



Australian Government

Department of the Environment and Energy

Assessment of the
Victorian Corner Inlet Fishery

July 2017

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This report should be attributed as '*Assessment of the Victorian Corner Inlet Fishery July 2017*, Commonwealth of Australia 2017'.

Disclaimer

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

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EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE CORNER INLET FISHERY

The Corner Inlet Fishery is a multi-species, multi-gear fishery operating within the Corner Inlet–Nooramunga estuary on the east side of Wilsons Promontory in Victoria. This small-scale community-based fishery is managed by the Victorian Fisheries Authority (VFA; formerly Fisheries Victoria), the statutory authority with responsibility for managing Victorian fisheries. Although the fishery has been in operation for many years, this is the first assessment for export approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The management arrangements for the Victorian Corner Inlet Fishery meets most of the requirements of the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. While the fishery is relatively well managed, the Department has identified some risks and uncertainties that require managing to ensure that impacts resulting from fishing operations are minimised.

Management regime

The Corner Inlet Fishery is managed in accordance with the Victorian *Fisheries Act 1995* and Fisheries Regulations 2009. The fishery is controlled primarily by input (effort) and output controls including limited entry capped at 18 licences, gear, bag and size limits, and time and area closures. Recreational fishing, which includes Indigenous fishing, is managed using bag, size and gear limits.

While the current management regime for the fishery aims to ensure that fishing is conducted in a manner that does not lead to overfishing, the VFA intends to strengthen management arrangements through development of a fishery management plan within the duration of this approval as a wildlife trade operation.

The Department supports this initiative and recommends that the plan is based on objectives, evaluates performance and includes management responses. The Department further recommends that the VFA pursues complementary management arrangements with other jurisdictions for relevant target species.

Target species stock status

The Corner Inlet Fishery primarily targets King George whiting, rock flathead, southern sea garfish, and southern calamari. Stock assessments are undertaken every three to five years and currently classify King George whiting, rock flathead, southern garfish and southern calamari as 'sustainable'. The recreational sector targets a wide range of species including snapper, King George whiting and sand flathead.

The timing of fishing activities, particularly during spawning may impact on the sustainability and recovery of rock flathead stocks, and therefore requires appropriate monitoring, and data collection and analysis, particularly during its spring/summer spawning season. To better understand these impacts, the VFA will develop a robust monitoring program and undertake a survey as part of its proposed management plan to collect up-to-date information on recreational and Indigenous take.

Byproduct and bycatch

Stock assessments do not consider byproduct or bycatch species, however logbook data indicates that byproduct species are caught in low numbers. Conlon *et al.* (2016) note the

limited data on byproduct and bycatch species makes it difficult to confidently monitor, assess and evaluate the impact of commercial fishing on these species stocks.

Reporting of the amount and type of bycatch is not mandatory. VFA do not collect information on non-commercial bycatch unless it involves protected species interactions. The Victorian Bays and Inlets Fisheries Association (VBIFA) have developed best practice measures to improve the likelihood for returning bycatch to the water alive, and provide fishers with data sheets for voluntary recording of bycatch. Bycatch reduction devices have been developed, and are considered by industry to be effective at reducing the impacts to protected and undersized species.

It is a condition of the Department's export approval that the VFA develop and implement suitable data collection and monitoring programs to support confidence in future stock assessments.

Ecosystem impacts

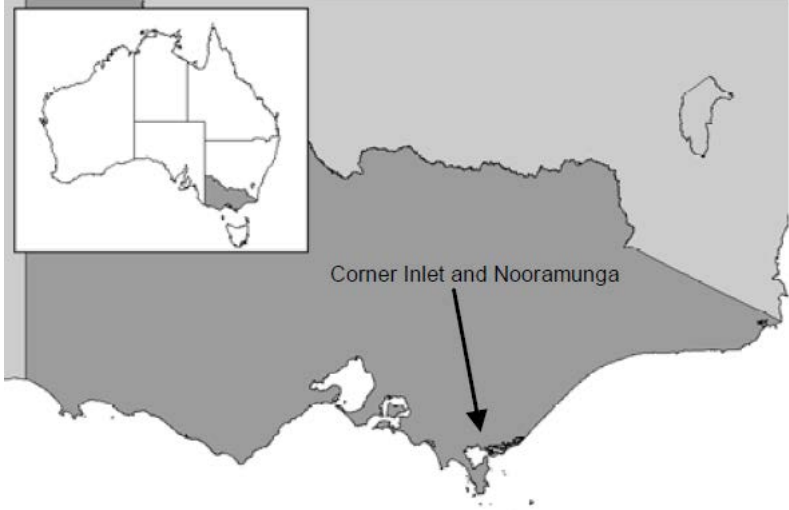
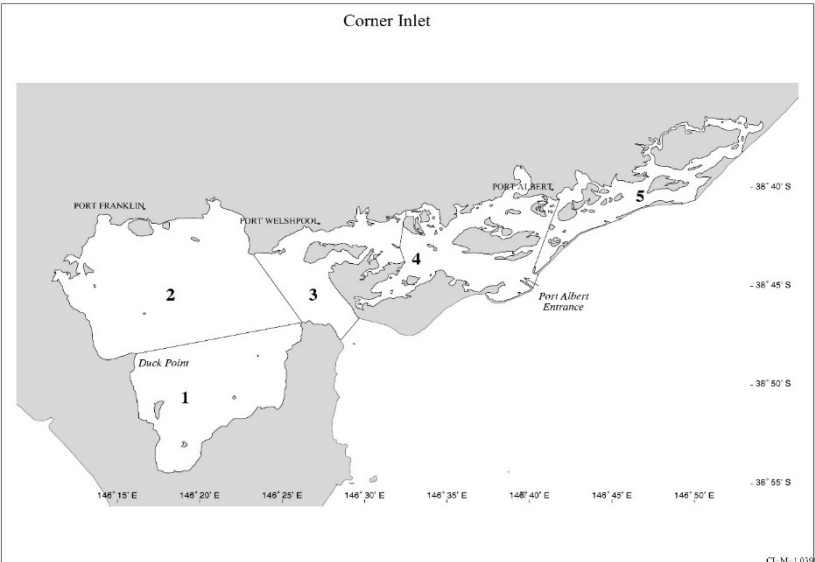
The Corner Inlet Fishery operates wholly within the Corner Inlet Ramsar wetland, which is listed as a matter of national environmental significance under the EPBC Act. Management arrangements must ensure that fishing is not inconsistent with the Corner Inlet Ramsar wetland's ecological character description (ECD). The ECD identifies seagrass habitat as an important component of the Corner Inlet Ramsar wetland's ecological character. If not managed effectively, the removal of seagrass habitat may have long-term impacts for the fishery's sustainability and the broader ecosystem.

The Department recommends that the proposed management plan for the fishery take into account the management and protection of seagrass habitat to minimise impact on seagrass beds within the estuary.

Conclusion

The Department considers that, until it can be demonstrated that the conditions and recommendations of this fishery's export approval have been adequately addressed, granting approval as a wildlife trade operation for three years, until 31 July 2020, is appropriate. These conditions and recommendations are outlined in more detail in Table 3 of this report. Unless a specific time frame is provided, each condition and recommendation must be addressed within the period of the declaration of the fishery as an approved wildlife trade operation. Annual reports to the Department must describe progress towards the agreed conditions and any changes to the management arrangements.

TABLE 1: SUMMARY OF THE VICTORIAN CORNER INLET FISHERY

<p>Area, season and number of commercial operators</p>	<p><u>Area</u></p> <p>The Corner Inlet Fishery operates within a large (~600 km²) and generally shallow estuarine system situated adjacent to Wilsons Promontory National Park in south-east Australia (Figure 1.1).</p>  <p>Figure 1.1: The location of Corner Inlet, Victoria.</p> <p>The estuary, consisting of Corner Inlet (western section) and Nooramunga (eastern section), has extensive mud and sand flats, large areas of seagrass, and a network of deep drainage channels. The seagrass habitat is important for all key target species for foraging and protection against predators. The area of the fishery is defined in the Victorian Fisheries Regulations. The fishery is divided into five commercial fishing reporting areas (Figure 1.2).</p> <p>The fishery operates within the <u>South-east Marine Region</u>, which is not covered by any <u>Marine Bioregional Plan</u>.</p>  <p>Figure 1.2. Map of Corner Inlet showing fishing zones.</p> <p><u>Season</u></p> <p>The fishery operates all year from 1 April to 31 March.</p> <p><u>Number of commercial operators</u> The number of Corner Inlet Fishery Access Licences is capped at 18 fully transferable licences. Licences are renewable annually subject to conditions. Victorian</p>
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	Recreational Fishing Licences are required by non-commercial fishers.
Management arrangements	<p>The Corner Inlet Fishery is managed by the Victorian Fisheries Authority (VFA), in accordance with the Victorian <i>Fisheries Act 1995</i> and Victorian <i>Fisheries Regulations 2009</i>. The harvest is primarily controlled by input (effort) controls with output (catch) controls for some species.</p> <p><u>Input controls</u></p> <ul style="list-style-type: none"> • Limited entry (capped at 18 access licences) • Restrictions and conditions on fishing gear and methods • Area closures, and • Time restrictions including weekend closures to minimise conflict with recreational fishers. <p><u>Output controls</u></p> <ul style="list-style-type: none"> • Legal minimum lengths (LML) for some target species. • The Corner Inlet Fisheries Habitat Association (CIFA) Code of Practice requires operators to: • Limit seine net shots to two per day between midnight and midnight • Open and close shots within 90 minutes, and • Not work both sides of the line known as the middle ground¹. <p>Restrictions on gear type and methods used by the recreational sector are described in the Fisheries Regulations. Anglers must hold a valid Victorian recreational fishing licence to fish in Victorian waters, unless exempt.</p> <p><u>Compliance</u></p> <p>Under the Fisheries Act, fishers are required to provide details about the amounts of fish they have harvested, consigned, sold and or received, the persons these fish were received from or provided to and their contact details. Catch and effort data is validated by covert and overt observations and intelligence including reports from the public. Operations that address incorrect reporting and illegal-take-for-sale are undertaken in response to specific identified risks. Offenders are subject to education, penalties including fines, prohibitions on fishing, seizure of gear including boats and vehicles and surrender of licences depending on the severity of the offence.</p>
Species - take and interactions	<p><u>Target species</u></p> <p>The primary target species are King George whiting (<i>Sillaginodes punctatus</i>), rock flathead (<i>Platycephalus laevigatus</i>), southern sea garfish (<i>Hyporhamphus melanochir</i>), and southern calamari (<i>Sepioteuthis australis</i>). These species account for approximately 60 per cent of the total catch for the fishery.</p>

¹ Middle ground is the high bank dividing the head of the Welshpool Channel and Port Albert Channel.

	<p><i>King George whiting</i> move permanently from Victorian bays and inlets towards spawning grounds in South Australian and western Victorian waters as they reach sexual maturity at ~three to five years. Fecundity is high and female whiting can produce as much as 6 million eggs per annum.</p> <p><i>Rock flathead</i> occurs in temperate waters from southern Queensland to southern Western Australia (WA) including Tasmanian waters. The species is known to form sex-specific aggregations. Spawning occurs from September to February, peaking in October. Diet is age specific and includes fish, squid, shrimp, crab, and various seagrass-dependent species.</p> <p><i>Southern sea garfish</i> occur in inshore, pelagic waters (<20 m) from the Victorian/New South Wales (NSW) border to Kalbarri, WA including Tasmanian waters. Diet includes seagrass, epiphytic algae and invertebrates. Sexual maturity is reached at ~200 mm standard length (SL). Spawning occurs in late spring/early summer. Fecundity is low.</p> <p><i>Southern calamari</i> occur inshore in southern Australian waters to 70 m. Size at maturity ranges from 132 mm to 215 mm dorsal mantle length (DML) for females and 117 mm to 185 mm DML for males. The calamari life-cycle is usually completed within twelve months. Stock distribution and timing of spawning in Victorian waters is largely unknown. Calamari require low turbidity water for their visually orientated mating ritual and egg deposition. The diet is age specific and includes zooplankton, small crustaceans, fish and squid.</p> <p><u>Byproduct</u> Key secondary species include Australian salmon (<i>Arripis trutta</i> and <i>A. truttaceus</i>), flounder (<i>Rhombosolea</i> spp.), gummy shark (<i>Mustelus antarcticus</i>), silver trevally (<i>Pseudocaranx dentex</i>), southern sand flathead (<i>Platycephalus bassensis</i>), yellow-eye mullet (<i>Aldrichetta forsteri</i>), blue-spotted (yank) flathead (<i>Platycephalus speculator</i>), and snapper (<i>Chrysophrys auratus</i>). Other commercially important species landed in low numbers in the fishery include crabs, black bream, pikes, skates, rays, leatherjacket, dusky flathead, tiger flathead and tailor. Byproduct species are recorded in logbooks and daily catch logs. The majority of byproduct species are captured using mesh nets (~41%) and haul seine (~33%). The mesh net sector predominantly land blue-spotted (yank) flathead, southern sand flathead, yellow-eyed mullet, rays and gummy shark, while the haul seine sector catch consists mostly of southern sand flathead, greenback flounder, mackerel, yellow-eyed mullet, and rays. A maximum of eight wrasse can be taken in any one day.</p> <p><u>Bycatch</u> Prohibited species include abalone, giant crab, jellyfish, scallop, rock lobster and sea urchins. Reporting of the amount and type of bycatch is not mandatory. The VFA provides commercial operators with logbooks to record all species landed. VFA do not collect information on the type or amount of bycatch species unless it involves protected species interactions. The Victorian Bays and Inlets Fisheries Association (VBIFA) acknowledge the lack of information on bycatch species, and provide fishers with data sheets for voluntary recording of bycatch species (VBIFA 2013). Fishers have developed bycatch</p>
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	<p>reduction devices that industry considers to be effective at reducing the impacts to protected and undersized species. The amount of bycatch is considered low because the majority of catch is landed. Small numbers of bycatch species including porcupine fish, toad fish, cobblers, black stingray, banjo shark, Port Jackson shark, and sandy crab are captured.</p> <p>The Fisheries Regulations 2009 require that all commercial and recreational fishers ensure that any unauthorised or unwanted catch (except noxious species) is immediately returned to the water with the least possible injury or damage to help reduce bycatch mortality. VBIFA have developed best practice measures to improve the likelihood for returning bycatch to the water alive. The Corner Inlet Fishery Licence Code of Practice documents established practices to improve selectivity and increase the survivability of bycatch species returned to the water. The majority of Corner Inlet fishers are members of, and comply with the VBIFA Environmental Management System (EMS), which includes practices to reduce damage to bycatch by bunting their nets over sandy bottom and in water that is at least 90 centimetres.</p> <p>Protected species - Between April 2015 and January 2016, 447 TEPS interactions were reported including seabirds, seals, and syngnathids, with 442 of these species released alive and 5 interactions resulting in mortality (all mortalities were pipefish). It is mandatory to record interactions with protected species in daily catch logs, and to provide regular summaries to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), and the Victorian Department of Environment, Land, Water and Planning (DELWP). Operators are provided with the <i>Protected Species Identification Guide for Victoria's Commercial Fishers Guide</i> to assist them in reporting interactions.</p>
Fishery status	<p>In the most recent stock status report for target and byproduct species, Conron <i>et al.</i> (2016, p. 6) developed a qualitative classification framework as an indicative summary of status for individual indicators. This approach provides an assessment of the recent status of individual indicators relative to the long-term averages. The classifications identify the condition of the fishery and stock performance indicators, and highlight areas of concern from a management and fishery performance perspective. The primary indicators used to determine fishery status are catch rates from either the haul seine or mesh net method. The primary gear type used to take the highest proportion of the catch for each species for the previous ten years was the primary gear type used for calculating the catch rate indicators.</p> <p><u>King George whiting</u> is considered sustainable (Flood <i>et al.</i> 2014). Overall, the catch rate is below the long-term average, although the haul seine sector is above the long-term average.</p> <p><u>Rock flathead</u> is undefined due to limited data (Kemp <i>et al.</i> 2013). Mesh net five-year catch rate trend is slightly above the long term average. The haul seine five year average remains above the long term average. Sexually mature rock flathead are particularly vulnerable to capture by mesh nets during spawning. Conron <i>et al.</i> (2016) considers it is likely that any seasonal increase in landings is attributable to improved catchability through, for example technological advances, rather than a higher abundance of rock</p>

	<p>flathead in the fishery. There are increased risks in relation to the sustainability of rock flathead stocks due to fishing pressures, including targeted fishing during spawning season, and the decline in seagrass habitat. Management arrangements, including suitable monitoring programs, aim to ensure that fishing pressure is adequately controlled to avoid rock flathead stocks becoming recruitment overfished. The Victorian Fisheries Authority have given an undertaking to continue to monitor the Corner Inlet rock flathead stocks to ensure that it remains sustainable and is considering a pre-recruit survey in consultation with stakeholders.</p> <p><u>Southern calamari</u> is considered sustainable (Flood <i>et al.</i> 2014). Haul seine five-year catch rate trend is above average but decreasing.</p> <p><u>Southern sea garfish</u> is considered sustainable (Flood <i>et al.</i> 2014). Haul seine five-year catch rate trend is average and increasing.</p> <p><u>Australian salmon</u> is considered sustainable (Flood <i>et al.</i> 2014). Haul seine five-year catch rate trend is above average and increasing.</p> <p><u>Flounder sp.</u> (mostly greenback) is undefined due to limited data (Kemp <i>et al.</i> 2013). Haul seine five-year catch rate trend is above the long-term average and increasing. The genus is classified as 'undefined' because it is landed in very low numbers.</p> <p><u>Gummy shark</u> is considered sustainable (Flood <i>et al.</i> 2014). Mesh net five-year catch rate trend is decreasing but remains above the long-term average.</p> <p><u>Silver trevally</u> is undefined due to limited data (Kemp <i>et al.</i> 2013). Haul seine five-year catch rate trend has decreased, but catch rates remain within 20 per cent of the long-term average.</p> <p><u>Southern sand flathead</u> is considered undefined (Flood <i>et al.</i> 2014). Haul seine five-year catch rate trend is average and increasing.</p> <p><u>Yellow-eye mullet</u> is considered undefined (Flood <i>et al.</i> 2014). Haul seine five-year catch rate trend is below average, but is increasing.</p> <p><u>Blue spotted flathead</u> is considered undefined. Mesh net five-year catch rate trend has declined, but remains above the long-term average.</p> <p><u>Snapper</u> is undefined because of very low catches (Flood <i>et al.</i> 2014).</p>
Gear	<p>Since 1979–80, the fishery has been dominated by haul seine and mesh net methods. Haul seine and mesh net are the primary fishing methods use, and account for 71 per cent and 29 per cent of all commercial catch in the fishery, respectively. Hoop nets and longline are also used in the commercial sector. Gear restrictions are described in the Fisheries Regulations, and includes the recreational sector.</p>
Commercial harvest	<p>Catch - the total commercial catch in 2014–15 was 263 tonnes. Rock flathead (48 t), King George whiting (44 t), calamari (28 t) and southern sea garfish (25 t) together constitute approximately 60 per cent of the catch by weight.</p>

	<p>Value - the total value of species landed in the Corner Inlet fishery in 2014–15 was \$2.18 million. The most valuable species were King George whiting (\$969,000), southern calamari (\$364,000), rock flathead (\$320,000), southern garfish (\$184,000), gummy shark (\$99,000), silver trevally (\$60,000) and Australian salmon (\$52,000) (DPI 2015).</p> <p>Export market - potential export markets include China.</p>
Take by other sectors	<p>Other fisheries - target species landed in the Corner Inlet Fishery are also captured in Gippsland Lakes & Lake Tyers Fishery, and in Victorian coastal waters. These species are also captured in the Port Phillip Bay Fishery and Western Port Fishery, although net fishing is being phased out in these estuaries. The catch levels in these fisheries are not expected to have a significant impact on the sustainability of target species.</p> <p>Recreational - the most commonly caught recreational species are southern calamari, sand flathead, yank (blue-spotted) flathead, Australian salmon, gummy shark, snapper, silver trevally, and King George whiting. Fishing effort in the recreational sector is thought to be increasing, and is likely to grow further as a result of the Victorian Government's 'Target one million' policy. A survey is anticipated to improve accuracy of catch estimates. Recreational fishers are encouraged to register for the Angler Diary Program, which allows them to voluntarily record fishing duration, number and size of fish caught.</p> <p>Indigenous - Indigenous fishing is managed as recreational harvest except where specific agreements are in place that provides for customary fishing or permits allow for normal bag/possession limits to be exceeded.</p>
Ecosystem Impacts	<p>The Corner Inlet Fishery EMS aims to manage some of the impacts of fishing and includes measures to reduce seagrass damage by nets and not anchoring in seagrass meadows. The EMS describes the fishing methods used, and identifies a number of non-fishing impacts on the ecosystem and critical fish habitats. The EMS recognises the role of land-based activities that can lead to damage and degradation of fisheries habitats including increased pollutant loads.</p> <p>The loss of seagrass beds would have long-term impacts on species abundance due to its importance as a key habitat, and as the basis of the trophic food web for species like King George whiting, rock flathead and southern sea garfish.</p>
Impacts on Matters of National Environmental Significance	<p>Ramsar - the fishery operates entirely within the Corner Inlet Ramsar site (Figure 1.3). The Ecological Character Description (ECD) details the critical ecological components, processes and services of the Ramsar site. Management arrangements must ensure that commercial fishing activities remain compatible with the Ramsar sites ecological character.</p> <p>The Department considers it is important that the proposed management plan include a section on the Corner Inlet Ramsar site that clearly outlines its status as a wetland of international importance to waterbirds, the special values of the site (its ecological character) and requirement under the EPBC Act to not significantly impact the Ramsar sites ecological character.</p>

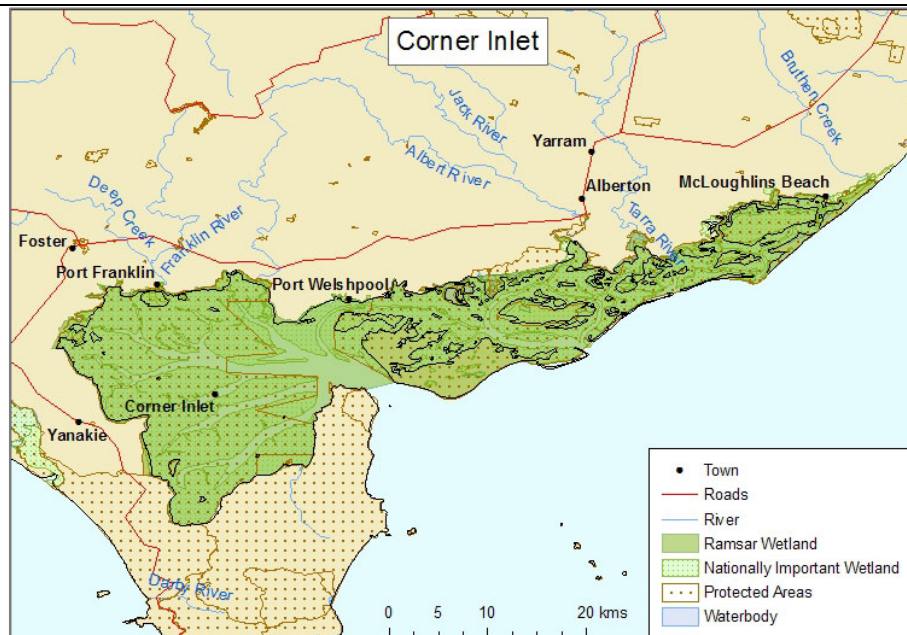


Figure 1.3: Corner Inlet Ramsar site (Source: Department of the Environment and Energy).

Threatened ecological communities - the Subtropical and Temperate Coastal Saltmarsh ecological community (vulnerable) occurs adjacent to the Corner Inlet/Nooramunga estuary. The ecological community occurs within a narrow margin of the Australian coastline, along estuaries and coastal embayments with some tidal connection. The ecological community is mostly influenced by regular or intermittent tidal regimes, temperatures and local rainfall. Ongoing connection to the estuaries tidal regime is of critical importance to the survival of the ecological community.

The fishing methods employed in the fishery are considered not likely to have any direct impact on the ecological community. Indirect impacts from waste (e.g. fishing operations) or damage such as trampling or launching boats are considered low risk.

On this basis the Department considers that an action taken by an individual fisher, acting in accordance with the fishery's management regime would not be expected to have a significant impact on this ecological community.

Relevant documentation, including relevant research

- Victorian Fisheries Act 1995.
- Victorian Fisheries Regulation 2009.
- Department of Economic Development, Jobs, Transport and Resources (DEDJTR) 2015 'The Corner Inlet Fishery – Information to inform assessment of the Victorian Corner Inlet Fishery under the Environment Protection and Biodiversity Conservation Act 1999', Victorian Government, Melbourne VIC.
- Kemp J, Brown L, Bruce T, Bridge N and Conron S 2013 'Corner Inlet and Nooramunga Fishery Assessment 2012', Fisheries Victoria Assessment Report Series No. 68, June 2013, Department of Primary Industries, Queenscliff VIC.
- Kemp J, Brown L, Bridge N and Conron S 2014 'Rock flathead stock assessment 2012', Fisheries Victoria Science Report Series No. 1, Department of Environment and Primary Industries, Queenscliff VIC.

	<p>– Victorian Bays and Inlets Fisheries Association 2013 'Environmental Management System 2013', Victorian Bays and Inlets Fisheries Association, Melbourne VIC.</p>
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Table 2: Assessment of the Victorian Corner Inlet Fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries (2nd edition)*

Detailed analysis

Criterion	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	Meets The management regime is based on a broad statutory framework and regulated operational tools that are documented, publicly available and transparent.
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	Meets The consultation process regularly engages fishery scientists, fishery managers, peak representative bodies for the recreational sector (VRFish) and commercial sector (Seafood Industry Victoria (SIV)), and the Victorian Bays and Inlets Fisheries Association (VBIFA). Public consultation is only mandatory during the development of fishery management plans, Fisheries Notices and for other purposes as specified in the Fisheries Act.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.	Meets The management regime regularly engages fishery scientists, fishery managers, VRFish, SIV, and VBIFA during the stock assessment process.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	Partially meets The management regime includes general objectives and performance criteria however, these are not used to assess the effectiveness of the fishery. There is no fishery-specific management plan containing objectives, strategies and performance measures to ensure the fishery is sustainably managed, although a fishery management plan is anticipated to begin in late 2017.
Be capable of controlling the level of harvest in the fishery using input and/or output controls.	Partially meets Controls have some capacity to limit harvest. Harvest is primarily managed through input (effort) controls, with some output (catch) controls, although there is no limit on the amount of catch for each species that can be landed. Catches are validated against sales receipts, and observed fishing activity.
Contain the means of enforcing critical aspects of the management arrangements.	Meets Enforcement measures include validation of monthly catch reports with point of sale receipts and through covert and overt observations and intelligence including reports from the public. Management is supported by an Environmental Management System (EMS) that aims to promote best practice. Industry codes of practice

	aims to address local issues concerning stocks and effort, although they are voluntary (<100% membership) and not formally enforced.
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria	Meets Regular performance reviews are built into the management regime. Stock assessments are conducted for target species every three to five years, and include an analysis of the available data on fished stocks, research and stakeholder engagement. The information is also used when considering the need to review the management arrangements. Monitoring programs including covert and overt surveillance for the commercial sector also inform performance reviews. Recreational catch can be monitored through voluntary angler diary entries.
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.	Partially meets The VFA is not the designated land manager for the area encompassed within the Corner Inlet Fishery so has limited capacity to assess and monitor impacts on wider marine ecosystem or to manage impacts of surrounding landholders and competing land use. Commercial fishers use nets which can be set in ways or with varying mesh sizes to target or avoid certain species to manage fishery related impacts on the ecosystem. Water quality and land-based influences are managed in collaboration with neighbouring landholders including state and local government authorities. Industry codes of practice help to manage these challenges through self-regulation and best practice measures. The Victorian Fisheries Authority has given an undertaking to conduct an ecological risk assessment for the fishery to help inform the development of the fishery management plan.
Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy.	Meets The fishery operates within state waters, and therefore there is no consideration for Commonwealth policies and plans. Environmental and social impacts and ecological sustainability may be improved through consideration of the Wildlife Conservation Plan for Migratory Shorebirds , the Conservation advice for Subtropical and temperate coastal saltmarsh , and the EPBC Act Policy Statement 3.21 – Shorebirds guidelines .
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.	Partially meets Logbooks are used to collect information on target stocks however, there is no mandatory reporting of bycatch species. Very little up-to-date information is available on the recreational take, although some data from the voluntary angler diary program is used to inform regular stock assessments and monitoring. A survey of recreational fishing is anticipated, but no dates are set. An e-monitoring application for the recreational sector is also in development. Indigenous take is managed as part of the recreational sector.
Assessment	

<p>1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and/or reproductive capacity. Review should take place at regular intervals but at least every three years.</p>	<p>Partially meets</p> <p>Fishery-dependent data is assessed annually. Fishery-independent stock assessments are conducted every three to five years and focus on two key target species (rock flathead and King George whiting). Information is also collected on some commercially important byproduct species. Very little information is collected on bycatch species, although the amount of bycatch is considered low. Information is limited for recreational and indigenous catches, although a survey is anticipated and an e-monitoring application is in development.</p>
<p>1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p>Does not meet</p> <p>Apart from Australian salmon, the distribution and spatial structure of key species stocks is unknown. Further information is required on the stock structure of gummy shark and silver trevally, and the stock composition of southern calamari, rock flathead, flounder spp., southern garfish, and King George whiting in Victorian waters. The stock composition, distribution and spatial structure of non-target species is poorly understood.</p>
<p>1.1.4 There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.</p>	<p>Partially meets</p> <p>Removals for commercial catches are estimated through daily logbook data and monthly reports. Data is cross checked with sales receipts, and overt and covert surveillance operations. There is no sound estimate of recreational catches but a voluntary angler diary program is in place. A survey of recreational fishing is anticipated, but no dates are set. An e-monitoring application for the recreational sector is also in development. Indigenous take is managed as part of the recreational sector. No separate data is available on Indigenous catches except where it forms part of a customary fishing agreement.</p>
<p>1.1.5 There is a sound estimate of the potential productivity of the fished stock(s) and the proportion that could be harvested.</p>	<p>Partially meets</p> <p>The potential productivity of fished stocks and the proportion that could be harvested is based on long-term average catch rates. While information is lacking on the broader distribution and spatial structure for most species, the sustainability of fished stocks within the estuary is supported by stock assessment reports (Kemp <i>et al.</i> 2013; Kemp <i>et al.</i> 2014; Conron <i>et al.</i> 2016). These reports have also identified challenges in obtaining accurate catch data on the productivity of target and commercially important byproduct species.</p>
<p>Management responses</p>	
<p>1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.</p>	<p>Partially meets</p> <p>Reference points and trigger responses are under development as part of an anticipated fishery management plan that includes objectives, measures to evaluate performance, and management responses if triggers are breached.</p>
<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets</p> <p>The management regime relies on input (effort) controls such as limited entry, area and time restrictions. The only output (catch) control is legal minimum size limits.</p>

1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	Partially meets Byproduct species are recorded in logbooks, but there is a lack of information on the status and structure for some byproduct species stocks. The impact on stocks of byproduct species is unclear. Effort is low to moderate. The fishing methods do not allow effective selection of target versus byproduct species. There is no limit on the amount of byproduct that can be landed.
(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.	Partially meets The fishery has a moderate to high chance of achieving the stated objective to ensure catch levels maintain ecologically viable stock levels. The anticipated development of a fishery-specific management plan will greatly assist in ensuring the fishery remains sustainable.
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 precautionary recovery strategy is required as stocks are assessed as sustainable.
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. The fished stock is not considered to be at or below the biological and/or effort bottom line.
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.	Does not meet Logbooks provided by the Victorian Fisheries Authority do not differentiate between target and non-target species. The Victorian Bays and Inlets Fisheries Association (VBIFA) acknowledges the need for further information (VBIFA 2013, p. 22). The VBIFA Environmental Management System (EMS) includes a data

	record sheet (Appendx 1) for fishers to voluntarily record bycatch. This information can be used for independent stock assessment reports.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Partially meets VBIFA's risk analysis does not include an analysis of the impact of the fishery on fish stocks (VBIFA 2013, p. 18). Most species are retained for sale. Fishers are able to voluntarily record the type, number and status of bycatch species using the VBIFA data record sheet. Using this information, industry have determined that the amount of bycatch is low. Discards include undersized target species.
Management responses	
2.1.3 Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	Meets VBIFA have developed best practice measures to help reduce the impacts on biodiversity within the estuary, and identifies the need to minimise bycatch to reduce the potential for broader ecological impacts. Codes of practice help to improve selectivity, and increase the survivability of bycatch species returned to the water. Some operators have developed and implemented measures to minimise impacts on bycatch. Overriding legislation and regulations provide assurance that the impacts of fishing operations on bycatch species will be minimised.
2.1.4 An indicator group of bycatch species is monitored.	Not applicable. There is no monitoring of indicator groups because the level of bycatch is considered very low.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Not applicable. There are no decision rules in place that would trigger additional management measures because the level of bycatch considered very low.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Partially meets Given the available information including fishery independent stock assessments and fishery dependent data, the management regime has a medium to high chance of achieving the objective to conduct the fishery in a manner that does not threaten bycatch species. It is difficult to determine the overall impact on bycatch species because the numbers and types of bycatch species are not recorded in official logbooks, but VBIFA encourage fishers to voluntarily record 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 (TEPS) and threatened ecological communities (TECs).	Meets Since 2015, it is mandatory for operators to record threatened, endangered and protected (TEPS) interactions in logbooks, and provide a monthly report of such interactions to the former Fisheries Victoria (now Victorian Fisheries Authority). There is no requirement to record impacts on threatened ecological communities (TECs), although the EMS does consider the impact on seagrass habitat.

Assessments	
2.2.2 There is an assessment of the impact of the fishery on TEPS.	Meets The EMS identified ecological risks to TEPS as low.
2.2.3 There is an assessment of the impact of the fishery on TECs.	Not applicable. The Conservation Advice for the coastal saltmarsh EC does not identify commercial fishing as a threat. The fishery is considered not likely to have a direct impact on the coastal saltmarsh EC, but indirect impacts may result from the disposal of waste, trampling or damage from vessels.
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of TEPS.	Meets The development of codes of practice encourage signatories to engage in best practice measures to minimise any impacts on non-target species including TEPS. Some operators employ measures to reduce catches for non-target species including TEPS.
2.2.5 There are measures in place to avoid impact on TECs.	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.	Meets The management regime has a high chance of achieving the objective that the fishery be conducted in a manner that avoids mortality of, or injuries to, TEPS and avoids or minimises impacts on TECs.
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.	Meets Information appropriate for the analysis in 2.3.2 is collected from other government agencies responsible for managing adjacent marine and terrestrial environments, as well as during annual stock assessments, and regular stakeholder workshops.
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 <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities 	Meets The EMS risk analysis is based on national ecological sustainable development standards. Consideration is given to the potential impacts on the marine environment from vessels including anchoring, fishing gear and waste. Monitoring of water quality and physical environment form part of ongoing studies in relation to the condition of seagrass habitat and likely impacts if it were degraded further.

<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	
<p>2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>	<p>Meets</p> <p>Management arrangements are based on state legislation and regulations. Additional management actions are in development. Any identified risks and impacts are managed in collaboration with neighbouring landholders including state and local government agencies.</p>
<p>2.3.4 There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.</p>	<p>Partially meets</p> <p>Performance measures are in development. There are no decision rules, performance indicators and measures in place that would trigger a response to impacts of fishing operations on the environment. The continuing decline in seagrass habitat, and its impact on the biota, is monitored by other government agencies.</p>
<p>2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Meets</p> <p>The management regime is likely to achieve the objective that the fishery be conducted in a manner that minimises the impact of fishing operations on the ecosystem generally. However, it is crucial that the fishery develop a good understanding of the condition of seagrass habitat including the rate of deterioration, to ensure that a quick response to any changes in the fishery.</p>

Table 3: The Department of the Environment and Energy’s assessment of the Victorian Corner Inlet Fishery against the requirements of the EPBC Act related to decisions made under Part 13A.

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13A. A complete version of the EPBC Act can be found at <http://www.comlaw.gov.au/>.

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 CITES² 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.

² Convention on International Trade in Endangered Species of Wild Fauna and Flora

Part 13A

Section 303DC Minister may amend list	The Department's assessment of the Victorian Corner Inlet Fishery
<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <p>(a) doing any of the following:</p> <ul style="list-style-type: none"> (i) including items in the list; (ii) deleting items from the list; (iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<p>The Department recommends that specimens derived from species harvested in the Victorian Corner Inlet Fishery, other than specimens that belong to species listed under Part 13 of the EPBC Act, be included in the list of exempt native specimens while the Corner Inlet Fishery is subject to a declaration as an approved wildlife trade operation.</p>
<p>(1A) In deciding whether to amend the list referred to in section 303DB to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the Victorian Corner Inlet Fishery has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) Subsection (1A) does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor. The Department considers that the amendment of the list of exempt native specimens to include product taken in the Victorian Corner Inlet Fishery wildlife trade operation 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

	<ul style="list-style-type: none"> – there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1) – the operation of the Corner Inlet Fishery is unlikely to be unsustainable and threaten biodiversity within the next 3 years, and – the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (EPBC Regulations) do not specify fish as a class of animal in relation to the welfare of live specimens.
<p>(3) Before amending the list referred to in section 303DB....the Minister:</p> <ul style="list-style-type: none"> (a) must consult such other Minister or Ministers as the Minister considers appropriate; and (b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and (c) may consult such other persons and organisations as the Minister considers appropriate. 	<p>The Department considers that the consultation requirements have been met.</p> <p>On 10 August 2004, the then Minister for the Environment and Heritage wrote to all fisheries ministers seeking their views on inclusion of product derived from commercial fisheries in the list of exempt native specimens, while subject to declaration as approved wildlife trade operations. Responses in support of the proposal were received from all state and territory fisheries ministers and the Commonwealth minister.</p> <p>The application from the Victorian Department of Economic Development, Jobs, Transport and Resources was released for public comment from 22 March 2016 to 26 April 2016. The public comment notice sought comment on:</p> <ul style="list-style-type: none"> – the proposal to amend the list of exempt native specimens to include product derived from the Victorian Corner Inlet Fishery, and – the Department of Economic Development, Jobs, Transport and Resources application for the Corner Inlet Fishery. <p>Two comments were received.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the Victorian Corner Inlet Fishery made under section 303DC will be registered and made available through the Department's website.</p>

Part 13A

Section 303FN Approved wildlife trade operation	The Department's assessment of the Victorian Corner Inlet Fishery
(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.	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <ul style="list-style-type: none"> 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 <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p> <p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the</p>	<p>The Department considers that the operation of the Victorian Corner Inlet Fishery is consistent with objects of Part 13A (listed above) as:</p> <ul style="list-style-type: none"> – the fishery will not harvest any CITES listed species – management arrangements are in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1) – the operation of the fishery is not likely to be unsustainable and threaten biodiversity within the next 3 years, and – the EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens. <p>The Department considers that the fishery operation will not be detrimental to the survival or conservation status of a taxon to which it relates within the next 3 years, given the management measures currently in place (see Table 1).</p> <p>The Department considers that the fishery will not threaten any relevant ecosystem within the next 3 years, given the management measures currently in place (see Table 1).</p> <p>The EPBC Regulations do not specify fish as a class of animal in relation to the welfare of live specimens.</p>

<p>conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>The Department considers that the operation of the Victorian Corner Inlet Fishery will not have a significant impact on any relevant ecosystem within the next 3 years, given the management measures currently in place (see Table 1).</p> <p>The Department considers that the management arrangements that will be employed for the fishery including restrictions of the gear and methods employed and the area and time in which fishing is permitted. The Victorian Fisheries Authority will employ monitoring procedures through the catch disposal record system that is already in place for the fishery and ad hoc compliance actions. In addition, the industry has developed a code of practice to help ensure best practice fishing operations.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(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</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The Victorian Corner Inlet Fishery will be managed under the <i>Fisheries Act 1995</i> (VIC) and the <i>Fisheries Regulations 2009</i> (VIC).</p> <p>The Act and Regulations apply throughout Victorian waters.</p> <p>The Department considers that the legislation is likely to be effective.</p>

<p>(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:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The Corner Inlet Fishery is a commercial fishery.</p>
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Part 13A

Section 303FR Public consultation	The Department's assessment of the Victorian Corner Inlet Fishery
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>The Department considers that the consultation requirements of the EPBC Act for declaring a fishery an approved wildlife trade operation have been met. A public notice, which set out the proposal to declare the Corner Inlet Fishery an approved wildlife trade operation and included the submission, stock assessments and environmental management system, was released for public comment which closed on 26 April 2016 with two public comments received.</p>
<p>(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.</p>	<p>A public notice, which set out the proposal to declare the Corner Inlet Fishery an approved wildlife trade operation and included the submission, stock assessments and environmental management system, was released for public comment on 22 March 2016 and closed on 26 April 2016, a total of 22 business days.</p>
<p>(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>	<p>The public comments received on the submission, stock assessments and environmental management system are included at Attachment C of the brief. The Department's assessment has considered the public comments received on the submission.</p>

Part 13A

Section 303FT Additional provisions relating to declarations	The Department's assessment of the Victorian Corner Inlet Fishery
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the Victorian Corner Inlet Fishery will be made under section 303FN.
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</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 a 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 Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. <p>The wildlife trade operation instrument for the Corner Inlet Fishery specifies the standard and any additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	Condition 3 relates to reporting.
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the internet.	The instrument for the Corner Inlet Fishery made under section 303FN and the conditions under section 303FT will be registered on the Federal Register of Legislation and made available through the Department's website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The Department's assessment of the Victorian Corner Inlet Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The Department considers that the precautionary principle has been accounted for in the preparation of advice in relation to a decision under section 303DC and section 303FN. The Victorian Fisheries Authority has endorsed the National Strategy for Ecologically Sustainable Development, which embodies the precautionary principle, and therefore precaution must be applied within activities sanctioned under the Fisheries Act.
(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.	

Part 12

Section 176 Bioregional Plans	The Department's assessment of the Victorian Corner Inlet Fishery
(5) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.	There is no Marine Bioregional Plan for the South-east Marine Region in which the Victorian Corner Inlet Fishery operates.

Table 4: Victorian Corner Inlet Fishery Assessment – Summary of Issues, Conditions and Recommendations, July 2017

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment and Energy needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.</p>	<p>Condition 1: Operation of the Victorian Corner Inlet Fishery will be carried out in accordance the Victorian <i>Fisheries Act 1995</i> and Victorian <i>Fisheries Regulations 2009</i>, and any other relevant management policies, plans or procedures.</p> <p>Condition 2: The Victorian Fisheries Authority to inform the Department of the Environment and Energy of any intended material changes to the management arrangements for the Victorian Corner Inlet Fishery that may affect the assessment against which EPBC Act decisions are made.</p>
<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the Department annually in order for the performance of the fishery and progress in implementing the conditions [if relevant] 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 [if relevant] 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: The Victorian Fisheries Authority to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

Issue	Condition
<p><u>Accounting for all removals through reliable fisheries monitoring and information collection</u></p> <p>The Department of the Environment and Energy considers the timely collection and analysis of information is critical for understanding the impacts of fishing on target and non-target species including EPBC Act protected species, and on the environment. A suitable program should provide up-to-date data that is independent of (and complementary to) fisher logbook data, be risk based and designed in consultation with key stakeholders and experts.</p> <p>The Department has identified several areas where robust monitoring and data collection is required to ensure there is confidence in stock assessments for key species. These include:</p> <ul style="list-style-type: none"> • up-to-date and reliable information on <ul style="list-style-type: none"> ○ estimates of recreational and Indigenous catches, and ○ stock structure, and stock distribution for a number of key species, and • suitable monitoring of harvesting practices and timely analysis of catch and effort data in the rock flathead sector, particularly during spawning season, and • a robust monitoring program that supports the collection of fishery data and validates catch reports. <p>The Department welcomes initiatives commenced by the Department of Economic Development, Jobs, Transport and Resources such as adopting technologies, including smartphone apps and data loggers, and validating logbooks through covert surveillance and cross checking of information provided by the fishers and the parties that they sell their harvest to.</p> <p>The Department considers it important that the Department of Economic Development, Jobs, Transport and Resources continues to maintain and to improve its monitoring program to take into account new and emerging risks and available technologies that will ensure the fishery is sustainably managed into the future.</p>	<p>Condition 4</p> <p>The Victorian Fisheries Authority continues to work with stakeholders to develop and implement robust and reliable programs to monitor, analyse and validate logbook data, and implement appropriate management responses in a timely manner to support confidence in future stock assessments.</p>

Issue	Recommendation
<p><u>Management plan</u></p> <p>The Department considers the development and implementation of a management plan for the fishery that specifies the objectives, strategies and performance measures to be a priority action to ensure the fishery is conducted in a manner that does not lead to over fishing of target and non-target stocks. The Department welcomes the Department of Economic Development, Jobs, Transport and Resources' commitment to begin developing a fishery management plan in late 2017 that will help ensure the fishery is sustainably managed.</p> <p>The Department considers the inclusion of the following points to be beneficial in reducing uncertainty in the harvest of key species stocks, and to help the fishery respond to impacts into the future:</p> <ul style="list-style-type: none"> • improve knowledge and understanding of the status and distribution of all key species stocks to ensure the capacity to respond to changes in the fishery • validate commercial catch and effort data to ensure confidence in stock assessments for key species • reliable, up-to-date information on the estimated removals from the recreational and Indigenous sectors • bycatch monitoring and data collection to inform management responses to changes in the fishery, and • management and protection of seagrass habitat to reduce the impact on the ecological character of the Corner Inlet Ramsar wetland ecosystem. <p>Given the issues identified above, the Department considers it important that the proposed management plan take a precautionary approach to harvesting.</p> <p>The Department acknowledges the efforts of the Department of Economic Development, Jobs, Transport and Resources to ensure that commercial catch and effort data is validated, and in developing suitable approaches to collect catch data for the recreational and Indigenous sectors. The Department also acknowledges the contribution from industry in developing an Environmental Management Plan (EMP) which aims to manage some of the impacts of fishing. The Department encourages the Department of Economic Development, Jobs, Transport and Resources to continue to work</p>	<p>Recommendation 1:</p> <p>The Victorian Fisheries Authority to develop a management plan for the Corner Inlet Fishery in consultation with experts and stakeholders within the duration of this approval as a wildlife trade operation and to provide a copy of the declared plan to the Department. The management plan should include objectives, measures to evaluate performance, management responses if triggers are breached and the significance of the environment, including the adjacent Ramsar wetland area, in which the fishery operates.</p>

Issue	Recommendation
<p>collaboratively with industry and other Victorian agencies and institutions to improve habitats that support key stocks.</p> <p>The fishery operates within the Corner Inlet Ramsar wetland, which is listed as a matter of national environmental significance under the EPBC Act. The Department considers it important that the management plan explains the significance of the environment in which the fishery operates and includes strategies to minimise the impacts of fishing on the Corner Inlet Ramsar wetland and its component parts. The Department is concerned about the seagrass beds and the risk to the sustainability of the fishery. The seagrass beds provide critical habitat for a range of species within the estuary, and are considered important to the Ramsar sites structure, productivity, function and biological diversity.</p>	
<p><u>Complementary Management</u></p> <p>The wide distribution of stocks of key target species, byproduct and bycatch caught in the fishery means they are caught in other fisheries across different jurisdictions. The Department encourages ongoing complementary management arrangements that help ensure the sustainability of key stocks taken in the Corner Inlet Fishery.</p>	<p>Recommendation 2:</p> <p>The Department of Economic Development, Jobs, Transport and Resources to work with relevant jurisdictions to actively pursue complementary management arrangements for all target species, byproduct and bycatch stocks caught in the Corner Inlet Fishery.</p>

REFERENCES

Conron S, Green C, Hamer P, Giri K and Hall K 2016 'Corner Inlet-Nooramunga Fishery assessment 2016', Fisheries Victoria Science Report Series No. 11, Department of Economic Development, Jobs, Transport and Resources, Queenscliff VIC.

Department of Primary Industries 2012 Fisheries Victoria's commercial fish production: Information bulletin – October 2012, Victorian Government, Melbourne VIC, Accessed: 17 August 2016, Available at <http://agriculture.vic.gov.au/fisheries/commercial-fishing/fisheries-victoria-commercial-fish-production>.

Department of Primary Industries 2015 'Fisheries Victoria's commercial fish production information bulletin 2015', Department of Economic Development, Jobs, Transport and Resources, Queenscliff VIC.

Department of Sustainability, Environment, Water, Populations and Communities 2011 Corner Inlet Ramsar site ecological character description, June 2011, Australian Government, Canberra ACT, Accessed: 17 August 2016, Available at <https://www.environment.gov.au/water/wetlands/publications/corner-inlet-ramsar-site-ecological-character-description>.

Department of the Environment 2016 'Subtropical and temperate coastal saltmarsh' Community and Species Profile Database, Department of the Environment, Canberra ACT, Accessed: 17 August 2016, Available at <http://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=118>.