



Australian Government

**Department of Agriculture,
Water and the Environment**

Assessment of the Victorian Corner Inlet Fishery

September 2020

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Disclaimer

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

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ASSESSMENT SUMMARY

In June 2020, the Victorian Fisheries Authority (VFA) submitted an application for the Victorian Corner Inlet Fishery (the fishery) to the Department of Agriculture, Water and Environment (the Department), for assessment under the wildlife trade provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Public comments on the application were sought from 1 to 29 July 2020, no comments were received.

Description of fishery

The fishery is a multi-species, multi-gear fishery operating within the Corner Inlet–Nooramunga estuary on the eastern side of Wilsons Promontory in Victoria. The fishery mainly targets King George Whiting, Rock Flathead, Southern Sea Garfish, and Southern Calamari. This small-scale community-based fishery is managed by the VFA, the statutory authority with responsibility for managing Victorian fisheries. Although the fishery has been in operation for many years, there has been one assessment for export approval under the EPBC Act to date.

Fishery management arrangements

The Corner Inlet Fishery is managed in accordance with the Victorian *Fisheries Act 1995* and Fisheries Regulations 2019. The fishery is controlled primarily by input (effort) and output controls, including limited entry – number of licences limited to 18; time restrictions (commercial); legal minimum size limits; and gear restrictions (type and size). Recreational fishing, which includes Indigenous fishing, is managed using bag, size and gear limits.

The management arrangements for the fishery meet 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, risks and uncertainties have been identified that will require management to ensure that impacts from fishing operations are minimised, including the development of a formal management plan.

Stock assessments

The VFA have undertaken stock assessments periodically (at three to five year intervals). The most recent stock assessment conducted by the VFA in 2016, assessed stocks of target species in the fishery (King George Whiting, Rock Flathead, Southern Garfish and Southern Calamari) as 'sustainable'. The VFA stock assessment information informs the key species' stock status in the biennial 'Status of Australian Fish Stocks' (SAFS) reports. The 2018 SAFS report indicates that Rock Flathead and Silver Trevally as 'not assessed'.

The recreational sector targets a wide range of species including Snapper, King George Whiting and Sand Flathead. The the VFA are encouraged to further 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.

Corner Inlet Fishery Access Licences holders are prohibited from taking Abalone; Giant Crab; Jellyfish; Pipi; Rock Lobster; Scallop; and Sea Urchin; and species that are protected under State and Commonwealth legislation including Great White Sharks and Syngnathids

Byproduct and bycatch

Byproduct species in the fishery include Australian Salmon, Flounder, Gummy Shark, Southern Sand Flathead, Yellow-Eye Mullet, Blue-Spotted (Yank) Flathead, Mackerel and Snapper. Other commercially important species (low numbers landed) include crabs, Black Bream, pikes, skates, rays, Leatherjacket, Dusky Flathead, Tiger Flathead and Tailor.

There is a lack of information on the status and structure for some byproduct species stocks, and the impact of fishing on byproduct species stocks is unclear. The fishing methods do not allow effective selection of target versus byproduct species, and there is no limit on the amount of byproduct that can be landed (although a maximum of eight wrasse can be taken per day).

Bycatch species in the fishery include: Porcupine Fish, Toad Fish, Cobblers, Black Stingray, Banjo Shark, Port Jackson Shark, and Sandy Crab. Commercial fishers use logbooks to record bycatch species landed, however it is not mandatory to record the amount and type of bycatch species, unless it involves protected species interactions. Logbooks do not differentiate between target and non-target species.

The Victorian Bays and Inlets Fisheries Association have developed best practice measures to improve the likelihood for returning bycatch to the water alive, and have provided fishers with data sheets which to record bycatch data which fishers complete on a voluntary basis. Data submitted in this method can be used for independent stock assessment reports.

Ecosystem impacts

The Corner Inlet Fishery operates within the Corner Inlet Ramsar wetland, which is listed as a matter of national environmental significance under the EPBC Act. Management arrangements in the fishery 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.

It is recommended that the proposed management plan for the fishery should take into account the management and protection of seagrass habitat to minimise the impact on seagrass beds within the estuary.

Conclusion

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 further strengthen management arrangements through the development of a formal fishery management plan, included as a condition of this assessment to be completed by February 2022 (deferred since previous fishery assessment). It is recommended that the VFA pursues complementary management arrangements with other jurisdictions for relevant target species, taking into account the significance of the environment, including the adjacent Ramsar wetland area, and seagrass habitats, in future management arrangements. More accurate recording of bycatch and byproduct data in the fishery is encouraged.

The conditions outlined in Section 2 of this report aim to address the issues identified in the Department's assessment of the fishery during the term of the proposed three-year approval. On the basis that the proposed conditions will address the identified issues and that conditions four five and six included in Section 2 of this report are met by 28 February 2022, it is recommended that the declaration of the harvest operations of the Victorian Corner Inlet Fishery as an approved wildlife trade operation for three years (until 31 August 2023) is appropriate.

SECTION 1: ASSESSMENT SUMMARY

Guidelines	Meets	Partially meets	Does not meet	Details
Management regime	6 of 9	2 of 9	1 of 9	While management arrangements are documented, publicly available and transparent, there is currently no fishery-specific management plan containing objectives, strategies and performance measures to ensure the fishery is sustainably managed. Additionally, undertaking a revised ecological risk assessment would assist in better informing the development of the fishery management plan. A condition requiring the development of a management plan has been included in this assessment.
Principle 1 (target stocks)	1 of 8	7 of 8		Limited up-to-date and reliable information about stock structure and stock distribution for key species. Stock composition, distribution and spatial structure of non-target species is also not well-understood. Improved collection of distribution and spatial structure data, will assist in improved confidence in key species stock assessments. Fishing methods do not allow effective selection of target versus byproduct species, and generally there is no limit on the amount of byproduct that can be landed. A condition requiring the development of a management plan, has been included in this assessment, addressing these issues.
Principle 2 (bycatch and TEPS)	6 of 12 (and 3 of 12 N/A)	1 of 12	2 of 12	Logbooks do not differentiate between target and non-target species. It is not mandatory to record the amount and type of bycatch. The Victorian Bays and Inlets Fisheries Association's (VBIFA) Environmental Management System (2013) risk analysis does not include an assessment of the impact of the fishery on fish stocks. It is difficult to determine the overall impact on bycatch species as numbers and types of bycatch species are not recorded in official logbooks. The VBIFA encourages fishers to voluntarily record bycatch species. A condition requiring the development of a management plan, has been included in this assessment, addressing these issues.
Principle 2 (ecosystem impacts)	4 of 5	1 of 5		There are currently no decision rules, performance indicators and measures in place that would trigger a response to impacts of fishing operations on the environment. A condition requiring the development of a management plan, has been included in this assessment, addressing these issues.

EPBC requirements	
Part 12 – Bioregional plans	There is no Marine bioregional plan for the South-east Marine Region in which the fishery operates.
Part 13 – Protected species and communities	The fishery does not operate in Commonwealth waters, therefore no Part 13 accreditation is required
Part 13A – International trade of wildlife	Meets requirements subject to the Part 13A conditions.
Part 16 – Precautionary principle	Meets requirements subject to the Part 13A conditions.

SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the management arrangements in force at the time of any decision(s) made under the EPBC Act. To ensure that the decision(s) remain valid and export approval continues uninterrupted, the Department of Agriculture, Water and the Environment (the Department) 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(s). This includes operational and legislated amendments that may affect the 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 Victorian Corner Inlet Fishery will be carried out in accordance with the management regime in force under the Victorian <i>Fisheries Act 1995</i> and Victorian Fisheries Regulations 2019.</p> <p>Condition 2:</p> <p>The Victorian Fisheries Authority to inform the Department of Agriculture, Water and the Environment of any intended material changes to the Victorian Corner Inlet Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p>
<p><u>Annual Reporting</u></p> <p>It is important that the Victorian Fisheries Authority produce and present reports to the Department annually in order for the performance of the fishery and progress in implementing the conditions/recommendations described in this report and other managerial commitments to be monitored and assessed throughout the life of the export approval. 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 described in the previous assessment for the fishery. 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 Victorian Fisheries Authority to produce and present reports to the Department of Agriculture, Water and the Environment annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>

Issue	Condition
<p><u>Management plan and management responses</u></p> <p>The 2017 fishery assessment recommended that the Victorian Fisheries Authority develop (with the view to implementation) a management plan for the fishery outlining objectives, strategies and performance measures as a priority, so as to ensure the fishery is conducted in a manner that does not lead to over-fishing of target and non-target stocks. The 2020 fishery submission indicates that the Victorian Fisheries Authority has deferred the development of the management. As the management plan has yet to be developed, a condition has been included in this assessment to ensure the management plan is developed by February 2022.</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. 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.</p> <p>Damage to Seagrass beds remain as a potential risk to the sustainability of the fishery. Seagrass beds provide critical habitat for a range of species within the estuary and in particular, forms the basis of the trophic food web for target species including King George Whiting, Rock Flathead and Southern Sea Garfish. The seagrass beds are also considered important to the Ramsar site structure, productivity, function and biological diversity.</p> <p>The 2013 EMS takes into account measures to reduce seagrass damage (e.g. use of nets and vessels not anchoring in seagrass meadows) and it is understood that over the past few decades, there have been various studies focusing on fluctuations in the seagrass habitat. However, given the many types of research methods used it is understood that it was</p>	<p>Condition 4: By 28 February 2022, the Victorian Fisheries Authority (in consultation with experts and stakeholders) to develop a management plan for the Victorian Corner Inlet Fishery and provide a copy of the declared management plan to the Department. If the outcomes of current research projects on seagrass beds indicate opportunities for improved management in the fishery this should be taken into account in the development of the management plan.</p> <p>Condition 5: By 28 February 2022, the Victorian Fisheries Authority to undertake a survey to collect up-to-date information on recreational and Indigenous take in the fishery.</p>

Issue	Condition
<p>considered difficult to accurately consider/compare the changes in the seagrass habitat.</p> <p>Therefore it is recommended that the Victorian Fisheries Authority considers the various research projects (conducted by Parks Victoria and community-based studies) currently underway investigating seagrass health in the Corner Inlet, to better understand fluctuations in the seagrass habitat and potential flow-on impact to ecosystem processes and fishery productivity. This will assist the fishery to factor management measures where appropriate, to maintain seagrass habitat health and ensure future stock sustainability in the fishery.</p> <p>Risk of uncertainty in the harvest of key species stocks, and improvements to the fishery's response to any future impacts (including seabed habitats) could be assisted through the following:</p> <ul style="list-style-type: none"> • Increased knowledge and understanding of the status and distribution of all key species stocks to ensure the capacity to respond to changes in the fishery. • Validation of 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. • Management and protection of seagrass habitat to reduce the impact on the ecological character of the Corner Inlet Ramsar wetland ecosystem. <p>Victorian Fisheries Authority has made progress towards ensuring that commercial catch and effort data is validated, including through the implementation of electronic reporting and working with the Victorian</p>	

Issue	Condition
<p>Department of Environment, Land, Water and Planning to improve bycatch reporting (including for threatened, endangered and protected species).</p> <p>There is contribution from industry in developing an Environmental Management Plan which aims to manage some of the impacts of fishing. Victorian Fisheries Authority are to continue to work collaboratively with industry and other Victorian agencies and institutions, to improve habitats that support key stocks.</p>	
<p><u>Bycatch and byproduct species</u></p> <p>Byproduct species include Australian Salmon, Flounder, Gummy Shark, Southern Sand Flathead, Yellow-Eye Mullet, Blue-Spotted (Yank) Flathead, Mackerel and Snapper. Other commercially important species (low numbers landed) include crabs, Black Bream, pikes, skates, rays, Leatherjacket, Dusky Flathead, Tiger Flathead and Tailor.</p> <p>There is a lack of information on the status and structure for some byproduct species stocks, and the impact on byproduct species stocks is unclear. The fishing methods do not allow effective selection of target versus byproduct species, and in general, there is no limit on the amount of byproduct that can be landed (although a maximum of eight wrasse can be taken in any one day).</p> <p>Bycatch species include: Porcupine Fish, Toad Fish, Cobblers, Black Stingray, Banjo Shark, Port Jackson Shark, and Sandy Crab Commercial fishers use logbooks to record bycatch species landed. However, it is not mandatory to record the amount and type of bycatch species, other than protected species.</p> <p>Logbooks do not differentiate between target and non-target species. The 2013 EMS includes a data record sheet for fishers to voluntarily record bycatch and to be used for independent stock assessment reports.</p>	<p>Condition 6:</p> <p>By 28 February 2022, the Victorian Fisheries Authority (in consultation with experts and stakeholders) to develop a monitoring program, with particular focus on improvements to byproduct and bycatch monitoring.</p>

Issue	Condition
<p>The Victorian Fisheries Authority is encouraged to require fishers record the amount and type of byproduct/bycatch species. Improved bycatch monitoring and data collection, will assist to inform management responses to changes in the fishery.</p> <p>The Victorian Fisheries Authority is encouraged to continue to further develop a robust monitoring and data collection program with particular focus on improved byproduct and bycatch monitoring, and undertake a survey as part of the proposed management plan, to improve the collection of up-to-date information on recreational and Indigenous take (e.g. through the electronic reporting system).</p> <p>Given the factors outlined above it remains important that the proposed management plan take a precautionary approach to harvesting, to better inform management responses to future changes in the fishery.</p>	

Assessment history:

Information on previous assessments for the Victorian Corner Inlet Fishery is available on the Department's website at <https://www.environment.gov.au/marine/fisheries/vic/corner-inlet>.

1st assessment finalised August 2017 – Exempt from export approval until 31 July 2020 while an approved wildlife trade operation (WTO) is in place for the fishery. The list of exempt native specimens (LENS) was amended. Export approval was subject to four conditions and two recommendations.

Fishery reporting:

Annual report

No annual reports have been provided since the 2017 assessment under the EPBC Act. The annual report data has been provided in the 2020 fishery submission document:

- [2020 EPBC Act Export Application – Corner Inlet Fishery](#) (Victorian Fisheries Authority, 2020).

Key links:

Fishery information

- [Victorian Fisheries Authority - Bays and inlet fisheries](#)
- [2020 EPBC Act Export Application – Corner Inlet Fishery](#) (the fishery submission)
- [Protected Species Identification Guide for Victoria's Commercial Fishers](#)

Management plan

No management plan is in place for the fishery. Included in condition 4 of section 4 of this report is a requirement for the plan to be developed by February 2022.

Enforcing legislation

- [Victorian Fisheries Act 1995](#)
- [Fisheries Regulations 2019](#)

Ecological Risk Assessment

- [Victorian Bays and Inlets Fisheries Association \(VBIFA\) – Environmental Management System \(EMS\) 2013](#)

Stock assessments

- [Status of Australian Fish Stocks. Fisheries Research and Development Corporation.](#)

Other

- [Wildlife Conservation Plan for Migratory Shorebirds](#)
- [Conservation advice for Subtropical and temperate coastal saltmarsh](#)
- [EPBC Act Policy Statement 3.21 – Shorebirds guidelines](#)

SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

Guidelines criteria	Comment
THE MANAGEMENT REGIME	
The management regime may include a statutory or non-statutory management arrangements, policies and programs. The regime should:	
Be documented, publicly available and transparent.	<p>Meets – arrangements are documented, publicly available and transparent</p> <p>The management regime is based on a broad statutory framework and regulated operational tools that are documented, publicly available and transparent.</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	<p>Meets – consultative processes involve a wide range of stakeholders and the general public</p> <p>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 occurs during the development of fishery management plans, Fisheries Notices and for other purposes as specified in the Fisheries Act 1995.</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 – expert panel with a range of interests oversees matters including stock assessments</p> <p>The management regime regularly engages fishery scientists, fishery managers, VRFish, SIV, and the VBIFA during the stock assessment process.</p>

Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.

Not met – inadequate or non-existent objectives and performance criteria

Management effectiveness not measured. There is currently no fishery-specific management plan containing objectives, strategies and performance measures to ensure the fishery is sustainably managed. The fishery's management regime includes general objectives and performance criteria although these are not used to assess the effectiveness of management in the fishery.

A (non-enforceable) recommendation was included in the Department's 2017 assessment that the Victorian Fisheries Authority (VFA) develops a management plan, including 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). Work on the development of a management plan was expected to commence in late 2017 however, the 2020 fishery submission indicates that development of the management plan has been deferred. Condition 4 of section 4 of this report now requires the development of a management plan by February 2022.

Be capable of controlling the level of harvest in the fishery using input and/or output controls.

Partially meets – there is no limit on the amount of catch for each species that can be landed

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.

The VFA is working with commercial and recreational fishers from across the state to improve the management of Victoria's fisheries resources. This includes developing more effective systems for obtaining catch and effort data such as the electronic reporting system that is currently being rolled out.

From 1 August 2020, Corner Inlet commercial fishers will be:

- limited to no more than two seine shots in a 24-hour period
- limited to the use of one gear type at any given time, inclusive of mesh nets, seine nets, longline and hoop nets
- required to have vessel monitoring systems installed on their vessels.

The VFA has committed to developing a management plan for the Corner Inlet fishery. Condition 4 of section 4 of this report now requires the development of a management plan by February 2022. It is expected that the management plan will be based on objectives, evaluate performance, and include management responses as appropriate. In conjunction with other agencies, the VFA is developing complementary management arrangements to improve reporting for target, bycatch, and Threatened, Endangered and Protected species.

<p>Contain the means of enforcing critical aspects of the management arrangements.</p>	<p>Meets – contains the means of enforcing critical aspects of management arrangements</p> <p>Enforcement measures undertaken by VFA include validation of monthly catch reports with point of sale receipts, and 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 aim to address stock and effort concerns which might arise. However, it should be noted that the codes of practice are voluntary and not formally enforced.</p> <p>The VFA is working with other agencies (relevant interstate, Victorian and Commonwealth) to develop complementary management and compliance arrangements including:</p> <ul style="list-style-type: none"> • improving bycatch and Threatened, Endangered and Protected species (TEPs) reporting • recently adopted regulations, requiring VMS for several Victorian fisheries. <p>The 2020 fishery submission indicates that an electronic reporting system is in the process of being implemented to assist with more effective collection of catch and effort data.</p> <p>As of 1 August 2020, the following management changes will also apply to commercial fishers:</p> <ul style="list-style-type: none"> • limited to no more than two seine shots in a 24-hour period • limited to the use of one gear type at any given time, inclusive of mesh nets, seine nets, longline and hoop nets • required to have vessel monitoring systems installed on their vessels.
<p>Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.</p>	<p>Meets – regular performance reviews are built into the management regime</p> <p>Stock assessments are conducted for target species every three to five years. These include an analysis of the available data on fished stocks, research, and stakeholder engagement. The information is also used when considering reviewing the management arrangements.</p> <p>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.</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.

Partially meets – risk mitigation, monitoring and research commitments require review

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 encouraging best practice measures by fishers.

The 2020 fishery submission indicates that impacts from fishing operations, such as trampling or launching boats are considered low risk. The VFA states 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 ecological communities.

The submission does note however that there is a potential for damage/loss of seagrass beds as a result of fishing activity. Damage to seagrass beds would impact species abundance, particularly due to it providing key habitat and trophic food web for King George Whiting, Rock Flathead and Southern Sea Garfish.

The VFA notes that research projects are underway to further understand the health of seagrass beds in the Victorian Corner Inlet. It is intended that research outcomes will be considered by the VFA for future management arrangements. These research projects include:

- a study aimed at using local knowledge to understand linkages between ecosystem processes, seagrass change and fisheries productivity to improve ecosystem-based management. The study uses fishing industry knowledge to create a map of seagrass distribution, and documents historical fluctuations and includes working with farmers to reduce the impacts of land management on the aquatic environment. The project is a collaboration between Melbourne University and the Fisheries Research and Development Corporation)
- the 'Corner Inlet Community Seagrass Monitoring Project' (part of the state-wide Sea Search program, managed by the Parks Foundation, Parks Victoria and the community). Community volunteers map seagrass condition across the Corner Inlet to identify areas in good or poor health which can be used by management agencies to help improve seagrass health.

The 'Victorian Bays and Inlets Fisheries Association (VBIFA) Environmental Management System (EMS) 2013' includes measures to reduce seagrass damage by nets and anchoring. However, given the time elapsed since the development of the EMS, undertaking a revised ecological risk assessment

	<p>would be beneficial to better inform the development of the fishery management plan.</p> <p>Condition 4 of section 4 of this report now requires the development of a management plan by February 2022.</p>
<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>	<p>Meets – compliant with all relevant plans</p> <p>As the fishery operates within state waters there is no consideration of 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 (links available in the Notes section above).</p>

PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.

Objective 1 - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.

Information requirements

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 – logs present however, data is not adequate or incomplete

Commercial fishers use logbooks to record all target species landed. Byproduct is recorded in logbooks and daily catch logs.

There is little information collected on bycatch species (although bycatch is considered low in the fishery). It is not mandatory to record the amount and type of bycatch species unless they involve protected species interactions.

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.

Indigenous take is managed as part of the recreational sector. There is little recreational-take data available and there is no recent annual recreational catch data available. A voluntary angler diary program is used with some of the data informing stock assessments and monitoring programs for the fishery. The submission indicates that an e-monitoring application for the recreational sector is also in development and a survey of recreational fishing is anticipated, however timing for this has yet to be confirmed.

Rock Flathead catch recorded declines since 2012 but stocks have since been classified as sustainable (Fisheries Victoria 2016). However, as the stocks were not assessed in the Status of Australian Fish Stocks Reports in 2018, appropriate monitoring, data collection and analysis (particularly during its spring/summer spawning season) is required to ensure the stocks remain as sustainable/recovering.

Replacement of the previous (2009) fisheries regulations with the 2019 Fisheries Regulations (effective 16 June 2020), brought further changes and improvements to commercial fishing:

- Vessels are required to have vessel monitoring systems installed.
- The transition of catch and effort data collection from a paper-based system, to an on-line reporting system (e.g. 'Vic. e-Catch') to improve the accuracy and timeliness of fishery-dependent data collection.

The VFA in partnership with commercial and recreational fishers, is also developing improvements to stock management including collection of catch-and-effort data. An example is the roll out of an electronic reporting system.

	<p>As of 1 August 2020, the following management arrangement changes were also implemented:</p> <ul style="list-style-type: none"> • Fishers to use no more than two seine net shots in a 24-hour period. • The use of only one gear type at any given time, inclusive of mesh nets, seine nets, longline and hoop nets.
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 – stock assessments irregular, or pending, precautionary management</p> <p>Stock assessments are undertaken every three to five years. The VFA conducts periodic stock assessments for the Victorian Corner Inlet Fishery's key species. The most recent assessment was undertaken in 2016 (with previous assessments occurring in 2009, 2012, 2013).</p> <p>The stock assessments consider commercial catch and effort reporting; recreational fishery monitoring programs; scientific surveys; and age/length composition data, to determine the stock and fishery status. The stock assessments generally use catch-per-unit effort to determine biomass trends in the fishery.</p> <p>The data from the stock assessments is taken into consideration by fishery managers to determine the need for a review of management arrangements. The information also informs the annual reviews and the biennial Status of Australian Fish Stocks (SAFS) process. The assessment data is formally presented/discussed with stakeholders.</p> <p>The most recent stock assessment conducted by the VFA in 2016, assessed stocks of target species in the fishery (King George Whiting, Rock Flathead, Southern Garfish and Southern Calamari) as 'sustainable'. The 2018 SAFS report indicates that Rock Flathead and Silver Trevally as 'not assessed'. The findings are outlined in the 2020 fishery submission (link available in the Notes section, above).</p>

1.1.3 *The distribution and spatial structure of the stock(s) has been established and factored into management responses.*

Partially meets – limited distribution and spatial structure data

There is limited up-to-date and reliable information about stock structure and stock distribution, for a number of key species. Improvements are needed for the availability of the distribution and spatial structure of key species stocks (in Victorian waters), including 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.

The stock composition, distribution and spatial structure of non-target species is also not well-understood. Improved collection of distribution and spatial structure data, will assist in improved confidence in key species stock assessments. The VFA continues to work with commercial and recreational fishers from across the state to improve the management of Victoria's fisheries resources. This includes developing more effective systems for obtaining catch and effort data, including the electronic reporting system that is currently being implemented in the fishery.

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.

Partially meets — data availability and reliability concerns, not all relevant information considered in assessing and managing stocks

Commercial

Removals for commercial catches are estimated through daily logbook data and monthly reports. Commercial catch through haul seine methods has declined over the past decade, and mesh net effort has increased. The commercial catch (most) is retained and sold with a small amount of non-commercial species caught.

Since 2017 the commercial harvest of key species has varied, see following (Appendix 1, 2020 fishery submission - link available in the Notes section above):

Recreational and Indigenous estimates

There have been no estimates since the national survey in the early 2000. The previous (2017) fishery assessment, indicated that the VFA would be developing a robust monitoring program and undertaking a survey as part of its proposed management plan to collect up-to-date information on recreational and Indigenous take. However, the 2020 submission states that the development of the management plan has been deferred.

In line with the recommendation included in the 2017 assessment of the Corner Inlet fishery, the VFA is continuing to work with relevant jurisdictions, to actively pursue complementary management arrangements for all target species, byproduct, and bycatch stocks caught in the fishery. This includes:

- working with the Victorian Department of Environment, Land, Water and Planning to improve by-catch, (including TEP species reporting)
- the recent adoption of regulations that require VMS in several Victorian fisheries (the system is being managed under AFMA's national VMS program).

<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 – potential for challenges in obtaining accurate catch data on the productivity of target and commercially important byproduct species.</p> <p>Stock assessment and review outcomes provide scientific data about the status of the fish stocks, including environmental factors and harvest pressures that influence stock abundance.</p> <p>Performance indicators and measures used in the fishery include:</p> <ul style="list-style-type: none"> targeted catch rate trends (abundance index) – obtained through commercial and/or recreational monitoring programs size/age composition trends – for commercial catches. <p>The VFA conduct periodic stock assessments of the status of key fish species, collecting data through; commercial fishery catch-and-effort data reports; recreational fishery monitoring programs; scientific surveys; and age and length composition. The information delivered through the stock and fishery assessment process, is used by fisheries managers to consider the need for review of current management arrangements.</p> <p>There is little information available about the broader distribution and spatial structure. Stock assessments also indicate the potential for challenges in obtaining accurate catch data on the productivity of target and commercially important byproduct species. A link to the most recent stock assessment, is available in the Notes section above).</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 – objectives, performance measures and management responses will be included in proposed management plan</p> <p>Reference points and trigger responses are under development as part of an anticipated fishery management plan, the development of which was included as a (non-enforceable) recommendation as part of the 2017 fishery assessment. The development of the management plan by February 2022 has been included in Condition 4, in Section 4 of this assessment. The management plan will include 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 – effective strategies are in place to control the level of take</p> <p>The management regime uses the following management controls:</p> <ul style="list-style-type: none"> • Limited entry – number of licences limited to 18 • Time restrictions – for commercial fishing • Legal minimum size limits • Gear restrictions – type and size. <p>Catch and effort data is validated by covert/overt observations and intelligence, along with reporting from the public. Incorrect reporting and illegal take (for sale) are investigated where identified as necessary.</p>
<p>1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p>Partially meets – inadequate information and strategies exist for target versus byproduct species and stocks</p> <p>Byproduct species ('key secondary species') include Australian Salmon, Flounder, Gummy Shark, Southern Sand Flathead, Yellow-Eye Mullet, Blue-Spotted (Yank) Flathead, Mackerel and Snapper. Other commercially important species (low numbers landed) include crabs, Black Bream, pikes, skates, rays, Leatherjacket, Dusky Flathead, Tiger Flathead and Tailor.</p> <p>There is a lack of information on the status and structure for some byproduct species stocks, and the impact on byproduct species stocks is unclear. The fishing methods do not allow effective selection of target versus byproduct species, and in general, there is no limit on the amount of byproduct that can be landed (although a maximum of eight wrasse can be taken in any one day).</p>
<p>1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partially meets – development of a fishery-specific management plan will assist to ensure fishery remains sustainable</p> <p>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 included in condition 4 of section 4 of this report by February 2022 will assist in ensuring the fishery remains sustainable.</p>
<p>Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.</p>	
<p>Management responses</p>	

<p>1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.</p>	<p>Not applicable.</p> <p>No precautionary recovery strategy is required as stocks are assessed as sustainable.</p>
<p>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.</p>	<p>Not applicable.</p> <p>The fished stock is not considered to be at or below the biological and/or effort bottom line.</p>
<p>PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.</p>	
<p>Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.</p>	
<p>Information requirements</p>	
<p>2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.</p>	<p>Does not meet – reliable information is not collected on composition and abundance of bycatch</p> <p>Bycatch species include: Porcupine Fish, Toad Fish, Cobblers, Black Stingray, Banjo Shark, Port Jackson Shark and Sandy Crab.</p> <p>Commercial fishers can use logbooks to record bycatch species landed, however logbooks do not differentiate between target and non-target species. It is not mandatory to record the amount and type of bycatch. Fishers voluntarily record the type, number and status of bycatch species using the VBIFA data record sheet. However, if species involve TEPs interactions, species type/amount information is recorded.</p> <p>The EMS (link available in the Notes section above) includes a data record sheet (Appendix 1) for fishers to voluntarily record bycatch which can be used for independent stock assessment reports.</p>

Assessment	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	<p>Does not meet – risk analysis does not include an analysis of the impact on fish stocks</p> <p>VBIFA's EMS (2013) risk analysis does not include an analysis of the impact of the fishery on fish stocks. Industry determined that bycatch levels are low.</p>
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.	<p>Meets – measures are in place to avoid capture and mortality of bycatch species</p> <p>To help reduce bycatch mortality, the Fisheries Regulations 2019 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.</p> <p>Bycatch levels in the fishery are considered low (most of the catch is landed). The EMS outlines established practices to improve gear selectivity and increase bycatch survival.</p> <p>The 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.</p> <p>Measures have also been implemented by the operators to minimise impacts on bycatch. Overriding legislation and regulations provide assurance that the impacts of fishing operations on bycatch species will be minimised.</p>
2.1.4 An indicator group of bycatch species is monitored.	<p>Not applicable.</p> <p>There is no monitoring of indicator groups because the level of bycatch is considered low (most catch is landed).</p>
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	<p>Not applicable.</p> <p>There are no decision rules in place that would trigger additional management measures - the 2020 fishery submission indicates that the level of bycatch is considered low.</p>

<p>2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partially meets – concerns regarding data to monitor and manage risks to bycatch species</p> <p>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. The VBIFA encourages fishers to voluntarily record bycatch species.</p>
<p>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.</p>	
<p>Information requirements</p>	
<p>2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.</p>	<p>Meets – logbook reporting of TEPs interactions is mandatory in the fishery</p> <p>Recording of TEPs interactions in logbooks has been mandatory since 2015. Commercial fishers use the ‘Protected Species Identification Guide for Victoria’s Commercial Fishers’ to assist with reporting of TEP species interactions. A monthly report (of all interactions) is provided to the Victorian Department of Environment, Land, Water and Planning (DEWLP).</p> <p>It is not a requirement for fishers to record impacts on threatened ecological communities (TECs). However, the EMS does consider the impact on seagrass habitat.</p> <p>The Victorian DEWLP provides an amnesty from prosecution under the <i>Wildlife Act 1975</i> or the <i>Flora and Fauna Guarantee Act 1988</i> to Victorian commercial fishers who accidentally interact with protected wildlife, while lawfully operating under their fishing licence providing that they report the interaction in the approved way (<i>Wildlife (Commercial Fisheries – Interaction with Protected Wildlife) Order No. 1/2018. Victoria Government Gazette G13. 29 March 2018</i>).</p> <p>The amnesty is subject to the following conditions:</p> <ul style="list-style-type: none"> • The fishing activities are being undertaken in accordance with the licence conditions. • The interaction was unintentional. • Immediate steps were taken to return the protected species to its natural environment as quickly as possible and with minimum injury. • The licence holder reported the interaction in the approved manner and within the time specified.

Assessments

2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.

Meets – a risk assessment (the 2013 EMS) has been completed

The 2013 EMS (link available in the Notes section above) assessed the risks to TEPs as low (due to the small fishing fleet, and the fishing methods used) however if interactions do occur, most result in no harm. There is the potential for interactions to occur with the following species:

- various water birds (Seagulls; Australian Pelicans; Black, and Pied Cormorants; Eurasian Coots; and various duck species
- Australian Fur Seals (most commonly occurring in the bays and inlets); New Zealand Fur Seals; Leopard seals and Elephant Seals – interactions with seals are rare
- dolphins and whales – twenty-five species of whales and two species of dolphins live in/migrate through Victorian waters. Dolphins are most frequent and pose greater risk of interactions. Southern Right Whales have entered Port Phillip Bay, however, there have been no interactions with commercial fishing operations. The Dolphin Research Institute considers that commercial fishing vessels do not pose a significant risk to dolphins, and that entanglement is not considered a high priority threat. However, fishers continue to remain aware of potential risks
- Great White Sharks – regularly occur in Victorian waters, however there are no known interactions (commercial fishing), and it is considered 'rare' for this species to move inshore. Tagging research (Bruce and Bradford, 2008) has shown that waters outside of the Corner Inlet are important areas for juvenile Great White Sharks
- Seahorses, Seadragons and Pipefish – potential for entanglement in mesh nets and haul seine nets. Species are released without injury.

Since the introduction of changes to the daily catch logs in 2015, there have been improvements in the quality of data recorded in the fishery. In 2018 and 2019, there were approximately 429 interactions including Seahorses, Australian Fur Seals, and Pipefish. Of these interactions, 423 were released alive, 5 were dead, and 1 was released injured, as outlined in the 2020 fishery submission (link available in Notes section above).

<p>2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.</p>	<p>Meets – the EMS undertaken. VFA determined individual fishers cause low impact to seagrass</p> <p>The subtropical and temperate coastal saltmarsh ecological community is adjacent to the Corner Inlet estuary. The 2020 fishery submission indicates that fishing operations and methods used in the fishery are not likely to directly impact the ecological community. The potential for the risk of indirect impact by fishing operations (such as boat launching and waste disposal) is considered low.</p>
<p>Management responses</p>	
<p>2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p>	<p>Meets – mitigation strategies are in place</p> <p>The development of codes of practice encourages engagement in best practice measures to minimise any impacts on non-target species, including TEPs. Some operators use specific measures to reduce catches for non-target species including TEPs.</p>
<p>2.2.5 There are measures in place to avoid impact on threatened ecological communities.</p>	<p>Not applicable</p> <p>The subtropical and temperate coastal saltmarsh ecological community is adjacent to the Corner Inlet estuary. The 2020 fishery submission indicates that fishing operations and methods used in the fishery, are not likely to directly impact the ecological community. The potential for the risk of indirect impact by fishing operations (such as boat launching and waste disposal) is considered low.</p>
<p>2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Meets – measures in place to avoid mortality of, or injury to TEPs, and avoids or minimises impacts on TECs</p> <p>The management regime has a high chance of achieving the objective. The fishery is conducted in a manner that avoids mortality of, or injury to TEPs, and avoids or minimises impacts on TECs.</p>
<p>Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>	
<p>Information requirements</p>	
<p>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.</p>	<p>Meets – appropriate information is collected</p> <p>Information appropriate for the analysis in 2.3.2, is collected/collated from other government agencies responsible for managing adjacent marine and terrestrial environments; through annual stock assessments and regular stakeholder workshops.</p>

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 – EMS risk analysis undertaken

The EMS risk analysis is based on national ecological sustainable development standards. Consideration is given to fishery vessels' potential impacts on the marine environment which include anchoring, fishing gear, and waste. Monitoring of water quality and the physical environment, forms part of ongoing studies in relation to the condition of seagrass habitat and the likely impacts if it were degraded further.

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 – management actions are in place</p> <p>Management arrangements are based on state legislation and regulations. Any identified risks and impacts are managed in collaboration with neighbouring landholders including state and local government agencies.</p> <p>As it is a key habitat for King George Whiting, Rock Flathead and Southern Sea Garfish, damage/loss of seagrass ecosystems can potentially have a long-term impact. The EMS includes measures to reduce damage to the ecosystem (link to the EMS is available in the Notes section above).</p> <p>The 2020 submission indicates that fishing methods used in the fishery's operations, are unlikely to directly impact the ecological community. In addition, it states that indirect impacts from fishing operations such as waste or damage (trampling or launching boats) are considered low risk.</p> <p>Monitoring of water quality and the physical environment forms part of ongoing studies on the condition of seagrass habitat and the likely impacts to the broader ecosystem, if it were degraded further.</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 – proposed management plan will include performance measures</p> <p>The EMS outlines an action plan which includes measures to manage the risk of damage to the ecosystem (such as seagrass areas) and a review process. However, currently there are no decision rules, performance indicators, or measures in place that would trigger a response to impacts of fishing operations on the environment. In the previous (2017) fishery assessment a (non-enforceable) recommendation was included on the development of a fishery management plan which should include management responses to any triggers breached. The plan should also include consideration of vulnerable ecosystems and Ramsar wetlands. The 2020 fishery submission states that development of the management plan has been deferred. Condition 4 of section 4 of this report now requires that the management plan be developed by February 2022.</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 – high chance of achieving the objective</p> <p>The management regime is likely to achieve the objective. The fishery is being conducted in a manner that minimises the impact of fishing operations on the ecosystem generally. However, it remains important that there is development of further understanding of the condition of seagrass habitat, including the rate of deterioration, to ensure a quick response to any changes in the fishery.</p>

SECTION 4: ASSESSMENT AGAINST THE EPBC ACT

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

Part 12 – Identifying and monitoring biodiversity and making bioregional plans

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	Meets There is no Marine Bioregional Plan for the South-east Marine Region in which the Victorian Corner Inlet Fishery (the fishery) operates.

Part 13A – International movement of wildlife specimens

Section 303BA Objects of Part 13A	Comment
(1) The objects of this Part are as follows: (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;	The management arrangements for the Victorian Corner Inlet Fishery have been assessed as consistent with the general guidance provided in the objects of Part 13A as: <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 Table 1)• the operation of the Victorian Corner Inlet Fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and• the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.

<p>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</p> <p>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.</p>	
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> <p>(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to:</p> <p>(i) the survival of any taxon to which the specimen belongs; or</p> <p>(ii) the recovery in nature of any taxon to which the specimen belongs; or</p> <p>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and</p>	<p>Not applicable</p> <p>The fishery does not harvest any CITES-listed species.</p>
Section 303DC Minister may amend list (non CITES species)	Comment
<p>(1) The Minister may, by legislative instrument, amend the list</p>	<p>It is recommended that specimens that are, or are derived from, fish or invertebrates harvested in the Victorian Corner Inlet Fishery, as defined in the management regime in force under the <i>Fisheries Act 1995</i> (Victoria), and the Fisheries Regulations 2019 (Victoria), but not including:</p>

<p>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; <p>or</p> <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<ul style="list-style-type: none"> • specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's list of migratory species), or • specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's list of marine species), or • specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or • specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List) <p>be included in the list of exempt native specimens while the Victorian Corner Inlet Fishery is subject to a declaration as an approved wildlife trade operation.</p>
Section 303FN Approved wildlife trade operation	Comment
<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; <p>or</p>	<p>Meets</p> <p>The fishery is consistent with Objects of 13A – see above assessment against the Guidelines.</p> <p>The fishery operation will not likely be detrimental to the survival or conservation status of a taxon to which it relates within the next three years, given the management measures currently in place which include: limited entry – number of licences limited to 18, time restrictions (commercial); legal minimum size limits; and gear restrictions (type and size).</p> <p>Recreational fishing, which includes Indigenous fishing, is managed using bag, size and gear limits.</p>

<p>(ii) the conservation status of a taxon to which the operation relates; and</p> <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 conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p>	<p>Meets</p> <p>The Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) do not specify Crustacea or fish as a class of animal in relation to the welfare of live specimens.</p>
<p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>Meets</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</p>	<p>Meets</p> <p>The fishery will not have a significant impact on any relevant ecosystem within the next three years, given the management measures currently in place, which include the arrangements described above at s303FN 3(b).</p>

(for example, an impact on habitat or biodiversity); and	
(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).	<p>Meets</p> <p>The management arrangements that will be employed for the fishery, as outlined in the assessment against the Guidelines (above), are likely to be effective.</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>Meets</p> <p>The fishery will be managed under the Victorian <i>Fisheries Act 1995</i> and Fisheries Regulations 2019.</p> <p>The Victorian <i>Fisheries Act 1995</i> and Fisheries Regulations 2019, apply throughout Victorian waters.</p> <p>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>(a) the operation is a commercial fishery.</p>	<p>Meets</p> <p>The Victorian Corner Inlet Fishery is a commercial fishery.</p>

Section 303FR Public consultation	Comment
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <ul style="list-style-type: none"> (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. <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>(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>Meets</p> <p>A public notice, which set out the proposal to declare the Victorian Corner Inlet Fishery an approved wildlife trade operation and included the application from the VFA, was released for public comment on 1 to 29 July 2020, a total of 23 business days.</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 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 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 Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. <p>The wildlife trade operation instrument for the Victorian Corner Inlet 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.

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>The assessment has identified a range of issues that require attention by the VFA. The conditions proposed for inclusion on Part 13A approvals, are designed to address these issues and represent a precautionary approach to the management of environmental uncertainty and risk. The management regime, when supported by these conditions, should be enough to prevent serious or irreversible environmental damage being caused by this fishery.</p>

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<https://www.environment.gov.au/system/files/pages/e74d6451-56a5-4857-a67e-89f4e2f825a3/files/assessment-report-2017.pdf>
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