in 2016.
Division 2 Migratory species, Section 222A 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 migratory species are not killed or injured as a result of the fishing?	Yes The Torres Strait Finfish Fishery Management Plan was last accredited in 2013. Since this time, management arrangements relating to mitigating the impact of fishing on listed migratory species have not significantly changed and continue to require fishers to take all reasonable steps to ensure that members of listed migratory are not killed or injured as a result of fishing.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	No No interactions reported in 2016.

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?	Yes Management arrangements require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of fishing.
(g) And is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	No There were no interactions reported in 2016.
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?	Yes Management arrangements require fishers to take all reasonable steps to ensure that marine listed species are not killed or injured as a result of fishing.
(g) And is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	No No interactions reported in 2016.
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.	Accreditation under sections 208A, 222A, 245 and 265 is recommended .
(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.	No conditions required
(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

Part 13A

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <ul style="list-style-type: none"> (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. 	
Section 303DC Minister may amend list (non CITES species)	Comment
<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <ul style="list-style-type: none"> (a) doing any of the following: <ul style="list-style-type: none"> (i) including items in the list; (ii) deleting items from the list; (iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (b) correcting an inaccuracy or updating the name of a species. 	<p>The Department recommends that specimens derived from species harvested in the Torres Strait Finfish Fishery, other than specimens that belong to species listed under Part 13 of the EPBC Act, be included in the list of exempt native specimens while the Torres Strait Finfish Fishery is subject to a declaration as an approved wildlife trade operation.</p>
<p>(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div 1 or 2 assessment</p>	<p>The Torres Strait Finfish Fishery was assessed under Part 10 of the EPBC Act in July, 2012. As a result of the assessment, the Department considered that actions taken in the fishery would not have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area. Consequently, the Torres Strait Fishery Management Plan 2012 was accredited under section 33 of the EPBC Act.</p> <p>The Torres Strait Finfish Management plan was last updated in 2013.</p> <p>The Department recommends that the LENS is amended under section 303DC(1)(a) to include product derived from the Torres Strait Finfish Fishery while the specimens are covered by an approved wildlife trade operation declaration under section 303FN.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets</p> <p>The Torres Strait Finfish Fishery is consistent with Objects of 13A – see assessment above.</p>
<p>(3) Before amending LENS, Minister must consult:</p> <ul style="list-style-type: none"> (a) other Minister or Ministers as appropriate; and (b) other Minister or Ministers of each State and self-governing Territory as appropriate; and (c) other persons and organisations as appropriate. 	<p>Meets</p> <p>The submission for assessment was available on the Department's website from 26 April 2017 to 31 May 2017, a total of 26 business days. No comments were received.</p>

Section 303FN Approved wildlife trade operation	
(2) The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an approved wildlife trade operation for the purposes of this section.	
(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that: (a) the operation is consistent with the objects of Part 13A of the Act; and	Meets The Torres Strait Finfish Fishery is consistent with Objects of 13A.
(b) the operation will not be detrimental to: i. the survival of a taxon to which the operation relates; or ii. the conservation status of a taxon to which the operation relates; and (ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and	Meets The fishery will not be detrimental to the survival or conservation status of a taxon to which it relates, nor will it threaten any relevant ecosystem, within the next three years, given the management measures currently in place, which include limited entry, vessel restrictions, prohibited species size limits and amount of leased quota.
(c) if the operation relates to the taking of live specimens that 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	Not applicable The Environment Protection and Biodiversity Conservation Regulations 2000 do not specify crustacea or fish as a class of animal in relation to the welfare of live specimens.
(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.	Not applicable No other conditions are specified in relation to commercial fisheries in the Environment Protection and Biodiversity Conservation Regulations 2000.
(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to: (a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and	Meets The Torres Strait Finfish Fishery will not have a significant impact on any relevant ecosystem within the next 3 years, given the management measures currently in place, which include the arrangements described above at s303FN 3(b).
(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).	Meets The management arrangements that will be employed for the Torres Strait Finfish Fishery as outlined in this assessment are likely to be effective.
(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to: (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 (b) whether the legislation applies throughout the State or Territory concerned; and (c) whether, in the opinion of the Minister, the legislation is effective.	Meets The fishery will be managed under the Torres Strait Finfish Management Plan, the <i>Torres Strait Fisheries Act 1984</i> and Torres Strait Fisheries Regulations 1985. The <i>Torres Strait Fisheries Act 1984</i> applies throughout Torres Strait Protected Zone. The Department considers that the legislation is likely to be effective.

(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: (a) the operation is a commercial fishery.	Meets The Torres Strait Finfish Fishery is a commercial fishery.
(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.	The Torres Strait Finfish Fishery was assessed under Part 10 of the EPBC Act in July, 2012. Actions taken under the management regime are considered unlikely to have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area. The Torres Strait Finfish Management Plan was accredited under section 33 of the EPBC Act. The Torres Strait Finfish Management plan was last updated in 2013.
(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.	
Section 303FR Public consultation	
(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice: (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. (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.	Meets A public notice, which set out the proposal to declare the Torres Strait Finfish Fishery an approved wildlife trade operation and included the application from AFMA, was released for public comment on 26 April 2017 to 31 May 2017, a total of 26 business days.
(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.	Not applicable No public comments about the proposal were received.
Section 303FT Additional provisions relating to declarations	
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the Torres Strait Finfish Fishery will be made under section 303FN.
(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: (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 declaration is to specify the period, circumstances or condition.	The standard conditions applied to commercial fishery wildlife trade operations include: <ul style="list-style-type: none"> operation in accordance with the management regime notifying the Department of changes to the management regime, and annual reporting in accordance with the requirements of the Australian Government Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. The wildlife trade operation instrument for the Torres Strait Fishery specifies the standard and any additional conditions applied.
(8) A condition may relate to reporting or monitoring.	Conditions specified in Section 4 of this report include reporting requirements.

(9) The Minister must, by instrument published in the Gazette, 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 Torres Strait Finfish Fishery made under sections 303FN and the conditions under section 303FT will be registered as a notifiable instrument and made available through the Department's website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	Comment
<p>(1) Minister must take account of precautionary principle</p> <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>Meets</p> <p>Given the use of selective low impact fishing gear, precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery.</p>

SECTION 4: TORRES STRAIT FINFISH FISHERY – SUMMARY OF ISSUES REQUIRING CONDITIONS, DECEMBER, 2017

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment and Energy needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>Operation of the Torres Strait Finfish Fishery will be carried out in accordance with management regime in force under the <i>Torres Strait Fisheries Act 1984</i>.</p> <p>Condition 2:</p> <p>The Torres Strait Protect Zone Joint Authority to inform the Department of the Environment and Energy of any intended material changes to the Torres Strait Finfish Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p>
<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the Department annually in order for the performance of the fishery and progress in implementing the conditions in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration. Annual reports should follow Appendix B to the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' and include a description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with EPBC Act protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the Department's conditions. Electronic copies of the guidelines are available from the Department's website at http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries</p>	<p>Condition 3:</p> <p>The Torres Strait Protected Zone Joint Authority to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

Issue	Condition
<p><u>Improving information for sustainable management</u></p> <p>Reliable information is important to ensure stocks are not overfished and fishing remains sustainable.</p> <p>In the Torres Strait Finfish Fishery, non-Traditional Inhabitant fishers must report all catch and effort data using AFMA approved logbooks. However information on the Traditional Inhabitant sector (the majority of license holders with unlimited licences available) is limited to voluntary reports of catch received by fish receivers using docket books.</p> <p>Although catch limits are set, the system could be improved to validate catches, monitor or manage catch limits. The unlimited number of licenses in the Traditional-Inhabitant sector also means there is capacity for fishing activity to rapidly increase and exceed catch limits. Measures that are likely to improve data collection, and monitoring and management of catches could include:</p> <ul style="list-style-type: none"> • fishers reporting all catch, including bycatch and discarded catch using approved catch and effort logbooks. • fishers unloading all retained catch to an authorised fish receiver. • fish receivers verifying the quantity and composition of all received catches and report this in a form that facilitates validation of catch data reported by fishers. • monitoring and validation of reported data as necessary. <p>The Torres Strait Protected Zone Joint Authority (PZJA) has undertaken to make data reporting by all fishers compulsory, and ensure all landings occur to licensed fish receivers. These measures are facilitated by the Torres Strait Finfish Fishery Management Plan 2013, but have not yet been implemented.</p> <p>A number of measures are being implemented including mandatory catch reporting (legislative amendment process to begin in 2018) and licenced fish receivers (mandatory catch disposal records, from 1 December 2017).</p> <p>The PZJA has also identified a need to obtain more reliable estimates of productivity. This is particularly important as fishing effort is increasing in the Reef Line Fishery sector, and there have been no formal stock assessments undertaken to date.</p> <p>The PZJA also intend to complete an ecological risk assessment for the fishery in 2019 which should further inform its data collection programme.</p>	<p>Condition 4</p> <p>The Torres Strait Protected Zone Joint Authority to implement strategies to improve data collection, and monitoring and management of catch in all sectors of the Torres Strait Finfish Fishery by 2019.</p> <p>Condition 5</p> <p>The Torres Strait Protected Zone Joint Authority to complete an ecological risk assessment for the Torres Strait Finfish Fishery.</p> <p>Condition 6</p> <p>The Torres Strait Protected Zone Joint Authority to improve estimates of stock abundance and harvest potential for all target species in the Torres Strait Finfish Fishery.</p>

Issue	Condition
<p><u>Reference points and management triggers to ensure fishing remains sustainable.</u></p> <p>Although a stock assessment and management strategy evaluation has been used to set biologically relevant reference points for the Spanish mackerel fishery, the Reef Line Fishery sector has not been assessed and has no formal target or limit reference points.</p> <p>A total allowable catch for coral trout in the Reef Line Fishery sector is allocated to licences at the start of each fishing season, but no limits apply to other species in the Reef Line Fishery sector.</p> <p>The Torres Strait Protected Zone Joint Authority (PZJA) has advised that a harvest strategy for the Torres Strait Finfish Fishery is in development and will consider all target species in the Reef Line Fishery and Spanish mackerel sectors.</p> <p>The Torres Strait Finfish Fishery Management Plan 2013 provides for the PZJA to determine reference points for the fishery and review these as necessary. In relation to species harvested from the fishery, the plan requires the PZJA to:</p> <ul style="list-style-type: none"> • monitor catch information on finfish and byproduct species; and • if concerns about a species are identified, determine reference points that are appropriate for maintaining ecologically viable stocks of that species and an ecologically sustainable fishery. <p>The PZJA has previously advised that once the management plan for the fishery was implemented, the Torres Strait Finfish Fishery Working Group would consider reference points for the fishery. Development and implementation of reference points and appropriate management responses, with timeframes attached, are necessary to ensure the fishery's management arrangements remain ecologically sustainable.</p>	<p>Condition 7</p> <p>The Torres Strait Protected Zone Joint Authority to develop and implement reference points and relevant management triggers, including timeframes for management responses, for the Torres Strait Finfish Fishery.</p>

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