



Australian Government

Department of the Environment and Energy

Assessment of the
Tasmanian
Richey Fishing Company – Australian Salmon

APRIL 2019

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This report should be attributed as '*Assessment of the Tasmanian Richey Fishing Co – Australian Salmon April 2019*, Commonwealth of Australia 2019'.

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 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 or the Australian Government.

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EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE TASMANIAN RICHEY FISHING CO – AUSTRALIAN SALMON

On 4 December 2018, Richey Fishing Co, under jurisdiction of the Tasmanian Department of Primary Industries, Parks, Water and Environment (DPIPWE) submitted an application for the Richey Fishing Co – Australian Salmon (the fishery) to the Department of the Environment and Energy for assessment under the provisions of Part 13 (protected species) and Part 13A (wildlife trade) of the EPBC Act, against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. A public comment period was open from 14 December 2018 to 31 January 2019. After initial assessment, the Department requested additional information to further address the Australian Government fishery guidelines. A second application was submitted to the Department on 26 January 2019 and was available from 1 February 2019 to 5 March 2019. One public submission was received supporting the approval of the fishery's application.

The fishery

The Richey Fishing Co – Australian Salmon operates in Tasmanian (TAS) waters using beach seine and purse seine fishing methods to target eastern Australian salmon (*Arripis trutta*). DPIPWE manages the fishery in accordance with the *Living Resource Management Act 1995* (TAS) and the Fisheries (Scalefish) Rules 2015 (TAS).

Harvesting levels are managed through input and output controls. Input controls consist of limited gear licence, species licence and area closures. Output controls consist of trip and possession limits, minimum size limits and total commercial catch trigger. Eight species licences for harvest of Australian salmon are issued by DPIPWE with only one species licence reported to be commonly used. The Total Commercial Catch Trigger is set where harvest of Australian salmon must be no more than 435 tonnes. The fishery is considered to be relatively low risk due to the harvesting methods, existing management arrangements and current low levels of take.

Target stocks

DPIPWE has adopted the national stock reporting framework using reference points to evaluate the stock status eastern Australian salmon (*Arripis trutta*). The fishery is reported at a medium level using performance indicators such as fishing mortality and stock stress. DPIPWE has classified eastern Australian salmon stock status as sustainable. The current level of fishing pressure in Tasmania is well below historical levels and is considered unlikely to cause target stocks to become recruitment overfished.

Protected species and ecosystems

Considering the current management measures, the Department considers the operation of the fishery to have very low impacts to the marine environment, ecological communities, threatened, endangered and protected species.

Conclusion

Following assessment against the Guidelines, the fishery meets the requirements of the EPBC Act subject to recommendations outlined in Section 4. On this basis, the Department has determined that product taken in the Richey Fishing Co – Australian salmon should be included in the list of exempt native specimens under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) until 19 April 2024.

SECTION 1: ASSESSMENT SUMMARY OF THE TASMANIAN RICHEY FISHING CO – AUSTRALIAN SALMON AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION), CONSISTENT WITH THE EPBC ACT

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime	9 of 9	0 of 9	0 of 9	<p>The management regime is effective.</p> <p>The overall management regime for the fishery aims to ensure that fishing is conducted in a manner that does not lead to overfishing.</p> <p>Management arrangements are reviewed annually. The fishery operates within the Tasmanian Scalefish Fishery, which is required under DPIPWE legislation to meet performance criteria and fishery specific objectives to ensure that the fishery is adequately managed. Due to the harvesting method and management arrangements, the fishery is considered to have a low risk for bycatch or adverse impacts on the wider marine ecosystem.</p>
Principle 1 (target stocks)	8 of 11 N/A 2 of 11	1 of 11 (1.1.1)	0 of 11	<p>Generally robust management of target stocks.</p> <p>Catch and effort log books are present. Target stocks are reported at the medium level using the national reporting framework, however available data is limited.</p> <p>The assessment is robust using catch and effort rates for the fishery. However, catch rate is not a particularly sensitive indicator of stock condition for school species such as Australian Salmon.</p>
Principle 2 (bycatch and TEPS)	4 of 12 N/A 2 of 12	4 of 12 (2.1.1, 2.1.3, 2.1.6, & 2.2.1)	2 of 12 (2.1.4, 2.1.5)	Bycatch in the fishery is considered low risk. Catch data is recorded in log books as required under the TAS LMRM Act. However, reporting species at species level is lacking adequate data. DPIPWE does not require independent supervision during harvesting of Australian salmon. No indicator group of bycatch species have been determined.
Principle 2 (ecosystem impacts)	4 of 5		1 of 5 (2.3.4)	Ecological risk is considered to be inherently low due to the management measures in place.
EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 12	N/A			The fishery operates within state waters and therefore will not impact on Commonwealth Marine Bioregional Plans.
Part 13	N/A			The fishery operations are not subject to Part 13 of the EPBC Act as the fishery only operates in state waters.

Part 13A	Meets			Operation of the fishery is consistent with the Objects of Part 13A of the EPBC Act.
Part 16	Meets			Given the current and proposed management measures in place in the fishery (as identified at Section 2 of this assessment), the Department considers that the management agency is taking a precautionary approach to managing risks, to prevent serious or irreversible environmental damage being caused by this fishery.

Notes:

Assessment history:

- Information on previous assessments for the Tasmanian Richey Fishing Company – Australian Salmon is available on the Department's website at <http://www.environment.gov.au/marine/fisheries/tas/richey-fishing-co>.
 - 1st assessment finalised February 2016 – Wildlife trade operation (WTO) until 14 February 2019, subject to 3 conditions.

Fishery reporting:

- Annual report – The most recent full public reports of the status of the key stocks in this fishery are contained in the following:
 - Institute for Marine and Antarctic Studies (IMAS) Tasmanian Scalefish Fishery Assessment 2016/17 at http://www.imas.utas.edu.au/_data/assets/pdf_file/0004/1088977/Tasmanian-Scalefish-Fishery-Assessment-2016_17.pdf
- No annual reports have been provided by Richey Fishing Company since approval of the fishery under the EPBC Act. In January 2019 the Department requested annual report information over the past three years of operation in accordance with their approval conditions. The fishery supplied data meeting the annual report condition for the fishery.

Key links for information relevant to managing the fishery:

- Fishery information is available via the following TAS DPIWE links:
 - Tasmania Commercial Scalefish Fishery at <https://dipwe.tas.gov.au/sea-fishing-aquaculture/commercial-fishing/scalefish-fishery/commercial-scalefish>
 - Bag and Possession Limits – Scalefish at <https://dipwe.tas.gov.au/sea-fishing-aquaculture/recreational-fishing/catch-limits/bag-and-possession-limits-scalefish>
 - Australian Salmon – Eastern at <https://dipwe.tas.gov.au/sea-fishing-aquaculture/community-resources/fish-facts/salmon-australian>
 - Scalefish Review 2015 – Key Outcomes at https://dipwe.tas.gov.au/Documents/Summary_changes_Scalefish_Mgt_PlanFINAL.pdf
- Fisheries Research and Development Corporation (FRDC)
 - Stewart, J., Fowler, A., Green, C., Lyle, J., Smith, K. and Moore, B. (2018). *Status of Australian Fish Stocks 2018 (Australian Salmons)* at <http://www.fish.gov.au/report/160-AUSTRALIAN-SALMONS-2018>
 - Stewart, J., Hughes, J.M., McAllister J., Lyle, J. and Macdonald, M. (2011). *Australian salmon population structure, reproduction, diet and composition of commercial and recreational catches* at <http://frdc.com.au/Archived-Reports/FRDC%20Projects/2006-018-DLD.pdf>.

Management arrangements:

- The fishery is managed under state legislation and regulations. Additional management measures can be found via the following links:
 - Institute for Marine and Antarctic Studies (IMAS) Tasmania Scalefish Fishery Assessment 2016/17 at http://www.imas.utas.edu.au/_data/assets/pdf_file/0004/1088977/Tasmanian-Scalefish-Fishery-Assessment-2016_17.pdf

Enforcing legislation:

- TAS *Living Marine Resources Management Act 1995* at <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1995-025>.
- TAS Fisheries (Scalefish) Rules 2015 at <https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2015-068>.
- TAS Fisheries (Penalties) Regulations 2011 at <https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2011-012>.

Harvest strategy

- Institute for Marine and Antarctic Studies (IMAS) Tasmanian Scalefish Fishery Assessment 2016/17 at http://www.imas.utas.edu.au/_data/assets/pdf_file/0004/1088977/Tasmanian-Scalefish-Fishery-Assessment-2016_17.pdf.

Ecological Risk Assessment

- IMAS Tasmanian Scalefish Fishery Ecological Risk Assessment 2016 at http://www.imas.utas.edu.au/_data/assets/pdf_file/0003/868215/ERA_report_TasmanianScalefishFishery-FINAL-REPORT.pdf.

Stock assessments

- Institute for Marine and Antarctic Studies (IMAS) Tasmanian Scalefish Fishery Assessment 2016/17 at http://www.imas.utas.edu.au/_data/assets/pdf_file/0004/1088977/Tasmanian-Scalefish-Fishery-Assessment-2016_17.pdf.
- Fisheries Research and Development Corporation (FRDC)
 - Neville, P. (2017). *An audit of the Status of Australian Fish Stocks (SAFS) reports 2016 and beyond* at <http://frdc.com.au/Archived-Reports/FRDC%20Projects/2016-143-DLD.pdf>.
 - Stewart, J., Fowler, A., Green, C., Lyle, J., Smith, K. and Moore, B. (2018). *Status of Australian Fish Stocks 2018 (Australian Salmon)* at <http://www.fish.gov.au/report/160-AUSTRALIAN-SALMONS-2018>
 - Stewart, J., Hughes, J.M., McAllister J., Lyle, J. and Macdonald, M. (2011). *Australian salmon population structure, reproduction, diet and composition of commercial and recreational catches* at <http://frdc.com.au/Archived-Reports/FRDC%20Projects/2006-018-DLD.pdf>.

SECTION 2: DETAILED ANALYSIS OF THE TASMANIAN RICHEY FISHING CO – AUSTRALIAN SALMON AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines criteria	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>The Richey Fishing Company – Australian Salmon (the fishery) is managed by the Tasmanian Department of Primary Industries, Parks, Water and Environment (DPIPWE). Fisheries under Tasmanian (TAS) jurisdiction are administered and managed through the provisions of the <i>Living Marine Resources Management Act 1995</i> (TAS) (LMRM Act), the Fisheries (Scalefish) Rules 2015 (TAS) and subordinate legislation.</p> <p>The TAS LMRM Act stipulates the objectives and processes that must be undertaken for the development, implementation and subsequent review of statutory fishery management plans. These mandated processes must provide transparent decision making that must be publicly available upon which written representation is sought.</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	<p>Meets</p> <p>The Department considers that the fishery's management measures have been developed through a fully open, consultative and transparent public process.</p> <p>The take of eastern Australian salmon in waters within Tasmanian jurisdiction falls under the TAS Scalefish Fishery within the TAS Fisheries (Scalefish) Rules 2015. All Tasmanian legislation, including the Fisheries (Scalefish) Rules 2015, is publically available on Tasmanian legislation website found here.</p> <p>Information on the TAS Scalefish Fishery is also available to the public and stakeholders on the DPIPWE website found here. The website contains public information about the consultative processes developed for the planning and management of the fishery. In 2015, the TAS Scalefish Fishery undertook a public consultation process and amended the Scalefish Fishery Management Plan. Information about the consultative processes and management changes to the TAS Scalefish Fishery can be found here.</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>Under the TAS LMRM Act and TAS Fisheries (Scalefish) Rules 2015, the fishery is managed within the TAS Scalefish Fishery. Planning and management processes for Tasmanian fisheries involve consultation from representative industry bodies and individual fishers. These industry bodies include the TAS Seafood Industry Council (TSIC), Scalefish Fishery Advisory Committee (SFAC), and the Recreational Fisheries Advisory Committee (RecFAC). To ensure a range of expertise and community interests are involved, fisherman, scientists, management and enforcement representatives comprise of these committees. Their expertise provides advice on issues relevant to the management of the fishery.</p>

<p>Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.</p>	<p>Meets</p> <p>The objectives and performance measures for measuring the effectiveness of the management arrangements for the harvesting of eastern Australian salmon are contained within the TAS LMRM Act and the TAS Fisheries (Scalefish) Rules 2015.</p> <p>The Institute for Marine and Antarctic Studies (IMAS), a key research provider, produces a yearly TAS Scalefish Fishery assessment. The performance measures are detailed in the latest fishery assessment report Tasmanian Scalefish Fishery Assessment 2016/17 (SFA). In addition, IMAS produced an ecological risk assessment report, Tasmanian Scalefish Fishery Ecological Risk Assessment 2016 (ERA). The ERA contains objectives that measure the effectiveness of fishing methods and their management arrangements.</p>
<p>Be capable of controlling the level of harvest in the fishery using input and/or output controls.</p>	<p>Meets</p> <p>The level of harvest in the fishery is managed through input and output controls.</p> <p>Input controls include: gear licence (Scalefish fishing licence and Beach seine licence); species licence (Australian salmon licence) and spatial and temporal area closures for Australian salmon licence. Eight Australian salmon licences have been issued by DPIPWE to target Australian salmon in TAS waters with only one being commonly used. As of February 2019, the fishery is the only operator in Tasmania harvesting eastern Australian salmon.</p> <p>Output controls include: trip limit of 500 kg for operators with Scalefish licence but no Australian salmon licence, possession limit of 30 and bag limit of 15 individuals for recreational fishers, minimum size (200 millimetres total length) and total commercial catch trigger of 435 tonnes (t).</p>
<p>Contain the means of enforcing critical aspects of the management arrangements.</p>	<p>Meets</p> <p>The fishery is considered to have effective enforcement capabilities in place. The Fisheries (Scalefish) Rules 2015 are a statutory set of rules. Each rule contains a grade of penalty. These mandated penalties must be imposed by the Court if an offence is proven. The TAS Fisheries (Penalties) Regulations 2011 explains the degree of which the penalty may occur to the offender. In addition, provisions apply for infringement notices with mandated smaller penalties, for an offender with three or less offenses.</p> <p>According to the LMRM Act, enforcement of these rules are undertaken by Tasmanian police, the Secretary or a person authorised by the Secretary such as a fisheries officer.</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>Periodic review of the performance of the fishery's management arrangements occur every ten years. The Fisheries (Scalefish) Rules 2015 was reviewed in 2001, 2004 and 2009. It most recently went under public consultation and review before implementation in 2015. The revised plan consists of updated management strategies and criteria for the fishery.</p> <p>The SFA is conducted on an annual basis and reviews the performance of the TAS Scalefish Fishery objectives, criteria and management arrangements. The SFA contains updated information about the fishery and Australian salmon management strategies.</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>The Department considers that the fishery is capable of effective management of impacts on wider marine ecosystem.</p> <p>The fishery operates using beach and purse seine nets. Due to these selective fishing methods, interactions with threatened, endangered, or protected species are considered negligible. The fishery monitors the fishing gear in accordance with their management arrangements. There are occasional interactions with seals attacking the nets, however, the fishery reports that seals have escaped unharmed.</p> <p>According to the ERA, impacts on habitat/ethnic biota, community structure and the wider marine ecosystem is considered to be of very low risk in which the fishery operates. Australian salmon are a common inshore predatory fish and play an important role in near-shore ecosystems. However, the species is highly mobile and it is difficult to determine how much ecosystems will be impacted with this species removal.</p> <p>Impacts to these ecosystems depends on the net construction where more weight may cause dragging and disruption to the seabed floor. The ERA reports that the impact of beach seine and purse sein is deemed small compared to natural weather events such as storm surges or pollution.</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</p> <p>There are no relevant threat abatement plans, recovery plans or policies that the fishery is required to be compliant with. Due to the selective harvesting method, the fishery is considered to have a low risk for bycatch. The fishery reports that bycatch levels are low and are limited to non-commercial amounts of finfish and crabs.</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>Information on fishing returns is collected and analysed based on catch, effort, and catch per unit effort (CPUE). Catch and effort log books are present and all retained catch is recorded and submitted to DPIPWE on a monthly basis. Tasmanian authorities do not require independent supervision during harvesting of Australian salmon and current independent reports are based on historical catch data. Thus, catch data is not independently verified.</p> <p>The level of data collection for the fishery is based upon dependent research conducted by IMAS. According to the SFA, the catch for Australian salmon is reported at a medium level. This medium level of reporting follows key attributes that aligns with the national methodology for reporting on fishery performance and stock status. However, due to economic preferences and distribution of eastern Australian salmon, available data is limited and therefore does not receive a full level of report in Tasmanian jurisdiction.</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 SFA is the primary vehicle for reporting on Australian salmon take in Tasmanian jurisdiction. The assessment is produced on an annual basis and reports on fishery performance and stock status based on the national stock reporting framework. Using the medium level of reporting of the national stock reporting framework, DPIPWE classified eastern Australian salmon stock status as sustainable. SFA states that the current level of fishing pressure in Tasmania is well below historical levels and unlikely to cause the biological stock to become recruitment overfished. The assessment is robust and takes into account the inadequacy of measuring stock status via catch and effort rates for the fishery.</p> <p>It is important to note that the majority of catches for Australian salmon are small but the total catch is influenced by a small number of extremely large catches (IMAS SFA 2016/17). Therefore, catch rate is not a particularly sensitive indicator of stock condition for school species such as Australian Salmon, especially if search time is not taken into account.</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>The distribution and spatial structure of the stock taken by the fishery is assumed to be a single well-mixed biological stock of eastern Australian salmon (Stewart et. al 2011). Eastern Australian salmon undertake extensive migration. This species spawns in New South Wales waters and travels south east to Tasmanian waters, where they are distributed in estuaries and inshore areas. Once reaching sub-adult level, the species are harvested for commercial, recreational and indigenous take.</p> <p>The Fisheries Research and Development Corporation (FRDC) report on the status of Australian salmon on an annual basis at a whole of stock level, providing a cross-jurisdictional (NSW, VIC and TAS) stock analysis. DPIPWE uses information from the latest FRDC report, Status of Australian Fish Stocks 2016 (Australian Salmon), to help determine the distribution and spatial structure of the stock for the fishery. This information is then factored into their management responses aiming for sustainable harvest.</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>There are reliable estimates of commercial and recreational removal of eastern Australian salmon. These estimates are generated using catch and effort data and are factored into stock assessments. According to the SFA, eastern Australian salmon is the second most commonly captured fish species by recreational fishers in Tasmania, who mainly use line fishing methods to target the species. The latest estimate (2012/2013) of the proportion of recreational catch to total catch is 19%. Although no estimate of Indigenous harvest of Australian salmon has been provided, the catch is considered to be low.</p> <p>Commercial and recreational fishing pressure in Tasmania is well below historical levels and unlikely to cause the biological stock to become recruitment overfished.</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>Meets</p> <p>Annual production of the species stocked is strongly linked to the fishing practices of the fishery (IMAS SFA 2016/17). The fishery is the main operator harvesting Australian salmon and is responsible for majority of landings of the species. According to the SFA, following a large catch of 331 tonnes in 2012/2013, there have been low landings of Australian salmon in the past few years with 18.9 tonnes landed in 2016/17.</p> <p>It should be noted that effort and catch rates remain low for Australian salmon. However, catch rate is influenced by the skewed nature of the data (i.e. the majority of catches are small but the total catch is influenced by a small number of extremely large catches) (IMAS SFA 2016/17). Catch rate is not a particularly sensitive indicator of stock condition for schooling species such as Australian salmon, especially if search time is not taken into account.</p> <p>DPIPWE has adopted the national stock reporting framework claiming Australian salmon stock status as sustainable. Low commercial landings in Tasmania in recent years are driven by market demand, not abundance, and therefor classify the stock status of Australian salmon as sustainable (IMAS SFA 2016/17). This indicates that the current proportion that could be harvested is unlikely to cause the biological stock to become recruitment overfished.</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 and/or a catch or effort upper limit beyond which the stock should not be taken.</p>	<p>Meets</p> <p>The fishery is reported at a medium reporting level that includes robust performance indicators and reference points. The performance indicators for the fishery consist of fishing mortality and stock stress. The biomass performance indicator (based on CPUE and CPUE trends) was not considered due to the schooling behaviour of Australian salmon (IMAS SFA 2016/17). Reference points included a total commercial catch trigger of 435 t, catch > 3rd highest catch value and catch < 3rd lowest catch value from the reference period. Other indicators include catch variations and recreational catch estimates.</p> <p>The fishery breached the catch < 3rd lowest catch value from the reference period by 92.6% in 2016/2017 (IMAS SFA 2016/17). According to the SFA, this is an indication of market demand and not abundance of stock. The proportion of recreational catch to total catch > previous proportion estimate (13.8% in 2007/08) was breached. The latest estimates (2012/13) show that the recreational sector took 19.0% to total catch.</p>
<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets</p> <p>Level of take is controlled through management measures in the form of input and output controls. These controls include gear and species licences, spatial and temporal area closures, trip and possession limits, minimum size limits and a total commercial catch trigger.</p>
<p>1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p>Meets</p> <p>The fishery's effort remains relatively low. Due to the selective fishing methods, there are no commercial amounts of byproduct taken. The ERA reports take of byproduct species with the use of beach seine nets is negligible. From 2000-2012, average annual catch of byproduct species was 5 tonnes with none exceeding 500kg. Catches at these levels are not expected to negatively impact stocks of byproduct species.</p>
<p>(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)</p>	
<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>Given the fishing method and catch and effort data collected for this fishery, the management response has a high chance of achieving the objective.</p>
<p>If overfished, go to Objective 2: If not overfished, go to PRINCIPLE 2:</p>	
<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.</p>	
<p>Management responses</p>	

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 No target stocks are currently considered to be overfished. More adequate data on stock status would be preferred.
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 No target stocks are currently considered to be overfished.
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 Catch data is recorded in log books as required under the TAS LMRM Act. The fishery has a low level of bycatch that is limited to non-commercial amounts of finfish and crabs. DPIPWE does not require independent supervision during harvesting of Australian salmon. The catch data is not independently verified. More robust data collection that is species specific and has some form of independent verification should be implemented for the fishery.
Assessment	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Meets The ERA found capture of bycatch species to be of low risk for beach seine fishing and negligible risk for purse seine fishing methods. The report stated that for beach seine fishing methods, bycatch is usually alive and released while the net is still in the water minimising impact for bycatch species. For purse seine, bycatch levels are considered to be very low in comparison to the catch of target species from historic large-scale operating levels. However, it is important to note that should large-scale operations commence, catch and effort may increase in return increasing bycatch levels. If this is to occur, further risk analysis of bycatch vulnerability will need to be conducted.
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.	Partially meets The fishery, under the Fishery (Scalefish) Rules 2015, has measures to limit the amount of bycatch species take. However, no management measures are in place to avoid capture and mortality of bycatch species. Due to the highly selective fishing methods, the take of bycatch in the fishery is considered low risk. Holders of a species licence (Australian salmon licence) are limited to an amount of bycatch of any species, other than Australian salmon, of 50 kg (total weight) per vessel.
2.1.4 An indicator group of bycatch species is monitored.	Does not meet No indicator group of bycatch species have been determined for monitoring purposes. However, bycatch in the fishery is considered low risk for beach seine and negligible for purse seine fishing methods. The fishery states there has been a low level of bycatch limiting to non-commercial amounts of finfish and crabs.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Does not meet Due to the selective fishing methods and low levels of bycatch take, no specific decision rules that trigger additional management measures have been developed. Bycatch in the fishery is considered low risk.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Partially meets The fishery is considered to be of low risk for bycatch species, however, an indicator of bycatch species is not monitored. Therefore, the management arrangements and selective fishing methods of the fishery have a medium chance of achieving the objective of fishing being conducted in a manner that does not threaten 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 Catch data is recorded in log books as required under the TAS LMRM Act. The fishery has reported occasional interactions with seals attacking the fishing nets with seals escaping unharmed. The fishery is known to operate in waters where endangered species such as seals and the common dolphin (<i>Delphinus delphis</i>) may occur. Reporting species at species specific level is lacking adequate data, for DPIPW does not require independent supervision during harvesting of Australian salmon. Should the fishery increase their catch effort, more robust data collection that is species specific and some form of independent verification should be implemented.

Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Meets According to the ERA, interactions with dolphins and seals using beach seine and purse seine fishing methods are considered to be negligible with species released alive. Beach seine fishing methods are considered highly selective and negligible for it consists of a loose section of netting where species are sorted and released by hand. Purse seine fishing methods are not as selective, however, they are considered a negligible risk. This is due to the small scale operations occurring in shallow coastal waters where small quantities are taken from the fishery. While interactions with these protected species are considered negligible, increases in large scale operations of purse seine fishing methods may increase the risk of interaction and impact with these species.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Not applicable The impact of the fishery on threatened ecological communities is not applicable as fishery operations do not overlap with threatened ecological communities.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Meets Management measures to avoid impact on endangered, threatened or protected species are set by the Fisheries (Scalefish) Rules 2015 and in the form of input and output controls for the fishery. The fishery has reported that where interactions occur with protected species (such as seals) the individuals are released alive and unharmed. There are no additional management measures in place due to the selective beach seine fishing method and release times of these species. It is recommended that additional management measures for purse seine fishing methods should be implemented if there is an increase in the fishery's catch effort.
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	Not applicable The fishery does not have interaction with ecological communities. Due to the existing management measures in place such as area closures, the Department considers that the fishery does not pose a significant impact on threatened ecological communities.
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The Department considers that the fishery is conducted in a manner that has a low risk of mortality of, or injuries to, endangered threatened or protected species and avoids or minimises impacts on threatened ecological communities. Given the management arrangements in place the operation of the fishery is likely to have a high chance of achieving the objective.

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 fishery's impact on the ecosystem and environment generally.	Meets Information has been collected via gear type covering the fishery's impact on the ecosystem and general environment. Independent research from Stewart et. al (2011) containing biology, stock structure, life-history, diet and ecology of eastern Australian salmon has been collected by DPIPWE to help determine management measures and impacts of the fishery. Impacts to the ecosystem and general environment are considered very low risk due to the small scale operations of the fishery (IMAS ERA 2016). It is important to note that if the fishery were to increase to large scale operations, more robust data collection must be implemented.
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. <ol style="list-style-type: none"> Impacts on ecological communities <ul style="list-style-type: none"> Benthic communities Ecologically related, associated or dependent species Water column communities Impacts on food chains <ul style="list-style-type: none"> Structure Productivity/flows Impacts on the physical environment <ul style="list-style-type: none"> Physical habitat Water quality 	Meets The ERA assessed beach seine and purse seine fishing methods aiming to identify where the activity of the fishery has impacts on the ecosystem and general environment. <ol style="list-style-type: none"> Impacts on ecological communities are low. The ERA reported very low risks to changes in the habitat and benthic biota for use of these fishing methods. Impacts on benthic and water column communities depend on net construction and the weight of net of which potential net dragging on the seafloor can cause changes to benthic composition. However, most impacts occur from storms, pollution or anchoring in seagrass. Impact on ecologically and dependent species such as sea birds, seals, and dolphins are considered low. According to the ERA, sea birds are attracted to the fish upon harvesting but are unlikely to become entangled in the net as the net is open to the surface and meshes are visible. It is important to note that eastern Australian salmon have voracious feeding behaviour and require substantial quantities of prey to meet their growth. Changes to the abundance and reproduction to eastern Australian salmon may impact ecologically related or dependent species. Impacts are very low to negligible. The ERA reports Australian salmon to be inshore predatory fish that are likely to play an important role in near-shore ecosystems. Due to the species being highly mobile, it is difficult to determine how much impact the harvesting of the species has on the rest of ecosystem. However, due to low quantities of harvest, driven by economic demand, the fishery is unlikely to have large impacts on stock structure and productivity flows. Impacts on the physical environment are very low. According to the ERA, only one operator is using beach seine fishing methods for commercial purposes. Due to the limited licences in the fishery, area closures and fishing methods, there are low impacts to the physical habitat and 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.	Meets Management measures to avoid significant impacts to ecosystems are set by the Fisheries (Scalefish) Rules 2015 in the form of input and output controls for the fishery. The fishery has a commercial catch trigger and possession limit for eastern Australian salmon, which in return limits the impact on ecosystems. Due to the fishing methods used and low risk of impact, the Department considers the current management arrangements adequate in ensuring there is a low risk of significant damage to ecosystems.
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.	Does not meet There are no decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators. However, due to the scale of the fishery and low risk of the fishery on the ecosystem it is considered highly unlikely that impacts of a significant level will occur.
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets Considering precautionary management actions in place, the management arrangements (harvest methods of the fishery, input and output controls) are considered to have a high chance in achieving the objective.

SECTION 3: ASSESSMENT OF THE RICHEY FISHING COMPANY – AUSTRALIAN SALMON 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 12 – Identifying and monitoring biodiversity and making bioregional plans

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	Not applicable No bioregional plans were considered as the all fishing activity for the fishery occurs in state waters.

Part 13 – Species and communities

The fishery operates in state waters only, therefore Part 13 accreditation is not application to this fishery.

Part 13A – International movement of wildlife specimens

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. 	<p>The management arrangements for the Richey Fishing Company – Australian Salmon have been assessed as consistent with the general guidance provided in the objects 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 (see Section 2) • the operation of the Richey Fishing Company – Australian Salmon is unlikely to be unsustainable and threaten biodiversity within the next five years, and • the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.

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> <p>(a) doing any of the following:</p> <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 <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<p>Meets</p> <p>The Department recommends that specimens derived from fish or invertebrates harvested in the fishery, not including:</p> <ul style="list-style-type: none"> • specimens that belong to eligible listed threatened species under Part 13 of the EPBC Act, and • specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list), <p>be included in the list of exempt native specimens until 19 April 2024.</p>
<p>(1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2</p>	<p>Not applicable</p> <p>The fishery is not managed by the Commonwealth.</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 it has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.</p>
<p>(3) Before amending the LENS, the 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 from Richey Fishing Company – Australian Salmon (TAS) was made available on Department's website from 14 December 2018 to 31 January 2019. After initial assessment, the Department requested additional information to further address the Australian Government 'Guidelines for the ecologically sustainable management of fisheries – 2nd edition'. A second application was submitted to Department's and was available from 1 February 2019 to 5 March 2019. One comment was received in support of approving the fishery's application. The comment stated that the fishery had demonstrated sustainable practices in Tasmania and that the fishery has minimal interaction with threatened species as stated in the SFA and ERA.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the internet.</p>	<p>Yes, the instrument made under section 303DC(1)(a) for the fishery will be registered on the Federal Register of Legislation, and a link to the instrument made available through the Department's website.</p> <p>Under subsection 56(1) of the Legislation Act 2003 (CTH), registration on the FRL meets the requirements for gazettal.</p>

Part 16 – Precautionary principle and other considerations in making decisions

Section 391 Minister must consider precautionary principle in making decisions	Comment
<p>(1) Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.</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 current and proposed management measures in place in the fishery (as identified at Section 2 of this assessment), the Department considers that the management agency is taking a precautionary approach to managing risks, to prevent serious or irreversible environmental damage being caused by this fishery.</p>

SECTION 4: TASMANIAN RICHEY FISHING COMPANY – AUSTRALIAN SALMON – SUMMARY OF ISSUES REQUIRING RECOMMENDATIONS, APRIL 2019

Issue	Part 13A Recommendations
<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>Recommendation 1:</p> <p>Operation of the Tasmanian Richey Fishing Company – Australian Salmon will be carried out in accordance with Fisheries (Scalefish) Rules 2015 in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i>.</p> <p>Recommendation 2:</p> <p>The Tasmanian Department of Primary Industries, Parks, Water and Environment to inform the Department of the Environment and Energy of any intended material changes to the Richey Fishing Company – Australian Salmon 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 recommendations 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 '<i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>' 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 recommendations. 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>Recommendation 3:</p> <p>The Tasmanian Richey Fishing Company – Australian Salmon 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>

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