



Australian Government

Department of the Environment and Energy

**Strategic Assessment of the
Torres Strait Tropical Rock Lobster Fishery**

November 2018

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Disclaimer

This document is an assessment carried out by the Department of the Environment and Energy of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for the Environment on the fishery in relation to decisions under 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 STRATEGIC ASSESSMENT OF THE TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY

On 04 May 2016, the Minister for the Environment signed a section 146 agreement to formally commence a strategic assessment under the EPBC Act of the impacts of actions under the *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar) Management Plan 2018* (Kaiar Management Plan) for the Torres Strait Tropical Rock Lobster Fishery (the fishery). The Kaiar Management Plan is made under the *Torres Strait Fisheries Act 1984* (Cth).

Management arrangements

Once determined by the Minister responsible for the Torres Strait Fisheries Act, the Kaiar Management Plan will replace the existing management arrangements under which the fishery is managed. Under the new management arrangements, there are no changes to the target species, fishing method, fishing gear, or fishing areas. The proposed Kaiar Management Plan will introduce a quota management system comprising:

- a total allowable commercial catch,
- transferable quota units, and
- mechanisms for trading quota.

Target and byproduct species

The Department considers that the management measures in place are sufficient to ensure that the fishery is conducted in a manner that does not lead to overfishing and that stocks are not currently overfished.

Protected species and ecological communities

The Department considers that under the proposed management arrangements, operators are required to take all reasonable steps to avoid the killing or injuring of protected species and the level of interaction under current fishing operations is negligible. The fishery continues to have a low impact in relation to threatened ecological communities and bycatch species.

Ecosystem impacts

Taking into account existing and proposed management measures, the management regime for the fishery provides for fishing operations to be managed to minimise its impact on the structure, productivity, function and biological diversity of the ecosystem.

Conclusion

It is recommended that the proposed management plan be accredited under Part 13 of the EPBC Act for interactions with protected species. It is also recommended that the proposed plan of management be accredited pursuant to section 33 of Part 4 of the EPBC Act (see Section 4).

In December 2017, the fishery was declared an approved wildlife trade operation until 18 December 2020. The Department considers that this declaration remains valid.

SECTION 1: ASSESSMENT SUMMARY OF THE TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY 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	8 of 9 1 of 9 N/a			<p>The management regime is effective.</p> <p>The Torres Strait Tropical Rock Lobster Fishery (the fishery) is managed by the Australian Fisheries Management Authority (AFMA) on behalf of the Protected Zone Joint Authority (PZJA). The fishery will operate under the <i>Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018</i> (Kaiar Management Plan) made under the <i>Torres Strait Fisheries Act 1984</i> (Cth).</p> <p>The management plan introduces a number of minor amendments to the management arrangements. The introduction of a transferable quota management system aims to provide increased certainty for stock allocation.</p>
Principle 1 (target stocks)	5 of 11 2 of 11 N/a	4 of 11		<p>Adequate measures to manage target stocks.</p> <p>While there are identified risks, the management arrangements contain measures that aim to manage the effects of fishing on target and byproduct stocks. Further reforms are anticipated within the life of this declaration.</p> <p>Further research is required in relation to the biological structure for tropical rock lobster stocks. Productivity is difficult to determine. AFMA anticipate the development of a harvest strategy that contains objectives, reference points, and decisions rules.</p>
Principle 2 (bycatch and TEPS)	5 of 12 7 of 12 N/a			<p>Risks to bycatch and protected species are well managed.</p> <p>No significant bycatch or TEP concerns due to the selective fishing methods used.</p>
Principle 2 (ecosystem impacts)	3 of 5 2 of 5 N/a			<p>Ecological risk is inherently low due to the fishing method used.</p> <p>Ecosystem impacts are not a concern in the fishery due to the selective fishing method.</p>
EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 4	All met			<p>Recommend management arrangements be accredited pursuant to section 33.</p> <p>Once determined, consideration will be given to accrediting the Kaiar Management Plan under section 33 of Part 4 of the EPBC Act. The accreditation means that actions taken by the fishery in accordance with the Kaiar Management Plan do not require approval under Part 9 for the purposes of the provisions specified under Part 3 of the EPBC Act.</p>
Part 10	All met			<p>Likely to have minimal impacts to matters of national environmental significance.</p> <p>Following an agreement under section 146 of Part 10 of the EPBC Act, the Kaiar Management Plan has been assessed for potential impacts to matters of national environmental significance specified under Part 3 of the EPBC Act. The strategic assessment considers that the fishery, as managed under the Kaiar Management Plan, is likely to have minimal impacts to matters of national environmental significance.</p>
Part 12	Not applicable			<p>Not applicable.</p> <p>No marine bioregional plan applies to the area of the Torres Strait.</p>

Part 13	All met			<p>Recommend accreditation under Part 13 for interactions with protected species.</p> <p>It is recommended that the Kaiar Management Plan be accredited under Part 13 of the EPBC Act. The fishery's management regime continues to require operators to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.</p>
Part 13A	All met			<p>Recommend wildlife trade approval under Part 13A continue.</p> <p>In December 2017, the fishery was declared a wildlife trade operation until 18 December 2020. These approvals remain valid.</p>
Part 16	All met			<p>Precautionary measures are in place.</p> <p>The Department has accounted for the precautionary principle in the preparation of its advice.</p>

Notes:

Assessment history:

Information on previous assessments for the Torres Strait Tropical Rock Lobster Fishery is available on the Department's website at <http://environment.gov.au/marine/fisheries/commonwealth/torres-strait-rock-lobster>.

- 1st assessment finalised November 2004 – Declaration as an approved wildlife trade operation (WTO) until 24 November 2007. List of exempt native specimens (LENS) amended. Export approval subject to three conditions and 10 recommendations. Statement of management arrangements accredited under Part 13 and pursuant to section 33 of the EPBC Act on 10 May 2005.
- 2nd assessment finalised November 2007 – WTO approval until 23 November 2010. LENS amended. Export approval subject to three conditions and five recommendations. Management arrangements accredited under Part 13 of the EPBC Act on 22 January 2007. LENS extension until 28 January 2011.
- 3rd assessment finalised January 2011 – WTO approval until 23 November 2013. LENS amended. Export approval subject to three conditions and five recommendations. Fishery management policy accredited under Part 13 of the EPBC Act on 17 January 2011. LENS extension until 09 May 2014.
- 4th assessment finalised May 2014 – WTO approval until 04 May 2017. LENS amended. Export approval subject to three conditions and three recommendations. Fishery management policy accredited under Part 13 on 07 May 2014. LENS extension until 27 October 2017. LENS extension until 22 December 2017.
- 5th assessment finalised December 2017 – WTO approval until 18 December 2020. LENS amended. Export approval subject to four conditions.

Fishery reporting:

- Annual reports – <https://www.pzja.gov.au/resources/publications/annual-reports>.
- Scientific research and other reports – <https://www.pzja.gov.au/resources/publications/scientific-research-and-other-reports>.

Key links:

- Protected Zone Joint Authority – <https://www.pzja.gov.au/>.
- Torres Strait Tropical Rock Lobster Fishery information available – <https://www.pzja.gov.au/the-fisheries/torres-strait-tropical-rock-lobster-fishery>.
- Torres Strait Treaty – <https://dfat.gov.au/geo/torres-strait/Pages/the-torres-strait-treaty.aspx>. The Department of Foreign Affairs and Trade has overall responsibility for the Torres Strait Treaty.
- Arrangement between the Commonwealth and the State of Queensland under section 31 of the *Torres Strait Fisheries Act 1984* – <https://www.legislation.gov.au/Series/F2008B00750>.
- Gazette – Notification of public comment on the Draft strategic assessment report for the Torres Strait Tropical Rock Lobster Fishery – <https://www.legislation.gov.au/Details/C2016G01068>.
- Torres Strait Tropical Rock Lobster Fishery five year business plan – <https://www.pzja.gov.au/resources/publications/torres-strait-tropical-rock-lobster-fishery-five-year-business-plan>.
- Torres Strait Tropical Rock Lobster Fishery: Traditional and commercial fishing in the Torres Strait protected zone, Fact sheet – <https://www.pzja.gov.au/sites/g/files/net4491/f/content/uploads/2011/06/torres-rock-lobster.pdf>.
- Tropical Rock Lobster Resource Assessment Group – <https://www.pzja.gov.au/pzja-and-committees/what-pzja-committees-exist-and-who-are-the-members>.
- Torres Strait Scientific Advisory Committee – <https://www.pzja.gov.au/pzja-and-committees/what-pzja-committees-exist-and-who-are-the-members>.

Management arrangements

- Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018 – <https://www.legislation.gov.au/Series/F2018L01044>.
- Fisheries Management Paper No. 1: Torres Strait fisheries management advisory committee and associated committees and working groups – <https://www.pzja.gov.au/resources/publications>.
- Fisheries Management Notice No. 50: Torres Strait Crab Fishery – Prohibition on taking crab (gear, size, area and boating length restrictions) – <https://www.legislation.gov.au/Series/F2008B00529>.
- Torres Strait Fisheries Logbook Instrument No. 1 – <https://www.pzja.gov.au/sites/g/files/net4491/f/content/uploads/2011/09/Logbook-Instrument-No-1.pdf>.
- Community Fishing Notice No. 1: Community fishing in the Torres Strait – Prohibition on taking fish without a licence – <https://www.legislation.gov.au/Series/F2008B00622>.
- Torres Strait Tropical Rock Lobster Fishery vessel monitoring systems guidelines – <https://www.pzja.gov.au/resources/publications>.
- Bycatch action plans and implementation reports – <https://www.pzja.gov.au/resources/publications>.
- Fisheries logbook instrument No. 1 (Torres Strait Prawn, Tropical Rock Lobster and Finfish fisheries) – <https://www.pzja.gov.au/sites/g/files/net4491/f/content/uploads/2011/09/Logbook-Instrument-No-1.pdf>.
- Fisheries management and logbook notices – <https://www.pzja.gov.au/resources/publications/fisheries-management-and-logbook-notices>.
- A guide to management arrangements – <https://www.pzja.gov.au/resources/publications>.

Enforcing legislation

- *Torres Strait Fisheries Act 1984* (Cth) – <https://www.legislation.gov.au/Series/C2004A02887>.
- *Torres Strait Fisheries Regulations 1985* (Cth) – <https://www.legislation.gov.au/Series/F1997B01836>.
- *Torres Strait Treaty (Miscellaneous Amendments) Act 1984* (Cth) – <https://www.legislation.gov.au/Series/C2004A02886>.

Harvest strategy

- A harvest strategy is anticipated for implementation by December 2019.
- Plaganyi et al. 2016 'Developing a harvest strategy for the Torres Strait Tropical Rock Lobster Fishery' – https://www.pzja.gov.au/sites/g/files/net4491/f/content/uploads/2018/03/CSIRO-TRL-Harvest-Strategy-March-2016_final.pdf.

Ecological Risk Assessment

- Ecological risk assessments via the Protected Zone Joint Authority website – <https://www.pzja.gov.au/resources/publications>.
- Furlani et al. 2007 'Assessment for the effects of fishing: Report for the Torres Strait Rock Lobster Fishery' – <https://www.pzja.gov.au/sites/g/files/net4491/f/content/uploads/2011/06/4.pdf>.

Stock assessments

- Plaganyi et al. 2016b 'Torres Strait Tropical Rock Lobster Fishery survey and stock assessment' – <https://www.pzja.gov.au/sites/g/files/net4491/f/content/uploads/2018/03/5-TRL-Survey-and-Stock-Assessment-Research-Final-Report-20162.pdf>.

SECTION 2: DETAILED ANALYSIS OF THE TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY 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>Management arrangements are documented and publicly available. The fishery is managed by the Australian Fisheries Management Authority (AFMA) on behalf of the Protected Zone Joint Authority (PZJA). From December 2018, fishing will be managed under the <i>Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar) Management Plan 2018</i> (the Kaiar Management Plan) in accordance with the <i>Torres Strait Fisheries Act 1984</i> (Cth) and the <i>Torres Strait Fisheries Regulations 1985</i> (Cth).</p> <p>The Department's assessment under the EPBC Act in December 2017 indicated a commitment by AFMA to review the PZJA website by July 2018 to improve transparency in relation to managing Torres Strait fisheries. The availability, accuracy and consistency of information on the PZJA website has improved, however further work is required to ensure adequate availability of accurate and consistent.</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	<p>Meets</p> <p>In 2016, the strategic assessment report on the proposed changes to the fishery's management arrangements was published on the Department's website, AFMA's website and the Australian Government gazette for the required 28 days. In the time since, the PZJA continued to consult with key stakeholders and traditional owners in relation to the draft Kaiar Management Plan.</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>Range of expertise and public interests are involved in managing the fishery. PZJA consult with fisheries managers and scientists at AFMA, Queensland Government, traditional owners and the Torres Strait Regional Authority (TSRA). Under the Torres Strait Treaty, PZJA is also required to consult with fisheries managers in Papua New Guinea. The Australian Government minister responsible for fisheries is the chair of the PZJA. Other members include the PZJA Standing Committee, the Torres Strait Scientific Advisory Group (TSSAC), the Tropical Rock Lobster Resource Assessment Group (TRLRAG), and the Tropical Rock Lobster Working Group (TRLWG) also provide advice to the PZJA.</p>
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	<p>Meets</p> <p>The <i>Interim Torres Strait Tropical Rock Lobster Fishery harvest strategy 2008</i> includes strategic objectives and performance measures to measure the effectiveness of fishing operations. AFMA anticipate introducing a revised harvest strategy from December 2019.</p>
Be capable of controlling the level of harvest in the fishery using input and/or output controls.	<p>Meets</p> <p>A mix of input and output controls are used.</p> <ul style="list-style-type: none"> Entry limits – There are 11 licenced primary vessels. The number of Torres Strait Fishing Boat Licence (TVH) or non-traditional commercial licences is limited. The Torres Strait Fisheries Act includes an objective to improve the livelihoods for traditional inhabitants. Therefore, there are no limits to the number of Traditional Inhabitant Boat (TIB) licences, although licence conditions do apply for all fishers.

	<ul style="list-style-type: none"> • Catch limits – Pre-season surveys and advice from the TRLRAG form the basis of annual catch limits for the Torres Strait region, which includes fishers from Papua New Guinea. The Torres Strait Treaty provides guidance regarding catch sharing arrangements between Australian and Papua New Guinea fishers. A 25 kg maximum limit applies for incidental capture of Spanish Mackerel (<i>Scomberomorus commerson</i>) and mixed reef fishes. • Quota allocation – The introduction of quota management will allow individual transferable quota allocation. Fishers currently operate under the Interim Torres Strait Tropical Rock Lobster Fishery harvest strategy 2008. • Processing – Licenced fish processors record all commercial catch data in the Torres Strait Seafood Buyers and Processors Docket Book. Docket book records include number of divers, days fished, and fishing method. The TIB sector are required to identify the region fished (i.e. Torres Strait, Queensland coast or Papua New Guinea). This information must be reported to AFMA within three days. • Size and bag limits – Minimum 115 mm tail length or 90 mm carapace length. Maximum three lobsters per person or six lobsters per boat. • Methods – Target species are taken by hand with the use of hookah, spear. SCUBA is prohibited. • Gear – Boat length restrictions. The TVH sector use larger vessels accompanied by a number of tenders, while the TIB sector only use tenders. • Closures – A series of closures are in place at different times. Some areas are permanently closed, seasonal closure is in place from 1 October to 30 November, and the use of hookah is prohibited from 1 December to 31 January. AFMA has discretionary powers to implement additional closures through legislative notices.
Contain the means of enforcing critical aspects of the management arrangements.	<p>Meets</p> <p>Effective enforcement capability is in place. Compliance is enforced through Commonwealth and Queensland legislation. AFMA, in consultation with the Papua New Guinea National Fisheries Authority and Australian Border Force, is responsible for foreign compliance in the Torres Strait, while the Queensland Boating and Fisheries Patrol enforce non-compliance for Australian fishers in the Torres Strait. AFMA and the Queensland Boating and Fisheries Patrol undertake an annual compliance risk assessment for the Torres Strait. Measures that prevent illegal, unreported and unregulated catches is an ongoing challenge for management.</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>All management arrangements are subject to periodic review. The TRLRAG review the objectives and performance criteria annually. Target stocks are assessed annually by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) (see Williams et al. 2017; 2018), and bi-annually by the Fisheries Research and Development Corporation (FRDC) (see Maloney et al. 2016).</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>No ecological risk assessment has been conducted for over 10 years (see Furlani et al. 2007). However, the fishery use benign hand collection methods and TACC. Given the management arrangements in place, fishery is considered unlikely to have an impact on wider marine environment in the short term.</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>Not applicable</p> <p>There are no relevant plans or strategies relating to threat abatement, recovery or bycatch with which the fishery is required to be compliant.</p>
<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.</p>	

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.	<p>Meets</p> <p>The Torres Strait Tropical Rock Lobster Daily Fishing Log TRL04 is used to record catches (target and byproduct species, fishing method, gear and locations, and vessel and skipper details). Licenced fish processors record and report all commercial catch data to AFMA. Traditional and recreational catch is considered low.</p>
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.	<p>Meets</p> <p>CSIRO has conducted fishery-independent monitoring of the Torres Strait tropical rock lobster population from 1989 to 2015, and included either mid-season or pre-season surveys. Since 2015, the TACC has been based on pre-season surveys. Both mid-season and pre-season surveys may be used under the new management arrangements.</p> <p>The most recent stock assessment used an integrated assessment framework based on a statistical catch-at-age model. The aim of this assessment approach is to integrate all available information, including catch and effort data, independent survey data, and population density, in one assessment framework (Plaganyi et al. 2016). This model will be incorporated into the new management arrangements, and will increase certainty regarding estimated TACC for target species. It is important that AFMA facilitate more regular stock assessments.</p> <p>ABARES <i>Fishery status reports</i> for 2016–17 and 2017—18 found target stocks are not overfished (biomass estimate) and not subject to overfishing (fishing mortality) (see Williams et al. 2017; 2018). The status of key Australian fish stocks reports 2016 classified <i>Panulirus ornatus</i> stocks as sustainable across northern Australian. However, there is some uncertainty regarding stock structure (see Maloney et al. 2016). The Department's 2017 assessment under the EPBC Act identified a lack of information regarding biological diversity or reproductive capacity for target stocks. There is high annual variability in recruitment and subsequent yields leading to uncertainty when estimating maximum sustainable yield.</p>
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	<p>Partially meets</p> <p>Knowledge of target species stock distribution and spatial structure is good for Australian waters. Tropical rock lobster populations within the Torres Strait, Coral Sea and Queensland waters are still considered to be a single biological stock (Pitcher et al. 2005). However, more recent studies indicate that Torres Strait lobsters may also migrate to spawn in Papua New Guinea waters (Plaganyi et al. 2016). Therefore, further research is required to determine the biological structure for tropical rock lobster stocks, particularly in respect to migration and spawning patterns in Papua New Guinea waters.</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>Meets</p> <p>Robust surveys/ research undertaken, with appropriate management response.</p> <p>The new management arrangements increase reliability regarding the estimated commercial catch. Daily catches will be recorded in logbooks. A licenced fish processor will verify daily catches and report this information to AFMA within three days. Stock assessments are restricted to estimating the commercial catch data within the Torres Strait.</p> <p>Under the new management arrangements, the TIB sector is required to record any catches from Papua New Guinea region. AFMA consult regularly with the Papua New Guinea National Fishery Authority, in relation to compliance and catch data. Pre-season stock surveys focus on areas which are considered to be representative of the fishery as a whole.</p> <p>There is no mechanism to verify traditional or recreational catches, however the total harvest from these sectors is considered low.</p> <p>The Department's 2017 assessment report indicates that most tropical rock lobsters captured in the Torres Strait Prawn Fishery are discarded alive (AFMA 2017).</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.	Partially meets Productivity is difficult to determine. There is no identifiable change regarding potential productivity since the Department's 2017 assessment. That is, the ability to estimate the potential productivity is reduced by the naturally high variability in annual recruitment, which leads to wide variations in yield (Patterson et al. 2016).
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.	Partially meets There is no identifiable change since the Department's 2017 assessment in respect to reference points and decision rules. AFMA anticipates a new harvest strategy with fishery-specific target and limit reference points will be introduced in December 2019. A revised harvest strategy is likely to support the new quota based Kaiar Management Plan.
1.1.7 There are management strategies in place capable of controlling the level of take.	Partially meets Management strategies, including the input and output controls described above, are capable of controlling the level of take. Restrictions apply to the number of licences, harvesting method and gear, fishing seasons, and locations. The management regime will be improved once the anticipated harvest strategy is introduced.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	Meets Effort is low, and limits apply to the take of key byproduct species, particularly Spanish Mackerel and reef finfish species.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct 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.	Meets The new Kaiar Management Plan takes a suitably precautionary approach, and provides increased certainty that the fishery is likely to achieve the objective to maintain harvesting at an ecologically viable stock level.
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 No target or byproduct species stock is considered overfished or subject to overfishing (Patterson et al. 2017; 2018).
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 or byproduct species stock is considered overfished or subject to overfishing (Patterson et al. 2017; 2018).
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.	Not applicable Hand collection methods (hand-held snares, spears and scoop nets) are highly selective, minimising potential for interactions with bycatch. AFMA's ecological risk management strategy concluded the effect of fishing on bycatch species is negligible.
Assessment	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Not applicable Hand collection methods (hand-held snares, spears and scoop nets) are highly selective, minimising potential for interactions with bycatch. AFMA's ecological risk management strategy concluded the effect of fishing on bycatch species is negligible.
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.	Not applicable Hand collection methods (hand-held snares, spears and scoop nets) are highly selective, minimising potential for interactions with bycatch. AFMA's ecological risk management strategy concluded the effect of fishing on bycatch species is negligible.
2.1.4 An indicator group of bycatch species is monitored.	Not applicable AFMA's ecological risk management strategy concluded the effect of fishing on bycatch species is negligible.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Not applicable AFMA's ecological risk management strategy concluded the effect of fishing on bycatch species is negligible.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets There is no or very minimal bycatch, therefore the management regime is likely to achieve the objective to conduct the fishery 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.	Meets There have been no reported interactions with threatened, endangered or protected species (TEPS) or threatened ecological communities (TECs), and existing management measures that restrict harvesting and gear is likely to mitigate any interactions. This is supported by the ecological risk assessment, which indicates the fishery is unlikely to have a detrimental impact on any non-target species or the wider marine environment (Furlani et al. 2007). While there is no requirement to report interactions with TEPS or TECs, it is important that operators are able to report TEPS if they are encountered. The inclusion of TEPS interaction reporting in logbooks will also help to raise awareness.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Meets Ecological risk assessments have accounted for a large number of protected species that occur within the fishery area, including 27 marine reptiles, six seabirds, six marine mammals, and 51 teleost (bony fish) species. Given the low impact harvesting methods, gear and closures, the effect of fishing on all protected species is considered negligible or minor risk (Furlani et al. 2007).

2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Not applicable There are no threatened ecological communities in the area in which the fishery operates.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Meets Management arrangements, harvesting methods and gear type used in the fishery minimise any protected species interactions. See 2.2.2 above.
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	Not applicable There are no threatened ecological communities in the area in which the fishery operates.
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 current management arrangements, including harvesting methods, 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 There is no mechanism to collect information on ecosystem components in the fishery. However, impacts on the habitat from gear have been researched and assessed as having negligible risk.
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 • Water column communities 2. Impacts on food chains • Structure • Productivity/flows 3. Impacts on the physical environment • Physical habitat • Water quality	Meets Furlani et al. (2007) conducted the most recent ERA for this fishery. Furlani et al. (2007) considered the effect of fishing on the wider marine environment. The ERA concluded that the fishery is unlikely to have a detrimental impact because of the selective harvesting methods and other management measures in place. While the risks are considered low, it is important that AFMA and PZJA facilitate regular risk assessments for the impacts of fishing. AFMA considers the effects of fishing on ecosystem components are low. The ERA is scheduled to be reviewed in 2019–2020.
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 Management actions such as restrictions in relation to the gear and methods used, limited entry, and seasonal closures are likely to minimise damage to the marine ecosystem (Furlani 2007).
2.3.4 There are decision rules that trigger further management responses when monitoring detects	Not applicable No decision rules considered necessary due to the relatively benign impact of the fishery on the broader ecosystem.

impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.	
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 the impact of the fishery on the broader ecosystem is relatively benign, the current management response has a high chance of achieving the objective.

SECTION 3: ASSESSMENT OF THE TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

The table below is not a complete or exact representation of the EPBC Act. It is intended to show that the relevant sections and components of the EPBC Act have been taken into account in the formulation of advice on the fishery in relation to the strategic assessment under Part 10, and decisions under Part 4, Part 13, and Part 13A.

Part 4 – Cases in which environmental approvals are needed

Division 2—Actions covered by Ministerial declarations and accredited management arrangements or accredited authorisation processes Section 33—Making declaration that actions do not need approval under Part 9	Comment
<p>(1) The Minister may declare in writing that actions in a class of actions specified in the declaration, in accordance with an accredited management arrangement for the purposes of the declaration, do not require approval under Part 9 for the purposes of a specified provision of Part 3.</p>	<p>Meets Recommend a declaration under subsection 33(3) of the EPBC Act that actions taken in the fishery, in accordance with the accredited management arrangement, do not require approval under Part 9 of the EPBC Act for the purposes of the provisions specified under Part 3 of the EPBC Act.</p>
<p>(2) A management arrangement is an accredited management arrangement if and only if:</p> <ul style="list-style-type: none"> (a) the management arrangement is in operation under a law of the Commonwealth identified in or under the declaration; and (b) the management arrangement has been accredited in writing by the Minister in accordance with this section for the purposes of the declaration. 	<p>Meets The <i>Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar) Management Plan 2018</i> (Kaiar Management Plan) for the Torres Strait Tropical Rock Lobster Fishery (the fishery) is made under the <i>Torres Strait Fisheries Act 1984</i> (Cth).</p>
<p>(3) For the purposes of subsection (2), the Minister may accredit by written instrument a management arrangement for the purposes of a declaration only if the Minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the management arrangement and the law under which it is in operation meet the criteria prescribed by the regulations; and (b) there has been or will be adequate assessment of the impacts that actions approved in accordance with the management arrangement <ul style="list-style-type: none"> (i) have or will have; or (ii) are likely to have; on each matter protected by a provision of Part 3 to which the declaration relates; and 	<p>Meets The Kaiar Management Plan is made under the Torres Strait Fisheries Act, which is prescribed in Regulation 2A.01(2)(a) of the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (EPBC Regulations). The Department has evaluated the proposed Kaiar Management Plan and considers that the management arrangements will not have a significant impact on matters of national environmental significance protected under Part 3 of the EPBC Act.</p>

(c) actions approved or taken in accordance with the management arrangement or authorisation process will not have unacceptable or unsustainable impacts on a matter protected by a provision of Part 3 to which the declaration relates.	
The Minister must publish in accordance with the regulations the instrument accrediting the management arrangement or authorisation process.	Meets Once the proposed Kaiar Management is determined, consideration will be given to accrediting the new management arrangements under section 33 of Part 4 of the EPBC Act.

Part 10 – Strategic assessments

Division 2—Assessment of Commonwealth-managed fisheries Section 153—Minister must make declaration if he or she endorses plan or policy	Comment
<p>(1) This section applies if:</p> <p>(a) the Minister makes an agreement under section 146 as required by this Division and endorses under the agreement:</p> <p>(iii) a plan of management under the <i>Torres Strait Fisheries Act 1984</i> for a fishery;</p> <p>(b) the Minister accredits, under subsection 33(3) of this Act, as an accredited arrangement a management plan or regime consisting of the endorsed plan.</p> <p>(2) The Minister must make a declaration under section 33 that actions approved in accordance with the accredited arrangement do not require an approval under Part 9 for the purposes of subsection 23(1), (2) or (3) or subsection 24A(1), (2), (3), (4), (5) or (6).</p>	<p>Meets</p> <p>On 04 May 2016, the Minister for the Environment signed a section 146 agreement to formally commence a strategic assessment under Part 10 of the EPBC Act for the potential impacts of actions taken in the fishery under the proposed Kaiar Management Plan.</p> <p>The Minister for the Environment has written to the minister responsible for the Torres Strait Fisheries Act endorsing the Kaiar Management Plan, which has been developed in accordance with the agreement under section 146 of the EPBC Act.</p> <p>Once the Kaiar Management Plan is determined by the minister responsible for the Torres Strait Fisheries Act, consideration will be given to making a declaration pursuant to section 33 of the EPBC Act so that actions taken in accordance with the Kaiar Management Plan do not require approval under Part 9 of the EPBC Act.</p>

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 There is no marine bioregional plan for the Torres Strait.

Part 13 – Species and communities

Divisions 1, 2, 3, and 4—Accreditable plan, regime or policy	Comment
s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	Meets Yes, there is an accreditable management regime. The fishery will be managed under the Kaiar Management Plan made under the Torres Strait Fisheries Act.
Division 1—Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Meets Yes, the management regime prescribes measures that will mitigate the effects of fishing to listed threatened species. There has been no reported interactions with listed threatened species in this fishery. Given the management arrangements in place in the fishery, including hand harvesting, limited entry and gear restrictions, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of members of listed threatened species.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?	Meets No, there were no interactions reported in the 2017–18 fishing season. Fishing operations are not likely to adversely affect the survival or recovery in nature of the species.
Division 2—Migratory species, Section 222A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	Meets Yes, the management regime prescribes measures that will mitigate the effects of fishing to listed migratory species. There has been no reported interactions with listed migratory species in this fishery. Given the management arrangements in place, including hand harvesting, limited entry and gear restrictions, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of members of listed migratory species or a population of that species.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	Meets No, there were no interactions reported in the 2017–18 fishing season. Fishing operations are not likely to adversely affect the conservation status of a listed migratory species or a population of that species.
Division 3—Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Meets Yes, there are specific measures in place to mitigate the effects of fishing to cetaceans, which has been demonstrated to be effective. Given the management arrangements in

	place in the fishery, including hand harvesting, limited entry and gear restrictions, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of cetaceans.
(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	Meets No, there were no interactions reported in the 2017–18 fishing season. Fishing operations are not likely to adversely affect the conservation status of a species of cetacean or a population of that species.
Division 4—Listed marine species, Section 265 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	Meets Yes, the prescribed harvest method reduces the risk of interaction to extremely low level. There has been no reported interactions with listed marine species in this fishery. Given the management arrangements in place, including hand harvesting, limited entry and gear restrictions, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of listed marine species.
(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	Meets No, there were no interactions reported in the 2017–18 fishing season. Fishing operations are not likely to adversely affect the conservation status of a listed marine species or a population of that species.
Section 303AA—Conditions relating to accreditation of plans, regimes and policies	Comment
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The Department recommends that, once determined under the Torres Strait Fisheries Act, the Kaiar Management Plan be accredited under sections 208A, 222A, 245 and 265 pursuant to section 33 of the EPBC Act.
(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 fishery under Part 13, and pursuant to section 33 of the EPBC Act.

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>Meets</p> <p>The management arrangements for the fishery 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 1) • the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the life of the declaration as a wildlife trade operation, and • the EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.
Section 303 CG—Minister may issue permits (CITES species)	Comment
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to: <ul style="list-style-type: none"> (i) the survival of any taxon to which the specimen belongs; or (ii) the recovery in nature of any taxon to which the specimen belongs; or (iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); 	<p>Not applicable</p> <p>The fishery does not harvest species listed under CITES.</p>
Section 303DC—Minister may amend list (non CITES species)	Comment
<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <ul style="list-style-type: none"> (a) doing any of the following: <ul style="list-style-type: none"> (i) including items in the list; (ii) deleting items from the list; (iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (b) correcting an inaccuracy or updating the name of a species. 	<p>Not applicable</p> <p>In December 2017, the Department completed an assessment for this fishery under the wildlife trade provisions (Part 13A) of the EPBC Act. At that time, the fishery was declared an approved wildlife trade operation until 18 December 2020. The list of exempt native specimens was amended to allow export of product from the fishery while the specimens are covered by the wildlife trade operation declaration. We consider these decisions remain valid, and no changes to the current export approval expiry is required at this time.</p>

(1A)	In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2	Not applicable See comments at subsection 303DC(1) above.
(1C)	The above does not limit matters that may be considered when deciding to amend LENS.	Not applicable See comments at subsection 303DC(1) above.
(3)	Before amending the LENS, the Minister must consult: (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.	Meets The consultation requirements have been met.
Section 303FN—Approved wildlife trade operation		Comment
(2)	The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an <i>approved wildlife trade operation</i> for the purposes of this section.	Not applicable See comments at subsection 303DC(1) above.
(3)	The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that: (a) the operation is consistent with the objects of Part 13A of the Act; and	Meets The fishery is consistent with the Objects of 13A – see above assessment against the Guidelines.
	(b) the operation will not be detrimental to: (i) the survival of a taxon to which the operation relates; or (ii) the conservation status of a taxon to which the operation relates; and (ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and	Meets Given the management measures in place, the Department considers the fishery will not be detrimental to the survival or conservation status of a taxon to which it relates, nor will it threaten any relevant ecosystem, within the life of the declaration as a wildlife trade operation.
	(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and	Not applicable The EPBC Regulations do not specify crustacea or fish as a class of animal in relation to the welfare of live specimens.
	(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.	Not applicable No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.
(4)	In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:	Meets

(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and	The fishery is not likely to have a significant impact on any relevant ecosystem in the short to medium term, given the management measures currently in place, which include the arrangements described above at subsection 303FN(3)(b).
(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).	Meets The management arrangements that will be employed for the fishery as outlined in the assessment against the Guidelines are likely to be effective.
(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to: (a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and (b) whether the legislation applies throughout the State or Territory concerned; and (c) whether, in the opinion of the Minister, the legislation is effective.	Meets The fishery will be managed under the Kaiar Management Plan and the Torres Strait Fisheries Act. The Torres Strait Fisheries Act applies throughout the Torres Strait Protected Zone. The Department considers that the legislation is likely to be effective.
(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and: (a) the operation is a commercial fishery.	Meets The Torres Strait Tropical Rock Lobster Fishery is a commercial fishery.
(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.	Meets As a result of this assessment, the Department considers that actions taken under the proposed Kaiar Management Plan are unlikely to have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area. See Part 10 above.
(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.	
Section 303FR—Public consultation	Comment
(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice: (a) setting out the proposal to make the declaration; and (b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and (c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.	Meets The consultation requirements have been met. The application for strategic assessment from AFMA was made available for public comment from 26 August 2016 to 29 September 2016, a total of 32 calendar days.

(2)	A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.	
(3)	In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.	<p>Meets</p> <p>One public comment was received on the submission. The public comment expressed concerns about clearly and transparently describing all aspects of the management arrangements to stakeholders, including the:</p> <ul style="list-style-type: none"> • procedure for allocating quota, • rationale for optional versus mandatory data reporting, • process for calculating the total allowable commercial catch, • rationale for changing to a transferable quota management system, • need to report catch data for trawl caught lobster by Papua New Guinea fishers. <p>The Department's assessment has considered the public comment received on the submission and addressed these issues through Recommendation 4 (Section 4).</p>
Section 303FT—Additional provisions relating to declarations		Comments
(1)	This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the Torres Strait Tropical Rock Lobster Fishery has been made under section 303FN and remains valid until December 2020.
(4)	<p>The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial fishery wildlife trade operations include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime • notifying the Department of changes to the management regime, and • annual reporting in accordance with the requirements of the Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. <p>The wildlife trade operation instrument for the Torres Strait Tropical Rock Lobster Fishery specifies the standard and any additional conditions applied.</p>
(8)	A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9)	The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened	
(11)	A copy of an instrument under section 303FN, or this section is to be made available for inspection on the internet.	<p>Not applicable</p> <p>In December 2017, an instrument for the fishery made under section 303FN was registered as a notifiable instrument and is available through the Department's website. See subsection 303DC(1) above.</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 improved catch data recording and reporting, stronger regulations, the used of selective low impact fishing gear, the mitigation measures already in place, and the inclusion of a transferable quota management system, the Department considers precautionary measures are in place to prevent serious or irreversible environmental damage being caused by this fishery.</p>

SECTION 4: TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY – SUMMARY OF ISSUES REQUIRING CONDITIONS, DECEMBER 2017

The wildlife trade operation declaration that was made in December 2017 remains valid and the conditions remain relevant.

Issue	Condition
<p>General Management</p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment and Energy needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>Operation of the Torres Strait Tropical Rock Lobster Fishery will be carried out in accordance with management arrangements in force under the <i>Torres Strait Fisheries Act 1984</i> (Cth).</p> <p>Condition 2:</p> <p>The Torres Strait Protected Zone Joint Authority to inform the Department of the Environment and Energy of any intended material changes to the Torres Strait Tropical Rock Lobster Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p>
<p>Annual Reporting</p> <p>It is important that reports be produced and presented to the Department annually in order for the performance of the fishery and progress in implementing the conditions and 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 EPBC Act protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the Department's conditions and 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>Condition 3:</p> <p>The Torres Strait Protected Zone Joint Authority to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>
<p>Harvest controls</p> <p>Effective harvest controls are necessary to manage the ecological effects of fishing. The Torres Strait Tropical Rock Lobster Fishery includes various controls, and an interim harvest strategy. However the strategy is not publicly available and does not include decision rules. There are also a number of issues that affect the fishery's capacity to manage risk. These include:</p> <ul style="list-style-type: none"> • unconstrained effort. • problems with catch reporting and limited ability to respond quickly to catches. • complexity and exceptions to management controls. <p>The PZJA has committed to address these issues over the next two years.</p>	<p>Condition 4:</p> <p>The Torres Strait Protected Zone Joint Authority to implement a strategy to manage the risks of overfishing and localised depletion in the fishery.</p> <p>This may include data collection and analysis protocols to manage risks, triggers and/or limits for managing harvest, and should also account for all sources of stock mortality, including commercial, recreational, Traditional and illegal harvest.</p>

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