



Australian Government

Department of the Environment and Energy

Assessment of the
South Australian Rock Lobster Fishery

November 2015

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This report should be attributed as '*Assessment of the South Australian Rock Lobster Fishery November 2015*, Commonwealth of Australia 2015'.

Disclaimer

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

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SECTION 1: SUMMARY OF THE ASSESSMENT FOR THE SOUTH AUSTRALIAN ROCK LOBSTER FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

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

Summary: Overview of South Australian Rock Lobster Fishery against the relevant requirements of the Guidelines and the EPBC Act.

Guidelines	Meets	Partially meets	Does not meet	Details
Management regime	All met			Readily available and developed with transparent process.
Principle 1 (target stocks)	All met			Robust and active management of target stocks.
Principle 2 (bycatch and TEPS)	All met			No significant bycatch or TEP concerns, given selective fishing method. Risks to ASL mitigated through requirements for SLEDs in Northern Zone.
Principle 2 (ecosystem impacts)	All met			Ecosystem impacts not a concern in the fishery, given fishing method.
EPBC requirements				
Part 12	All met			Fishing activities do not compromise values identified in relevant MBP.
Part 13	All met			Potential interactions with ASL mitigated through requirements for SLEDs. Very low numbers of interactions with protected species recorded in 2007/08, no recordings since.
Part 13A	All, but for 1	1		Limited consultation if LENS is amended, although sufficient for strict requirements, as per advice to Minister in MS14-002367.
Part 16	All met			Relevant MBP considered in detail in 2013 assessment.
Conclusion: This fishery targets southern rock lobster (<i>Jasus edwardsii</i>) using baited pots. It is closely linked to the Giant Crab fishery and is managed in the same two management zones (Southern and Northern). There are no stock concerns, bycatch concerns or problems with protected species interactions. The fishery meets all environmental requirements of the EPBC Act and all of the Guidelines.				
Final recommendation for 2015 assessment of SA Rock Lobster Fishery: Low risk, eligible for 10 year approval (2015-2025).				

Notes:**Assessment history:**

1st assessment finalised 2003 – LENS with 13 recs

2nd assessment finalised 2008 – LENS with 7 recs, Part 13 condition (“mitigate interactions with protected species”)

3rd assessment finalised 2013 – LENS with 6 recs. No public comments received. Part 13 open ended

Fishery reporting:

Annual report – last provided in July 2014

Protected species interactions – All SA fishery interactions provided publicly and annually at [Research Report Series](#) section on SARDI website. Last published February 2014 (fishing year of 2012/13):

http://pir.sa.gov.au/_data/assets/pdf_file/0011/232400/Wildlife_Interactions_in_SA_Fisheries_2013_-_FINAL.pdf

Key links:

– Fishery information page on PIRSA website, including stock assessments and status reports for both zones

http://pir.sa.gov.au/fishing/commercial_fishing/commercial_fisheries/rock_lobster_fishery

– Management Plan for the SA Commercial Northern Zone Rock Lobster Fishery – November 2014 (expires 2019). Contains harvest strategy –

http://pir.sa.gov.au/_data/assets/pdf_file/0005/57956/NZRFL_Management_Plan_October_2014.pdf

– Management Plan for the SA Commercial Southern Zone Rock Lobster Fishery – October 2013 (expires 2018). Contains harvest strategy –

http://pir.sa.gov.au/_data/assets/pdf_file/0004/57955/Southern_Zone_Rock_Lobster_Fishery_Management_Plan_October_2013.pdf

Ecological Risk Assessment

– Risk assessment – April 2011

http://www.misa.net.au/_media/pdf/sundry_sites/fisheries_council/Final_Rock_lobster_ERA_28_November_2012.pdf

– FRDC Status of Key Australian Fish Stocks 2014 – Southern Rock Lobster. Status across southern Australia, including in SA = sustainable

http://fish.gov.au/reports/crustaceans/lobsters/Pages/southern_rock_lobster.aspx

– South Australian Recreational Fishing Survey 2007/08 <http://recfishingresearch.org/south-australian-recreational-fishing-survey-200708/>

SECTION 2: DETAILED ANALYSIS OF THE SOUTH AUSTRALIAN ROCK LOBSTER FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines	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	Managed through publicly available legislation. Management plan for the Northern Zone Rock Lobster Fishery – November 2014 and Management plan for the Southern Zone Rock Lobster Fishery – October 2013 also available online (links above).
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	Management plan developed through consultative process, including public consultation.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	Co-managed between PIRSA and three representative industry groups. Inclusion of rec sector and eNGO in Rock Lobster Fishery MAC.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	Yes, goals, objectives, strategies and performance indicators addressed in management plan. New harvest strategies are being considered will include improved target, limit and trigger reference points.
Be capable of controlling the level of harvest in the fishery using input and/or output controls	Yes, input and output controls, including limited entry, spatial closures, size limits, ITQs and TACCs
Contain the means of enforcing critical aspects of the management arrangements	Compliance risk assessment conducted annually, followed by annual development of compliance plan.
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	Stock assessment and TACCs reviewed annually. Management plan reviewed after 5 years operation.
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	ESD risk assessment (ERA link above) conducted in 2011, risks addressed in 2013 (Southern) 2014 (Northern) management plans (Goal 3). Overall, fishery has minimal impact on wider marine environment.
Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy	No significant intersection with Cwth plans.
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	
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.	Yes, mandatory logbooks record daily information on location, effort and total catch by species. Voluntary observer program conducted in both zones.
Assessment	
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.	Yes, annual stock assessment considers fishery dependent and independent data.
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	Single stock within SA, managed within two zones to reflect different habitats and fishing operations.
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.	Estimates of recreational take confirmed by 5 yearly rec fishing surveys (link above). Removals by other commercial fishing activities considered in national stock assessment.
1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.	Yes, annual stock assessments include consideration of fishery dependent and independent data. Two assessment models consider biomass, egg production estimates (as a % of virgin egg production) and exploitation rate.
Management responses	
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.	Yes, harvest decision rules articulated in harvest strategy (within management plan).
1.1.7 There are management strategies in place capable of controlling the level of take.	Yes, both input and output controls.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of by-product species.	Byproduct assessed in ESD risk assessment. Some finfish taken as byproduct (schedule of allowed species in MP). Risks assessed as negligible for all species, except Southern Zone octopus, where risk assessed as low. Octopus catch as byproduct is monitored.
(Guidelines 1.1.1 to 1.1.7 should be applied to by-product species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Appears likely, based on historic performance.
If overfished, go to Objective 2:	

If not overfished, go to PRINCIPLE 2:	
Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
Management responses	
1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.	Not applicable.
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.
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.	Yes, mandatory daily logbooks, data summarised in annual reports (link above). Volunteer observer program in both sectors.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Yes, in 2011 ESD risk assessment.
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.	Yes, Sea Lion Exclusion Devices (SLEDs) required in waters less than 100m for Northern Zone, to protect Australian sea lions (ASL). Escape gaps mandatory in pots in Northern Zone to minimise bycatch.
2.1.4 An indicator group of bycatch species is monitored.	Not applicable. ESD risk assessment identified all bycatch as low risk.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Not applicable. ESD risk assessment identified 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.	Appears likely, based on historic performance.

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.	Interactions reported in mandatory daily logbooks, data summarised in annual reports (link above). No TEP interactions reported since 2007/08. Volunteer observer program in both sectors.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Yes, ESD risk assessment in 2011. ASL in Northern Zone identified as moderate risk, given proximity of fishing effort to ASL colonies. SLEDs implemented in response.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Only minimal overlap of fishery with EPBC listed Giant Kelp threatened ecological community, listed in August 2012. ERA (2011) therefore does not specifically consider this EC, but does consider impact on habitat, risk rating assessed as negligible.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Yes, SLEDs required in waters less than 100m for Northern Zone, to protect ASL.
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	Not applicable.
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Appears likely, based on historic performance.
Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.	Yes, fishery dependent and fishery independent data collected.
Assessment	
2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery. 1. Impacts on ecological communities • Benthic communities • Ecologically related, associated or dependent species	Yes, comprehensive ESD risk assessment conducted in 2011, risks generally identified as minimal. Ongoing negligible-low risks to general ecosystem addressed in management plan.

<ul style="list-style-type: none"> • Water column communities <p>2. Impacts on food chains</p> <ul style="list-style-type: none"> • Structure • Productivity/flows <p>3. Impacts on the physical environment</p> <ul style="list-style-type: none"> • Physical habitat • Water quality 	
Management responses	
2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.	Not applicable. No significant ecosystem impacts indentified.
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.	Not applicable.
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Not applicable.

SECTION 3: ASSESSMENT OF THE SOUTH AUSTRALIAN ROCK LOBSTER FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

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

Part 12

	Comment
Section 176 Bioregional Plans	
(5) Minister must have regard to relevant bioregional plans	KEFs and BIAs in bioregional plan for south-west not compromised by fishing activity.

Part 13

	Comment
Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	
s. 208A (1) (a-e) , s.222A (1) (a-e), s.245A (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	The Management plan for the Northern Zone Rock Lobster Fishery – November 2014 and Management plan for the Southern Zone Rock Lobster Fishery – October 2013 in force under the Fisheries Management Act 2007 (SA).
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Yes, SLEDs required in Northern Zone in waters less than 100m to protect ASL. The Department of the Environment and Energy considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of protected species, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a listed threatened species protected by the EPBC Act.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species.	No, interactions unlikely given mitigation measures. The Department of the Environment and Energy considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species.
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	

(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	<p>Yes, interactions highly unlikely.</p> <p>The Department of the Environment and Energy considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of migratory species, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a listed migratory species protected by the EPBC Act.</p>
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	<p>No, interactions highly unlikely.</p> <p>The Department of the Environment and Energy considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a listed migratory species or population of that species.</p>
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	<p>Yes, interactions highly unlikely.</p> <p>The Department of the Environment and Energy considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of whales and cetaceans, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a whale or cetacean species protected by the EPBC Act.</p>
(g) And is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	<p>No, interactions highly unlikely.</p> <p>The Department of the Environment and Energy considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a whale or cetacean or population of that species.</p>
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	<p>Yes, SLEDs required in Northern Zone in waters less than 100m to protect ASL.</p> <p>The Department of the Environment and Energy considers that the management regime requires that all reasonable steps are taken to avoid the killing or injuring of listed marine species, and the risk of interaction under current fishing operations is low. On this basis, the Department is satisfied that an action taken by an individual fisher, acting in accordance with the management regime, would not be expected to have a significant impact on a listed marine species protected by the EPBC Act.</p>

(g) And is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	No, interactions unlikely given mitigation measures. The Department of the Environment and Energy considers that the fishery to which the management regime relates does not, or is not likely to, adversely affect the survival in nature of a listed marine species or population of that species.
Section 303AA Conditions relating to accreditation of plans, regimes and policies	
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	Recommend accreditation, TEP issues being addressed appropriately. The Department of the Environment and Energy recommends that the South Australian Rock Lobster Fishery be accredited under sections 208A, 222A, 245 and 265.
(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	No condition has been imposed on the South Australian Rock Lobster 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.	Not applicable.

Part 13A

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <ul style="list-style-type: none"> (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention; (b) to protect wildlife that may be adversely affected by trade; (c) to promote the conservation of biodiversity in Australia and other countries; (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way; (e) to promote the humane treatment of wildlife; (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife. 	
	Comment
Section 303DC Minister may amend list (non CITES species)	

<p>(1) The Minister may amend the LENS by:</p> <p>(a) doing any of the following:</p> <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 	<p>The Department recommends that specimens that are or are derived from fish or invertebrates, taken in the South Australian Rock Lobster Fishery as defined in the management regime in force under the South Australian <i>Fisheries Management Act 2007</i>, but not including</p> <ul style="list-style-type: none"> • specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or • 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 25 July 2025.</p>
<p>(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div 1 Or 2 assessment</p>	<p>Not applicable.</p> <p>No assessment under Part 10 of the EPBC Act has been completed as the South Australian Rock Lobster Fishery is not a Commonwealth fishery.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A (listed above) 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 links above) • the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next ten years.
<p>(3) Before amending LENS, Minister must consult:</p> <p>(a) other Minister or Ministers as appropriate; and</p> <p>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and</p> <p>(c) other persons and organisations as appropriate.</p>	<p>General consultation with the (SA) Minister for Fisheries in October 2014 (MS14-002367).</p>

Part 16

	Comment
Section 391 Minister must consider precautionary principle in making decisions	
<p>(1) Minister must take account of precautionary principle</p> <p>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent</p>	<p>Precautionary management measures in place</p> <p>The precautionary principle has been considered by the Department when making its recommendation to the delegate to include specimens in the list of exempt native specimens.</p>

degradation of the environment where there are threats of serious or irreversible environmental damage.	
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