



**Australian Government**

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**Department of Sustainability, Environment, Water, Population and Communities**

Assessment of the  
**Western Australian Abrolhos Islands & Mid  
West Trawl Managed Fishery**

**March 2013**

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#### **Disclaimer**

This document is an assessment carried out by the Department of Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities or the Australian Government.

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This section contains the department's assessment of the Abrolhos Islands and Mid West Trawl Managed Fishery's performance against the Australian Government's 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' and outlines the reasons the department recommends that product from the fishery be included in the list of exempt native specimens.

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Table 4 contains a description of the issues identified by the department with the current management regime for the Abrolhos Islands and Mid West Trawl Managed Fishery and outlines the proposed recommendations that would form part of the delegate's decision to include product derived from the fishery in the list of exempt native specimens.

**Table 1: Summary of the Western Australian Abrolhos Islands & Mid West Trawl Managed Fishery**

<p><b>Publicly available information relevant to the fishery</b></p>	<ul style="list-style-type: none"> <li>• WA <i>Fish Resources Management Act 1994</i> (FRM Act)</li> <li>• WA Fish Resources Management Regulations 1995 (FRM Regulations)</li> <li>• WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993</li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)</li> <li>• WA Department of Fisheries, 'Application for reassessment of the ecological sustainability of management arrangements for the Abrolhos Island and Midwest Trawl Managed Fishery', December 2012.</li> <li>• Department of Environment and Heritage (DEH) Assessment Report 2008.</li> <li>• WA Department of Fisheries 'State of the Fisheries and Aquatic Resources Reports' from 2006/07 to 2010/12</li> <li>• West Coast Trawl Association code of conduct (the code of conduct)</li> <li>• Marine Bioregional Plan for the South-west Marine Region 2012</li> </ul>
<p><b>Area</b></p>	<p>The WA Abrolhos Islands and Midwest Trawl Managed Fishery operates in Western Australian and Commonwealth waters of the Indian Ocean between 27°51' south latitude and 29°03' south latitude on the landward side of the 200m isobath (Figure 1).</p> <p>Within this area the fishery is divided into traditional and non-traditional trawl areas as defined in the code of conduct.</p> <p>The traditional trawl areas represent historic scallop grounds that are known to produce commercial catches of scallop. The co-ordinates for traditional scallop grounds are detailed in the code of conduct.</p> <p>Non-traditional areas, representing the remaining area of the fishery, are subject to exploratory fishing according to the protocol described in the code of conduct.</p> <div data-bbox="496 1339 1370 1986"> </div> <p><b>Figure 1:</b> Map of the Abrolhos Islands and Midwest Trawl Managed Fishery (Source: WA Department of Fisheries, 2012)</p>

<b>Target Species</b>	<p>Saucer scallop (<i>Amusium balloti</i>)</p> <p>Saucer scallops are predominantly a sub-tropical species that occur along the continental shelf of Australia, however they have been known to occur as far down south as Jervis Bay on the east coast. The gonochoristic (unisexualist) saucer scallop is known to have two breeding seasons in winter and spring in which the larval phase is believed to be 15 – 25 days in duration. Saucer scallops develop rapidly, growing to a size of 90 millimetres (mm) in just six to twelve months, and characteristic of short lived species with high natural mortality, the species is susceptible to a boom and bust stock level.</p>
<b>Fishery status</b>	<p>The target species has been assessed by the WA Department of Fisheries as having 'adequate' spawning stocks. This assessment indicates that annual variations in recruitment to parental biomass are due to environmental impacts, rather than fishing pressure, and that parental biomass is sufficient for ongoing successful spawning.</p> <p>Previous assessments of this fishery note that the recruitment of scallops to the west coast of Australia is highly variable and not thought to be dependent on the density of spawning biomass. As a result catch rates and annual tonnage can be highly variable from year to year.</p> <p>The length of the season is defined by preseason surveys that estimate a residual stock index or post spawning biomass. In addition the high yield principle introduced in 2005 provides an additional measure to close the fishery should the catch rate of scallops fall below 250 kg per day.</p>
<b>Byproduct Species</b>	<p>No byproduct species have been recorded in the fishery since the last assessment; however western king prawns (<i>Penaeus latisulcatus</i>) have been taken in the past.</p> <p>The western king prawn is found from south-east Africa north to the Red Sea, in the Persian Gulf, around India, south-east Asia and throughout the Malay archipelago to Japan and Korea and south to Australia. In Australian waters it is found west from South Australia and north all around the coast to northern New South Wales. Living on hard bottoms of sand, sandy mud or gravel, the species prefers shallow marine water to depths of around 90 metres (m). The western king prawn is a fast growing species that grows to a maximum size of 20 centimetres (cm) and is a highly fecund species, reaching sexual maturity at six to nine months.</p> <p>A trigger point of 5 tonnes (t) for western king prawns has been implemented in the fishery since the last assessment. If the trigger point is reached in a fishing season then management arrangements will be implemented to ensure the remaining breeding stock is sufficient.</p>

<b>Gear</b>	<p>Twin gear otter trawl with 10 mm ground chain (a chain that weighs down the trawl net) and 100 mm mesh size for scallops. Twin gear otter trawl with 10 mm ground chain and 45 mm mesh (codend) and 61 mm mesh (remainder of the net) for prawns.</p> <p>These trawl nets are towed along the seabed and are held open by a pair of otter boards on either side attached to the wings of the net. The inner wings of the trawl nets are attached to a sledge (a steel frame which drags along the benthos) which keeps the nets on the bottom.</p> <p>All vessels are required to fish with a bycatch reduction device (BRD) and a secondary BRD, otherwise known as a fish escapement device (FED), in each net.</p>
<b>Season</b>	<p>Scallops begin spawning in August each year and continue until February/March of the following year. To protect the spawning stock the season for the Abrolhos Islands &amp; Mid West Trawl Managed Fishery usually begins on 1 April each year. In 2011, the season opened on 25 March and closed on 1 August.</p> <p>Licence holders in the Abrolhos Islands &amp; Mid West Trawl Managed Fishery also hold concessions in the Shark Bay Scallop Managed Fishery which causes short breaks in fishing during the season as licence holders move to Shark Bay to catch early season scallops.</p> <p>The length of the season is determined by a preseason survey conducted in October or November each year. Usually, the season duration is set at three months.</p> <p>The high yield principle is an additional management measure that closes the fishing season, and is triggered when the catch rate of scallops falls below 250 kg (meat weight) per day.</p>
<b>Commercial harvest [2010 – 2011]</b>	<p>2203 t whole weight of scallops were harvested in 2011.</p> <p>806 t whole weight of scallop were harvested in 2010.</p> <p>No western king prawns were harvested in 2008, 2009, 2010 and 2011.</p>
<b>Value of commercial harvest [2011]</b>	<p>In 2011 the approximate value of the fishery was \$11 million.</p> <p>In 2010 the approximate value of the fishery was \$3.3 million.</p>
<b>Take by other sectors</b>	<p>While the Houtman Abrolhos Islands are a popular fishing area for recreational and Indigenous fishers, the WA Department of Fisheries has advised that there was no recreational catch of the target species recorded between 2008 and 2011.</p>

<b>Commercial licences issued</b>	10 vessels are licensed to operate in the fishery. The fishery as a whole is subject to a maximum head rope (a rope sewn along the upper edge of the mouth of the net) allocation of 184 fathoms (336.5 metres (m) with each boat utilising twin 12.8 m nets). The total head rope allocation was reduced in the 2009/2010 season via a voluntary fisheries adjustment package lowering the total head rope allocation to 122 fathoms (223.1 m).
<b>Management arrangements</b>	<p>The fishery is managed under the WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993, the WA <i>Fish Resources Management Act 1994</i> and the WA Fish Resources Management Regulations 1995.</p> <p><u>Output controls</u></p> <ul style="list-style-type: none"> <li>• A high yield principle is in place where the fishery is closed when the daily catch rate drops below 250kg/day (meat weight)</li> </ul> <p><u>Input controls</u></p> <ul style="list-style-type: none"> <li>• Limited entry (10 licensed operators)</li> <li>• Gear restrictions on trawl net mesh size</li> <li>• Maximum number of headrope entitlements within the fishery (30 units, 1 unit = 7.32 m)</li> <li>• Spawning season closure</li> <li>• Numerous closures around reef areas.</li> </ul> <p>Part of the fishery operates within the Commonwealth Marine Reserve network of the <i>South West Marine Region</i>.</p>
<b>Export</b>	The majority of product is exported to Asia.
<b>Bycatch</b>	<p>Bycatch is limited to small amounts of finfish and small elasmobranchs (sharks and rays). There was no recorded bycatch for 2011.</p> <p>Bycatch composition is monitored during preseason surveys however there is no in-season recording of bycatch composition and catch rate. Fishers are required however, to record all catch and bycatch in daily log books which are validated against processor unload data throughout the season.</p> <p>Bycatch reduction devices (BRDs) have been compulsory in the fishery since 2003.</p>

<p><b>Interaction with Protected Species<sup>1</sup></b></p>	<p>Since 2003, BRD grids have been compulsory in all trawl nets in the Abrolhos Islands &amp; Mid West Trawl Managed Fishery. Since then there have been no recorded captures of turtles in the fishery.</p> <p>Syngnathids are occasionally caught in the Abrolhos Islands &amp; Mid West Trawl Managed Fishery and are generally discarded, presumed to be dead. Results from an observer program for another WA trawl fishery (Shark Bay Prawn Fishery) suggests that only very low numbers of syngnathids are caught in prawn trawling nets (averages one per night fishery wide). The number caught by the scallop fleet is likely to be even lower than this, given the use of larger mesh sizes on nets and slower tow speeds in scallop fishing operations. The preseason surveys conducted by the WA Department of Fisheries are also used as an indication of protected species interactions and there have been no capture of syngnathids or seasnakes in these surveys since 2001.</p> <p>Reporting requirements are included as a standing item on the agenda for the fishery's annual pre-season briefings. The logbooks completed by licence holders include provisions to report any interactions with protected species, which are then provided to the WA Department of Fisheries.</p> <p>Under sections 199, 214, 232 and 256 of the EPBC Act, persons who interact with a protected species must report that interaction within seven days of the incident occurring to the Department of Sustainability, Environment, Water, Population and Communities.</p> <p>A Memorandum of Understanding between the Western Australian Department of Fisheries and the Department of Sustainability, Environment, Water, Population and Communities is currently being negotiated for the Reporting of Fisheries Interactions with Protected Species. Once in place this will streamline reporting requirements for interactions with protected species, assisting fishers in meeting their requirements under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p>
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<sup>1</sup> 'Protected species' means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.



<b>Ecosystem Impacts</b>	<p>Overall, the department considers the fishery to have a low impact on the ecosystem in which it operates, recognising the risk assessment undertaken in 2008 where all risks identified for the fishery were ranked at either low or negligible. The fishery has only a small number of operators and fishing operations are concentrated to a relatively small area over a short season (~ three months).</p> <p>Scallops have a high natural variability and therefore trophic impacts are thought to be low. The fishers operate over a small proportion of the area of the fishery and therefore benthic impacts are considered to be low. Trawling is also restricted to areas of high scallop abundance which is predominantly sandy benthic habitat.</p> <p>The department notes, however, that there are several other managed fisheries (Shark Bay Scallop, Shark Bay Prawn) operating in areas adjacent to this fishery using similar gear types. The cumulative impacts of these fisheries should be monitored to avoid the potential for significant ecosystem impacts.</p> <p>The Marine bioregional plan for the South west Marine Region 2012 has identified that there are key ecological features present in the area of the fishery. The plan also identifies the Houtman Abrolhos Islands and western rock lobster as regional priorities. The Houtman Abrolhos Islands have been noted for their high biodiversity and mix of temperate and sub tropical species, while also supporting the highest latitude coral reefs in the Indian Ocean. Physical habitat modification, the harvesting of living resources, bycatch and pollution are stresses that have been identified in the bioregional plan as being of concern in the area. However, due to the small area that is used to harvest scallops, the sandy bottoms that are trawled and the few operators that work in the fishery, impacts to the physical ecosystem are considered low. In addition, impacts on the food web are likely to be low given that take of the target species is limited to allow sufficient breeding stocks to remain. A Responsible Fishing Code of Conduct has been developed in the fishery by industry to reduce the impact of trawling on the rock lobster industry which also includes protocols for exploring non-traditional areas.</p>
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**Table 2: Progress in implementation of recommendations made in previous assessment of the Abrolhos Islands & Mid West Trawl Managed Fishery**

Recommendation	Progress	Recommended Action
<p>1. Operation of the Abrolhos Islands &amp; Mid West Trawl Managed Fishery will be carried out in accordance with the <i>Abrolhos Islands and Mid West Trawl Limited Entry Fishery Notice 1993</i> made under the <i>Western Australian Fish Resources Management Act 1994</i>.</p>	<p>The WA Department of Fisheries has advised that the WA Abrolhos Islands and Mid West Trawl Managed Fishery continues to operate in accordance with the WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993 under the <i>Fish Resources Management Act 1994</i>.</p>	<p>The Department of Sustainability, Environment, Water, Population and Communities (the department) considers that this recommendation has been met.</p> <p>The department recommends that this action be continued (see <b>Recommendation 1, Table 4</b>).</p>
<p>2. DFWA to advise DEWHA of any intended material change to the Abrolhos Islands &amp; Mid West Trawl Managed Fishery legislated management regime and management arrangements that could affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.</p>	<p>The WA Department of Fisheries has advised the department that there have been no material changes to the Abrolhos Islands &amp; Mid West Trawl Managed Fishery management regime since the previous assessment under the EPBC Act in 2008.</p>	<p>The department considers that this recommendation has been met.</p> <p>The department recommends that this action be continued (see <b>Recommendation 2, Table 4</b>).</p>
<p>3. DFWA to produce and present reports to DEWHA annually as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.</p>	<p>The Abrolhos Islands &amp; Mid West Trawl Managed Fishery is included in the WA Department of Fisheries' – 'Annual State of the Fisheries and Aquatic Resources', which is provided to the department annually. The Report includes all available information on the fishery.</p>	<p>The department considers that this recommendation has been met.</p> <p>The department recommends that this action be continued (see <b>Recommendation 3, Table 4</b>).</p>

Recommendation	Progress	Recommended Action
<p>4. By August 2009, DFWA to identify and review risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment for the Abrolhos Islands &amp; Mid West Trawl Managed Fishery. DFWA to implement appropriate measures to ensure identified risks are addressed and minimised.</p>	<p>The WA Department of Fisheries has advised the department that a new risk assessment was completed in November 2008 which identifies and reviews the risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment within the Abrolhos Islands &amp; Mid West Trawl Managed Fishery. The WA Department of Fisheries has also advised that appropriate measures have been implemented to address and minimise any identified risks.</p>	<p>The department considers that this recommendation has been met.</p>
<p>5. Within 2 years DFWA to develop and implement a performance indicator(s) and performance measure(s) capable of detecting a shift in fishing effort to western king prawn that, when exceeded, triggers an appropriately precautionary management response to ensure stocks remain ecologically sustainable.</p>	<p>The WA Department of Fisheries has advised that a notional limit of 5 tonnes (t) of western king prawns has been set as a trigger point for a management review of the fishery. If the western king prawn catch range is exceeded during a season then a review is undertaken of the sustainability risks.</p> <p>The WA Department of Fisheries has further advised that daily logbook records of catch and effort associated with all species landed are compulsory in the fishery and are to be completed by all licence holders. Total landings are validated against processor unload data.</p>	<p>The department considers that this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>6. By March 2010, DFWA to finalise, adopt and implement the Bycatch Action Plan for the Abrolhos Islands &amp; Mid West Trawl Managed Fishery, including ongoing review and progress reporting on its implementation.</p>	<p>The WA Department of Fisheries has advised the department that due to the findings of previous research that bycatch is a low risk in the Abrolhos Islands &amp; Mid West Trawl Managed Fishery, the WA Department of Fisheries has determined that a formal bycatch action plan is unnecessary.</p> <p>As an alternative, a Bycatch Action Plan (BAP) matrix covering a range of fisheries was developed in 2010 to manage ongoing bycatch issues. The BAP matrix was produced by reviewing and identifying issues in the fisheries and assessing what improvements could be made. The WA Department of Fisheries has stated that it aims to review the BAP matrix every two years. Under the current BAP matrix, all trawl nets in the fishery are required to be fitted with bycatch reduction grids and fish exclusion devices, along with other measures.</p> <p>The WA Department of Fisheries has advised that bycatch reduction devices and fish exclusion devices are mandatory for all trawl nets in the fishery and that a review of grid size and openings was undertaken in 2012 due to net size increases in the fishery. The WA Department of Fisheries also advised that increased grid sizes and openings are likely to be incorporated into licence conditions for the fishery in 2013/14.</p>	<p>The department considers that this recommendation has been partially met.</p> <p>The department recommends that a similar action be continued (see <b>Recommendation 4, Table 4</b>).</p>

Recommendation	Progress	Recommended Action
<p>7. In conjunction with Recommendations 4 and 6, DFWA to develop and implement a program to identify long-term trends in bycatch diversity and abundance in the Abrolhos Islands &amp; Mid West Trawl Managed Fishery.</p>	<p>The WA Department of Fisheries has advised that the risk assessment completed in 2008 indicated negligible or low risk to bycatch species in the fishery. The quantity of fish caught is very low and the trawl gear used is configured in a way that largely precludes the capture of most non-target invertebrate species. The WA Department of Fisheries has further advised that a dedicated program to identify long-term trends in bycatch diversity is not necessary due to the low risk level and given that details of key bycatch species and protected species caught during annual surveys are recorded.</p>	<p>The department considers that this recommendation has been partially met.</p> <p>The department recommends that a similar action be continued (see <b>Recommendation 4, Table 4</b>).</p>
<p>8. By March 2010, DFWA to conduct a compliance risk assessment for the fishery and implement a compliance strategy to address any identified risks.</p>	<p>The WA Department of Fisheries has advised that a Level 1-3 Compliance Risk Assessment process has been implemented for all WA managed fisheries and that the low number of licensees in the fishery (two) that hold the ten licenses reduces the compliance risk in the fishery. The WA Department of Fisheries also advises that compliance checks of operators in the fishery (such as gear and licence checks) are conducted during the fishing season. Vessels in the fishery are also subject to ongoing monitoring via a Vessel Monitoring System (VMS), therefore any incursions into closed areas are detected and followed up as appropriate.</p>	<p>The department considers that this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>9. DFWA to monitor and report on the level of exploratory fishing in non traditional areas of the Abrolhos Islands &amp; Mid West Trawl Managed Fishery. Where fishing effort in non-traditional areas increases, DFWA to ensure the impacts of fishing on bycatch and benthic habitats in these areas is considered in the management of the fishery</p>	<p>The WA Department of Fisheries has advised that boats in the fishery are monitored through a VMS and licensees in the fishery are provided with maps of the traditional trawl grounds around the Abrolhos Islands. A Code of Conduct that includes protocols for exploring non-traditional areas has also been developed and adopted by industry.</p> <p>As the fishing season is short and the area trawled is very small (in 2010 approximately 5 per cent of the total fishable area in the fishery was trawled), impacts to the benthic habitats are considered low. As noted under Recommendation 7 (above), the risk to bycatch species in the fishery has been assessed as negligible to low.</p>	<p>The department considers that this recommendation has been met.</p>

Recommendation	Progress	Recommended Action
<p>10. DFWA to continue to investigate the drivers of scallop recruitment and, where appropriate, develop and implement strategies to ensure the ongoing ecologically sustainable management of the AIMWTMF.</p>	<p>The WA Department of Fisheries has advised that while the drivers of scallop recruitment have not been studied for the Abrolhos Islands &amp; Mid West Trawl Managed Fishery specifically, a recent study of scallop recruitment drivers was conducted for the adjacent Shark Bay Scallop Managed Fishery.</p> <p>The report found that the survival rates of discarded scallops was higher in winter than for summer, which suggests that the discarding of scallops by the prawn fleet (in the Shark Bay Prawn Managed Fishery) in the summer of 2004 was detrimental to the catch and spawning stock of scallops more broadly.</p> <p>However, there is little to no discarding of scallops in the Abrolhos Islands &amp; Mid West Trawl Managed Fishery, therefore this factor is not likely to affect recruitment in this fishery.</p>	<p>The department considers that this recommendation has been partially met.</p> <p>The department recommends that a similar action be continued (see <b>Recommendation 5, Table 4</b>).</p>

**Table 3: The Department of Sustainability, Environment, Water, Population and Communities' assessment of the Western Australian Abrolhos Islands & Mid West Trawl Managed Fishery against the requirements of the EPBC Act related to decisions made under Parts 12, 13 and 13A.**

**Please Note** – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Parts 12, 13 and 13A. A complete version of the EPBC Act can be found on the department's website.

## **Part 12**

<b>Section 176 Bioregional Plans</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
(5) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.	The Marine Bioregional Plan for the South West Marine Region has been considered in the preparation of advice in relation to decisions under section 303DC and section 303FN. Physical habitat modification, the extraction of living resources, bycatch and pollution have been identified as pressures of potential concern within the South-west marine bioregional planning area in which the WA Abrolhos Islands and Mid West Trawl Managed Fishery operates. However, the 2008 Ecological Risk Assessment for the fishery assessed impacts of the fishery to the physical ecosystem as low to negligible due to the small area that is used to harvest scallops, the sandy bottoms that are trawled and the few operators that work in the fishery. In addition, an annually reviewed total catch limit restricts the removal of scallops from the ecosystem.



## Part 13

<b>Division 1 Listed threatened species</b> <b>Section 208A Minister may accredit plans or regimes</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none"> <li>i. made by a State or self-governing Territory; and</li> <li>ii. in force under a law of the State or self-governing Territory;</li> </ul> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery (the Fishery) will be managed under the WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993, <i>WA Fish Resources Management Act 1994</i> and the WA Fish Resources Management Regulations 1995.</p> <p>The management regime for the Fishery was accredited under Part 13 of the EPBC Act in March 2005. The department considers that the management arrangements have not significantly changed and continue to require persons engaged in fishing under the plan to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.</p> <p>Listed threatened species such as humpback whales, great white sharks and sea lions are known to occur in the Abrolhos Islands area, information provided by the WA Department of Fisheries indicates that there have been very limited interactions with listed threatened species in Commonwealth waters and the likelihood of interactions with listed threatened species is low. There have been no recorded captures of listed threatened species in the fishery since Bycatch Reduction Devices (BRD) by way of grids, were made compulsory in 2003.</p> <p>Therefore, the department considers the current operation of the Fishery is not likely to adversely affect the survival or recovery in nature of any listed threatened species. The department therefore</p>

	recommends that the management regime for the Fishery be reaccredited under Part 13 of the EPBC Act.
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**Part 13 (cont.)**

<b>Division 2 Migratory species Section 222A Minister may accredit plans or regimes</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery (the Fishery) will be managed under the WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993, <i>WA Fish Resources Management Act 1994</i> and the WA Fish Resources Management Regulations 1995.</p> <p>The management regime for the Fishery was accredited under Part 13 of the EPBC Act in March 2005. The department considers that the management arrangements have not significantly changed and continue to require persons engaged in fishing under the plan to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of the fishing.</p> <p>Listed migratory species such as humpback whales, great white sharks and sea lions are known to occur in the Abrolhos Islands area. Information provided by the WA Department of Fisheries indicates that there have been no interactions with listed migratory species in Commonwealth waters since 2003 and the likelihood of interactions with these species is low. Therefore, the department considers the current operation of the Fishery is not likely to adversely affect the conservation status of any listed migratory species. The department therefore recommends that the management regime for the Fishery be reaccredited under Part 13 of the EPBC Act.</p>

**Part 13 (cont.)**

<b>Division 3 Whales and other cetaceans</b> <b>Section 245 Minister may accredit plans or regimes</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery (the Fishery) will be managed under the WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993, <i>WA Fish Resources Management Act 1994</i> and the WA Fish Resources Management Regulations 1995.</p> <p>The management regime for the Fishery was accredited under Part 13 of the EPBC Act in March 2005. The department considers that the management arrangements have not significantly changed and continue to require persons engaged in fishing under the plan to take all reasonable steps to ensure that whales and cetaceans are not killed or injured as a result of the fishing.</p> <p>Cetaceans such as humpback whales are known to occur in the Abrolhos Islands area. Information provided by the WA Department of Fisheries indicates that there have been no interactions with whales and other cetaceans in Commonwealth waters and the likelihood of interactions with whales and other cetaceans is low. Therefore, the department considers the current operation of the Fishery is not likely to adversely affect the conservation status of a species of cetacean or a population of that species. The department therefore recommends that the management regime for the Fishery be reaccredited under Part 13 of the EPBC Act.</p>

**Part 13 (cont.)**

<b>Division 4 Listed marine species</b> <b>Section 265 Minister may accredit plans or regimes</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p class="list-item-l1">(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p class="list-item-l2">i. made by a State or self-governing Territory; and</p> <p class="list-item-l2">ii. in force under a law of the State or self-governing Territory;</p> <p>if <b>satisfied</b> that:</p> <p class="list-item-l1">(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p class="list-item-l1">(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>The WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery (the Fishery) will be managed under the WA Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993, <i>WA Fish Resources Management Act 1994</i> and the <i>WA Fish Resources Management Regulations 1995</i>.</p> <p>The management regime for the Fishery was accredited under Part 13 of the EPBC Act in March 2005. The department considers that the management arrangements have not significantly changed and continue to require persons engaged in fishing under the plan to take all reasonable steps to ensure that listed marine species are not killed or injured as a result of the fishing.</p> <p>Listed marine species such as sygnathids, marine turtles and seasnakes are known to occur in the Abrolhos Islands area. Information provided by the WA Department of Fisheries indicates that there have been no interactions with listed marine species recorded since the last assessment. The department therefore considers that the current operation of the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species. The department therefore recommends that the management regime for the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery be reaccredited under Part 13 of the EPBC Act.</p>

**Part 13 (cont.)**

<b>Section 303AA Conditions relating to accreditation of plans, regimes and policies</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The department recommends that the management regime for the WA Abrolhos Islands & Mid West Trawl Managed Fishery be accredited under section 208A, 222A, 245 and 265.
(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	The department considers that no conditions are required for the accreditation of the management regime for the WA Abrolhos Islands & Mid West Trawl Managed Fishery under Part 13.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	

## Part 13A

### Section 303BA Objects of Part 13A

(1) The objects of this Part are as follows:

- (a) to ensure that Australia complies with its obligations under CITES<sup>2</sup> 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.

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<sup>2</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora

## Part 13A

Section 303DC Minister may amend list	The department's assessment of the Western Australian Abrolhos Islands & Mid West Trawl Managed Fishery
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> <li>(a) including items in the list;</li> <li>(b) deleting items from the list; or</li> <li>(c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(d) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> <li>(e) correcting an inaccuracy or updating the name of a species.</li> </ul>	<p>The department recommends that product derived from the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery be included in the list of exempt native specimens until 15 March 2018.</p>
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor.</p> <p>The department considers that the amendment of the list of exempt native specimens to include product taken in the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery until 15 March 2018 would be consistent with the objects of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> <li>▪ the fishery will not harvest any Convention on International Trade in</li> </ul>

	<p>Endangered Species of Wild Fauna and Flora (CITES) listed species</p> <ul style="list-style-type: none"> <li>▪ there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1)</li> <li>▪ the operation of the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery is unlikely to be unsustainable and threaten biodiversity within the next 5 years, and</li> <li>▪ the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify prawns or scallops as a class of animal in relation to the welfare of live specimens.</li> </ul>
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <p>(a) must consult such other Minister or Ministers as the Minister considers appropriate; and</p> <p>(b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and</p> <p>(c) may consult such other persons and organisations as the Minister considers appropriate.</p>	<p>The department considers that the consultation requirements have been met. The application from the WA Department of Fisheries for the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery was released for public comment from 14 November 2012 to 13 December 2012. The public comment period sought comment on:</p> <ul style="list-style-type: none"> <li>▪ the proposal to amend the list of exempt native specimens to include product derived from the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery; and</li> <li>▪ the WA Department of Fisheries' application.</li> </ul> <p>No public comments were received.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the WA Abrolhos Islands &amp; Mid West Trawl Managed Fishery made under section 303DC will be gazetted and made available on the department's website.</p>



## Part 16

<b>Section 391 Minister must consider precautionary principle in making decisions</b>	<b>The department's assessment of the Western Australian Abrolhos Islands &amp; Mid West Trawl Managed Fishery</b>
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	Having regard to the precautionary management measures in place in the fishery, summarised in Table 1, the department considers that the precautionary principle has been accounted for in the preparation of advice in relation to a decision under section 303DC.
(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.	

**The Department of Sustainability, Environment, Water, Population and Communities' final recommendations to the Department of Fisheries Western Australia for the Western Australian Abrolhos Islands & Mid West Trawl Managed Fishery**

The material submitted by the Western Australian (WA) Department of Fisheries indicates that the WA Abrolhos Islands & Midwest Trawl Managed Fishery operates in accordance with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition'.

### **Stock Status**

The 'Western Australian Annual State of the Fisheries and Resources Report 2011/12 (SoFAR)', assessed the target prawn and scallop parent stocks to be at an 'adequate' level. The SoFAR assessment considers that annual variations in recruitment to the parental biomass are due to environmental impacts, rather than fishing pressure.

In 2009 and 2010, two voluntary fisheries adjustment schemes (VFAS) reduced the number of licences operating in the Abrolhos Islands & Midwest Trawl Managed Fishery from 16 to 10. In addition, fishery independent surveys are regularly conducted to establish recruitment strength and abundance of scallops in the fishery.

Management measures in place in the fishery include:

- limited entry
- seasonal and area closures
- mandatory use of bycatch reduction devices, and
- gear controls.

The department considers that the range of management measures is sufficient to ensure that the fishery is conducted in a manner that does not lead to over-fishing and that stocks are not currently overfished.

### **Ecosystem Impacts**

Taking into account the management measures for the target and byproduct species and the mandatory requirements for all trawl operators to use bycatch reduction devices, the department considers that fishing operations conducted under the Abrolhos Islands & Midwest Trawl Limited Entry Fishery Notice 1993 will be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

The department considers that product taken in the fishery should be included in the list of exempt native specimens under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* for a period of five years, until 15 March 2018. To contain and minimise the risks in the longer term the recommendations listed in Table 4 have been made. Unless a specific time frame is provided, each recommendation should be addressed during the five year period.

**Table 4: Western Australian (WA) Abrolhos Islands & Mid West Trawl Managed Fishery Assessment – Summary of Issues and Recommendations – March 2013**

Issue	Recommendation
<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 Sustainability, Environment, Water, Population and Communities 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, protected species or the ecosystem.</p>	<p><b>Recommendation 1:</b></p> <p>Operation of the fishery will be carried out in accordance with the Western Australian (WA) Abrolhos Islands &amp; Mid West Trawl Limited Entry Fishery Notice 1993 in force under the Western Australian <i>Fish Resources Management Act 1994</i>.</p> <p><b>Recommendation 2:</b></p> <p>WA Department of Fisheries to advise the department of any intended material change to the fishery's legislated management regime and management arrangements that could affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>

Issue	Recommendation
<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 '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 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 <a href="http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html">http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html</a></p>	<p><b>Recommendation 3:</b></p> <p>WA Department of Fisheries to produce and present reports to the department annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition'.</p>
<p><u>Monitoring bycatch</u></p> <p>The WA Department of Fisheries advise that bycatch in the fishery is negligible given the short season in the fishery, the limited 'actual area trawled' and the large net mesh size used in the fishery. However, the department considers bycatch monitoring and ongoing research into bycatch management in all fisheries as important tools to ensure bycatch does not affect the ecological sustainability of a fishery.</p> <p>The department is aware that a Bycatch Action Plan (BAP) Matrix was developed in 2010 for WA prawn and scallop fisheries which sets out the current status of management arrangements and planned future actions for bycatch management in the fishery. The department acknowledges that reported bycatch has historically been low in this fishery, that fishing effort and trawled area have been substantially reduced and that bycatch reduction devices are used in all nets. The department nevertheless considers that the WA Department of Fisheries should undertake an appropriate level of ongoing research and/or monitoring to ensure that the actions directed through the BAP Matrix remain relevant to the fishery.</p>	<p><b>Recommendation 4:</b></p> <p>WA Department of Fisheries to conduct appropriate ongoing research and/or monitoring to determine whether the actions undertaken in the Bycatch Action Plan Matrix are sufficient to minimise risk to bycatch species in the fishery.</p>

### Maintaining target stocks

The department notes that scallop stocks undergo natural variation in abundance due to environmental fluctuations and is aware of ongoing research undertaken by the WA Department of Fisheries to investigate low recruitment of scallops.

The department notes that the WA Department of Fisheries regularly conducts fishery independent surveys to estimate recruitment strength in the fishery and has put in place a range of measures to ensure that the target species is not overfished. In 2008, the annual assessment recommended a low projected catch for the 2009 season to protect breeding stocks. The department commends industry on its decision not to fish in 2009 to allow breeding stocks to increase. The department recommends that the WA Department of Fisheries continue to investigate alternate management arrangements to ensure potential discarding of smaller scallops is not detrimental to the spawning stock when recruitment is low.

A Fisheries Research and Development Corporation project undertaken from 2008 to 2011 included an examination of the mesh shape and size of codends used in the Shark Bay Scallop Fishery to determine if the selectivity of scallops (large versus small unwanted scallops) and their impact on damage to and retention of prawns, could be improved by adopting a square mesh codend as an alternative to the conventional diamond mesh codend.

The research project found that of the square mesh sizes trialled (50 mm, 55 mm and 60 mm) the 55mm and 60mm square mesh retained significantly less (22 – 33 per cent) smaller scallops and other bycatch than the current 100 mm diamond mesh codend. However, the 50 mm square mesh codends performed poorly with relatively high retention rates of small scallops. The overall 5 per cent mean loss in commercial sized scallops and significant bycatch reductions of up to 95 per cent for the 55mm and 60mm square mesh codends compared to diamond mesh codends is a positive result from the project.

The department recommends the continued investigation of square mesh or improved net mesh design for codends with the aim of minimising bycatch and reducing the retention rate of unwanted undersize scallops.

### **Recommendation 5:**

WA Department of Fisheries to:

- a) continue to investigate the causes contributing to the ongoing low recruitment of scallops, and develop and implement strategies to address these where appropriate, and
- b) continue to evaluate alternative mesh size for trawl nets to reduce the retention of small size scallops, and encourage uptake of alternative fishing gear where appropriate.

