



**Australian Government**

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

# **Assessment of the Western Australian South Coast Crustacean Managed Fishery**

**December 2020**

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This report should be attributed as '*Assessment of the Western Australian South Coast Crustacean Fishery December 2020*', Commonwealth of Australia 2020'.

### 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 September 2020, the Western Australian Department of Primary Industries and Regional Development (WA DPIRD) submitted an application for the South Coast Crustacean Managed 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 October 2020 to 3 November 2020, no comments were received.

### *Description of fishery*

The fishery is a multi-species, effort-controlled pot-based fishery comprised of four smaller fisheries. The fishery operates in state and Commonwealth waters from Augusta to the WA/SA border. The most recent fishery assessment for export approval under the EPBC Act, was August 2017.

### *Fishery management arrangements*

The South Coast Crustacean Managed Fishery is managed by WA DPIRD in accordance with the the *South Coast Crustacean Fishery Management Plan 2015* (management plan) made under the *Fish Resources Management Act 1994*; the Fish Resources Management Regulations 1995 (FRMR); and the FRMA Section 43 Order, such as relevant prohibition on fishing - marine park orders.

The fishery is managed through limited entry, input controls such as pot limits (number) and seasonal closures. While there is currently no formal harvest strategy for the fishery, WA DPIRD confirmed in recent correspondence with the Department that consideration is being given to formalise a harvest strategy for the fishery in the near future.

### *Target stocks*

The fishery targets Southern Rock Lobster (SRL) (*Jasus edwardsii*), Western Rock Lobster (WRL) (*Panulirus Cygnus*) and deep-sea crabs including Champagne Crab (*Hypothalassia acerba*), Crystal Crab (*Chaceon bicolour*) and Giant Crab (*Pseudocarcinus gigas*) using lobster pots.

The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' reports status of the various componenets of the fishery. WA DPIRD are developing further management measures in consultation with fishery licence holders, in response to the decreasing catch trends in Zones 2, 3 and 4 (following the 2017/2018 stock assessment). WA DPIRD expect that the developmed management measures will be implemented during the current fishing season (2020/2021) to address these concerns.

### *Protected species and ecological communities, and ecosystem impacts*

Australian Sea Lion (*Neophoca cinerea*) colonies exist adjacent to fishery operation areas where pots are fished. This species has recently been uplisted under Part 13 of the EPBC Act (from Vulnerable) to **Endangered**, following the decision by the Australian Minister for the Environment, the Hon. Sussan Ley MP (following the Commonwealth Threatened Species Scientific Committee's *EPBC Act* threatened species listing assessment, finalised in October 2020). This category change came into effect on 23 December 2020. To address risks (interactions) with Australian Sea Lions, WA DPIRD implemented the mandatory Australian Sea Lion Mitigation Strategy in September 2019. Under the strategy Sea Lion Exclusion

Devices are mandatory on pots in areas of the fishery which are known to be frequented by Australian Sea Lions.

The Ecosystem Based Fisheries Management (EBFM) assessment in 2018 (reported through the 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19') assessed the risk to habitat and the ecosystem, as **low risk** and **acceptable**.

The fishing technique of 'potting' is considered low impact on the habitat in which the fishery operates. Potting has been assessed in other fishery's on the west coast (based on the harvesting of crabs and lobsters) as having a "low" risk of impact to the food chain.

Byproduct and bycatch is considered negligible in the fishery, due to the gear type and design used in the fishery (pots), also ensuring 'ghost-fishing' is negligible. The EBFM assessment in 2018 (reported through the 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19') assessed bycatch as **low risk** and **acceptable**.

#### *Public submissions*

The application for export approval and the proposal to declare the fishery an approved wildlife trade operation under the EPBC Act, were made available on the Department's website for at least 20 business days. No comments were received during the consultation period.

#### *Conclusion*

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 implementation of a formal harvest strategy. Conditions in Section 2 have been set addressing these concerns.

On this basis it is recommended that the harvest operations of the WA South Coast Crustacean Fishery be declared as an approved wildlife trade operation for three years from the day after date of registration on the Federal Register of Legislation. Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade operation declaration for the fishery.

## SECTION 1: ASSESSMENT SUMMARY

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime	6 of 9	3 of 9	0 of 9	While the management regime is likely to be effective, it would be improved with the implementation of a harvest strategy outlining management objectives, performance indicators, reference levels and control rules.
Principle 1 (target stocks)	2 of 11	5 of 11	4 of 11	While harvesting operations are unlikely to impact on the survival of target species, it is important that management decisions are based on accurate and up-to-date fishery data. Implementation of a harvest strategy appropriate to the scale of the fishery will further assist in making decisions aimed at rebuilding target stock levels.
Principle 2 (bycatch and TEPS) 2 of 12 not applicable	8 of 12	2 of 12	0 of 12	Given the gear type used and requirement for fishers to have exclusion devices fitted to all gear (pots) it is considered that the fishery is unlikely to have a significant impact on bycatch and TEPS.
Principle 2 (ecosystem impacts)	4 of 5	1 of 5	0 of 5	Given the management measures in place, it is considered that the fishery is unlikely to have a significant impact on the structure, productivity, function and biological diversity of the ecosystem.
EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 12	Meets			Has regard to the Marine Bioregional Plan for the North-west Marine Region.
Part 13	All met			Meets Part 13 requirements.
Part 13A	Meets			Meets requirements subject to the Part 13A conditions.
Part 16	Meets			Meets requirements subject to the Part 13A conditions.

## SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

Issue	Condition
<p><b><u>General Management</u></b></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><b>Condition 1:</b></p> <p>Operation of the Western Australian South Coast Crustacean Fishery will be carried out in accordance with the <i>South Coast Crustacean Managed Fishery Management Plan 2015</i>, in force under the <i>Fish Resources Management Act 1994</i>; the Fish Resources Management Regulations 1995 (FRMR); and the FRMA Section 43 Order, such as relevant prohibition on fishing - marine park orders.</p> <p>Fishers must also comply with the requirements of (but not limited to): The <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act); Marine Safety (Domestic Commercial Vessel) National Law Act 2012; the <i>Western Australian Marine Act 1982</i>; <i>Western Australian Wildlife Conservation Act 1950</i>; and the <i>Western Australian Conservation and Land Management Act 1984</i>.</p> <p><b>Condition 2:</b></p> <p>The Western Australian Department of Primary Industries and Regional Development, to inform the Department of Agriculture, Water and the Environment of any intended material changes to the Western Australian South Coast Crustacean Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p>
<p><b><u>Annual Reporting</u></b></p> <p>It is important that the Western Australian Department of Primary Industries and Regional Development produce and present reports to the Department annually in order for the performance of the fishery and progress in implementing the conditions described in this report and other managerial commitments to be monitored and assessed throughout the</p>	<p><b>Condition 3:</b></p> <p>The Western Australian Department of Primary Industries and Regional Development, 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>life of the export approval. Annual reports should follow Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> 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 described in the previous assessment for the fishery. Electronic copies of the guidelines are available from the Department's website at <a href="http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries">http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries</a>.</p>	
<p><b><u>Formal harvest strategy</u></b></p> <p>A fishery management plan is in place, however there is no formal harvest strategy outlining objectives, performance measures, triggers and responses. Given past and current stock concerns for some zones within the fishery, a formal harvest strategy should be implemented as a priority. Development of the harvest strategy should involve consultation with industry, and outline appropriate objectives, management measures and responses.</p>	<p><b>Condition 4:</b></p> <p>By 31 December 2022, the Western Australian Department of Primary Industries and Regional Development to:</p> <ul style="list-style-type: none"> <li>a) finalise and implement a formal harvest strategy for the fishery, including objectives and performance criteria by which the effectiveness of the management arrangements is measured.</li> </ul>



**Stock status – implementing management measures to rebuild stocks, improving data quality and availability**

Stock assessments in the fishery are based on indicator species (status). The stock status is assessed using a weight-of-evidence approach that considers all available information and is reported annually through the 'Status Report of the Fisheries and Aquatic Resources' report process.

The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' detailed concerns about the declining catch rates for lobsters and deep sea crabs. Although Crystal Crab stocks are stated as showing some signs of recovery, the report suggests that there is potential for effort reductions to assist further recovery.

The above report states that the total commercial catch for 2018 for the fishery was 101.2 tonnes. The Ecosystem Based Fisheries Management (EBFM) outcome status has been assessed as **unacceptable** with management action required.

The stock assessment which was conducted for the 2018/2019 season assessed the following indicator species: Western Rock Lobster (Zone 1) as sustainable-adequate; Crystal Crabs (Zone 2) unacceptable-inadequate; and Southern Rock Lobster (Zones 3 and 4), to be sustainable-adequate.

The 2020 fishery submission indicates that poor spatial and effort data was used to inform the 2018/2019 stock assessment, prompting the implementation of a mandatory fishing return – the 'South Coast Crustacean Trip Return' (Trip Return) in September 2019. It is understood the Trip Return provides WA DPIRD with finer-scale catch and effort information (on a trip by trip basis) and replaces the 'old' monthly returns (which collected monthly data at a broader spatial scale).

In response to the concerns outlined above, WA DPIRD will be consulting with licence holders, to discuss the decreasing catch trends in Zones 2, 3 and 4 of the fishery and in particular, the requirement to rebuilt stock levels. WA DPIRD also state in the submission that development of short

**Condition 5:**

By 31 December 2022, the Western Australian Department of Primary Industries and Regional Development to:

- a) ensure finer-scale catch and effort data obtained through the Trip Returns is used to inform annual stock assessments and factored into appropriate management responses.
- b) continue investigations into stock sustainability in all fishing zones and develop short and long term management measures aimed at rebuilding stock abundance levels.

The Western Australian Department of Primary Industries and Regional Development must provide progress updates on the above to the Department of Agriculture, Water and the Environment, through the annual reporting process detailed in condition 3.

and long term management measures (seasonal closures, pot reductions, potential move to individual transferable quota system) is being considered for the fishery to assist in improving longer term abundance levels and future sustainability of the stocks concerned.

Discussions with licence holders will also consider the current COVID-19 impacts such as reduction in fishing activity and market failure. In their submission WA DPIRD stated that they expect the reduced fishing effort (as a result of COVID-19) to have resulted in more favourable stock sustainability levels. WA DPIRD go on to state that investigations will continue regarding the development and implementation of further management measures to improve stock sustainability, with a particular focus on implementing specific measures in the current fishing season (2020/2021).

Given the past/continuing stock status concerns for some zones in the fishery, and the status of Crystal Crabs (moderate to high sustainability risk) it will be beneficial to ensure specific management measures are implemented as soon as possible (i.e. in the current fishing season), to ensure critical improvements to stock sustainability levels, and ensure appropriate and timely management measures (including regular reviews) are continued and remain ongoing. This will assist in ensuring improved stock data availability and quality, and ensure the opportunity to develop and implement appropriate management responses on a more timely basis.

Stock management reviews should include an analysis of the available data on stocks, research, and stakeholder engagement. The information, along with any monitoring programs in place, should inform performance reviews and be considered in the review of management arrangements.

**Assessment history:**

Information on previous assessments for the Western Australian South Coast Crustacean Managed Fishery is available on the Department's website at the Information on previous assessments for the Western Australian South Coast Crustacean Managed Fishery is available on the Department's website at [fishery webpagehttps://www.environment.gov.au/marine/fisheries/wa/south-coast-crustacean](https://www.environment.gov.au/marine/fisheries/wa/south-coast-crustacean).

1st assessment finalised September 2004 – Exempt from export approval until 20 September 2007 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 ten recommendations. A Part 13 was accredited.

2nd assessment finalised November 2007 – Exempt from export approval until 16 July 2008 while an approved wildlife trade operation (WTO) is in place for the fishery. Several WTO variations (short term) were done in; July 2008, December 2008, and February 2009. The list of exempt native specimens (LENS) was amended. Export approval was subject to various conditions over this period.

3rd assessment finalised November 2011 – Exempt from export approval until 11 November 2014 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 (including Part 13 condition) and two recommendations. There were approximately four extensions between November 2014 and June 2017.

4th 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 three conditions and one Part 13 condition.

**Fishery reporting:**

Annual report

[‘Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19’](#)  
(WA Department of Primary Industries and Regional Development).

**Key links:**

Fishery information – [Agency webpage](#)

Management plan – [‘South Coast Crustacean Managed Fishery Management Plan 2015’](#).

Enforcing legislation – [Fish Resources Management Act 1994](#)

Harvest strategy – There is no harvest strategy for the fishery. The WA DPIRD is considering formalising a fishery harvest strategy in the future.

Ecological Risk Assessment – The Ecosystem Based Fisheries Management (EBFM) assessment is available in the [‘Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19’](#). EBRMs are reviewed annually.

Stock assessments – Reported through the annual ‘Status Reports of the Fisheries and Aquatic Resources’ (SRFAR) process.

Other

- [‘The National Policy on Fisheries Bycatch’](#)
- [‘Marine bioregional plan for the South-west Marine Region’](#)

### SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

Guidelines criteria	Comment
<b>THE MANAGEMENT REGIME</b>	
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:	
Be documented, publicly available and transparent.	<p><b>Meets – arrangements are documented, publicly available and transparent</b></p> <p>The fishery is managed in accordance with the the <i>South Coast Crustacean Fishery Management Plan 2015</i> (management plan) made under the <i>Fish Resources Management Act 1994</i>; the Fish Resources Management Regulations 1995 (FRMR); and the FRMA Section 43 Order, such as relevant prohibition on fishing - marine park orders. These documents are publically available.</p> <p>Fishers must also comply with the requirements of (but not limited to): The <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act); Marine Safety (Domestic Commercial Vessel) National Law Act 2012; the <i>Western Australian Marine Act 1982</i>; <i>Western Australian Wildlife Conservation Act 1950</i>; and the <i>Western Australian Conservation and Land Management Act 1984</i>.</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	<p><b>Meets – consultative processes involve a wide range of stakeholders and the general public</b></p> <p>The consultation process engages the commercial sector through Annual Management Meetings which are convened by the Western Australian Fishing Industry Council (WAFIC). Other meetings are conducted which engage Recfishwest and other relevant stakeholders. Consultation is also conducted through WA DPIRD's website.</p> <p>Non-fisher stakeholder consultation, is conducted in accordance with the 'Guideline for stakeholder engagement on aquatic resource management-related processes' (Western Australian Department of Fisheries, 2016).</p>

<p>Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.</p>	<p><b>Meets – expert panel with a range of interests oversees matters including stock assessments</b></p> <p>The management regime engages commercial sector, WAFIC, Recfishwest and various interested stakeholders. The stock assessment process, reported through the Status Reports of the Fisheries and Aquatic Resources (SRFAR) process, include involvement from commercial, recreational and aquaculture stakeholders (through research and monitoring programs etc.). The status reports are available publicly.</p>
<p>Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.</p>	<p><b>Partially meets – no formal harvest strategy in place</b></p> <p>A fishery management plan is in place. WA DPIRD confirmed in recent with the Department correspondence that while there is no formal harvest strategy for the fishery consideration is being given to formalise a harvest strategy for the fishery in the near future. Condition 4 in section 2 of this report, requires WA DPIRD to develop and implement a harvest strategy for the fishery by the end of 2022.</p>

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**

The fishery is managed through:

- limited entry licensing
- limited pot numbers for rock lobster fishery (during rock lobster season, deep-sea crab fishers can only use the number of pots endorsed on rock lobster licence)
  - the number of units in the fishery is limited and fully allocated in the fishery.
  - 1 unit equals 1 pot, where the number of units is conferred on the relevant South Coast Crustacean Managed Fishery Managed Fishery Licence.
- gear restrictions
  - only permitted to fish with a 'pot' as defined in the Fish Resources Management Regulations 1995, (FRMA)
  - if fishing in a Sea Lion Exclusion Devices (SLED) zone, pots must be fitted with a SLED device
- closed season for rock lobsters
  - The commercial fishing season for rock lobster in the SCCMF runs from 15 November to 30 June inclusive.
- spatial restrictions
  - The fishery is split into four zones.
  - SLED zones.
- prohibition on take of berried and tarspot females - legislated under the *Fish Resources Management Act 1994*
- minimum size limits:
  - Southern Rock Lobster - 98.5 mm carapace length (CL)
  - Western Rock Lobster – 76 mm all year round
  - Champagne Crab - 92 mm CL
  - Giant Crab - 140 mm CL
  - Crystal Crab - 120 mm CL.

A fishery management plan is in place. WA DPIRD confirmed in recent correspondence with the Department that while there is no formal harvest strategy for the fishery, consideration is being given to formalise a harvest strategy for the fishery in the near future. Condition 4 in section 2 of this report, required WA DPIRD to develop and implement a harvest strategy for the fishery by the end of 2022.

Contain the means of enforcing critical aspects of the management arrangements.

**Partially meets – further management measures to be developed**

South Coast Crustacean Managed Fishery Licences are issued in accordance with the *South Coast Crustacean Managed Fishery Management Plan 2015*. The management plan outlines rules and prohibitions on fishing in certain areas (zones).

Fishers operate under the authority of one licence at any one time and in accordance with the management plan. A fisher is only authorised to fish in zones specified on the licence. The management plan also outlines rules around records and returns, requiring recording of all fishing activity conducted under a licence in a trip-return.

Only pots can be used to fish in the fishery. Opportunistic and/or targeted enforcement is conducted in the fishery, and includes on-land and at-sea inspection of vessels, gear, authorisations and catch.

The 2020 fishery submission indicates that WA DPIRD are undertaking discussions with licence holders, aimed at developing improved management measures in response to trends of decreasing catches in Zones 2, 3 and 4 of the fishery (following the 2017/2018 stock assessment). This is expected to include the development of short and long term management measures to rebuild stock for future sustainability, with a focus on increased abundance levels, and profitability for fishers. Potential options for these measures include:

- seasonal closures
- pot reductions
- moving to individual transferable quota (over long term).

The above discussions are also expected to consider the market failure and resulting reduction in fishing activity due to the recent COVID-19 impacts. WA DPIRD expected that the reduced effort should positively influence stock sustainability, however they consider that further management measures are needed. WA DPIRD expect that management action will take place during the current fishing season (2020/2021) to address these concerns.

<p>Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.</p>	<p><b>Partially meets – performance reviews are provided for in the management arrangements</b></p> <p>Ecosystem Based Fisheries Management (EBFM) assessments and the performance and stock status of the fishery are annually reported through the Status Report of the Fisheries and Aquatic Resources (SRFAR) report process. Stock assessments are based on the status of indicator species, using a weight-of-evidence approach that considers all of the available information.</p>
<p>Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates.</p>	<p><b>Meets – has the ability to manage impacts on wider marine ecosystem</b></p> <p>EBFM assessments are reviewed annually against a provisional South Coast Crustacean Resource Status report, which is publicly available.</p> <p>The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' (link available in the Notes section above) indicates that the risk to habitat ecosystem, is <b>low</b>, due to the use of pots (lobster pots) in the fishery. The report also indicates that the removal of lobsters and deep-sea crabs along the south coast is considered unlikely to negatively influence the food chain.</p>



Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy.

**Meets – Fishers are required to operate in accordance with the fishery management plan which takes into account relevant threat abatement plans, recovery plans, and the National Policy on Fisheries Bycatch.**

Due to the gear used by operators there is minimal bycatch in the fishery. WA DPIRD consider the risk to bycatch as **negligible** largely as pots are designed to reduce potential 'ghost fishing' if lost.

Fishers are required to operate in accordance with the fishery management plan. The fishery is comprised of four smaller fisheries and operates in state and Commonwealth waters from Augusta to the WA/SA border. Given the fishery operates in both state and Commonwealth areas, the management arrangements for the fishery are required to comply with all relevant Commonwealth threat abatement plans, recovery plans and bycatch policies or strategies.

In June 1999, the Minister for Fisheries adopted the 'National Policy on Fisheries Bycatch' as the Western Australian Policy on Fisheries Bycatch. The (then) Fisheries Western Australia commenced development and implementation of the policy (on a priority basis) for all commercial and recreational fisheries. This included consultation with various stakeholders, including industry.

To address risks (interactions) with Australian Sea Lions, WA DPIRD implemented the mandatory Australian Sea Lion (ASL) Mitigation Strategy in September 2019 which includes an amendment to the management plan, to require fishers to have pots fitted with Sea Lion Exclusion Devices (SLEDs) when fishing in the revised SLED Zones in the fishery. Under the strategy, fishing operators can elect to have fixed on-board cameras (in lieu of SLEDs) for WA DPIRD to monitor ASL interactions. The 2020 fishery submission states that no operators have elected to use on-board cameras to date.

**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 – While there are mandatory fishing returns in place for operators no harvest strategy is in place for the fishery**

The 2020 fishery submission indicates that there has been poor spatial and effort data used to inform the stock assessment. To produce finer scale catch and effort data (trip-by-trip basis), WA DPIRD implemented a new mandatory fishing return, the 'South Coast Crustacean Trip Return' (Trip Return) in September 2019. This replaces the previous monthly returns (which collected monthly data at a broader spatial scale).

Harvest is primarily managed through input (effort) controls. A fishery management plan is in place for the fishery. However, WA DPIRD confirmed in recent correspondence that there is no formal harvest strategy for the fishery, and that consideration is being given to formalise a harvest strategy for the fishery in the future.

The fishery is managed through:

- limited entry licensing
- limited pot numbers for rock lobster fishery (during rock lobster season, deep-sea crab fishers can only use the number of pots endorsed on rock lobster licence)
  - the number of units in the fishery is limited and fully allocated in the fishery.
  - 1 unit equals 1 pot, where the number of units is conferred on the relevant South Coast Crustacean Managed Fishery Managed Fishery Licence.
- gear restrictions
  - only permitted to fish with a 'pot' as defined in the Fish Resources Management Regulations 1995, (FRMA)
  - if fishing in a SLED zone, pots must be fitted with a SLED device
- closed season for rock lobsters
  - The commercial fishing season for rock lobster in the SCCMF runs from 15 November to 30 June inclusive.
- spatial restrictions
  - The fishery is split into four zones.
  - Sea Lion Exclusion Devices (SLED) zones.
- prohibition on take of berried and tarspot females - legislated under the *Fish Resources Management Act 1994*
- minimum size limits:

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- Southern Rock Lobster - 98.5 mm carapace length (CL)
  - Western Rock Lobster – 76 mm all year round
  - Champagne Crab - 92 mm CL
  - Giant Crab - 140 mm CL
  - Crystal Crab - 120 mm CL.

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 implementation of a formal harvest strategy.

## Assessment

**1.1.2** There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.

### Meets – stock assessments are conducted for the fishery

EBFM assessments and the performance and stock status of the fishery are reported annually through the Status Report of the Fisheries and Aquatic Resources (SRFAR) report process. Stock assessments are based on the status of indicator species, using a weight-of-evidence approach that considers all of the available information.

The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' (link available in the Notes section above) assessed the status of the indicator species as follows:

- Western Rock Lobster (Zone 1) – **sustainable-adequate**. The source of recruitment in the fishery, is the West Coast Rock Lobster Managed Fishery.
- Crystal Crabs in (Zone 2) – **below-limit** and **inadequate** (as indicated in the EBFM assessment in the report) and the overall stock depletion as **unacceptable** (moderate to high sustainability risk) and assessed as **inadequate**.
- Southern Rock Lobster (Zones 3 and 4) – Southern Rock Lobster (Zones 3 and 4) – overall stock depletion is **acceptable**. The stock biomass is **sustainable-adequate**. This is a major commercial species for many southern Australian states.

In response to the sustainability concerns for Zones 2 and 3, a mandatory fishing return, the 'South Coast Crustacean Trip Return' (Trip Return) was implemented in September 2019. The trip return provides the WA DPIRD with finer spatial scale data (catch and effort data based on a trip-by-trip basis). This replaced previous monthly returns which were based on broader spatial scale.

Further management measure options are being discussed with licence holders, to determine options to rebuild stocks through increasing abundance levels, and the possibility of including seasonal closures, pot reductions and individual transferable quota (longer term). However, the WA DPIRD consider that given the reduced fishing activity (following the impacts of COVID-19) the reduced fishing effort was expected to have a positive influence on stock sustainability. The WA DPIRD acknowledge that further measures will be required to restore stock sustainability and management actions will be implemented during the 2020/2021 fishing season (current season).

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

**Partially meets – spatial and abundance data collection/availability need improvement**

The 2020 fishery submission noted that relatively poor spatial and effort data was used to inform the stock assessment. The assessment reported the status of Crystal Crabs in (Zone 2) as being **below-limit** and **inadequate** (as indicated in the EBFM assessment in the report) and the overall stock depletion as **unacceptable** (moderate to high sustainability risk) and overall assessed as **inadequate**.

In response to the sustainability concerns for Zones 2 and 3 (also outlined in 1.1.2 above), a mandatory fishing return, the 'South Coast Crustacean Trip Return' (Trip Return) was implemented in September 2019. The trip return provides WA DPIRD with finer spatial scale data (catch and effort data based on a trip-by-trip basis). This replaced 'old' monthly returns which were based on broader spatial scale.

Further management measure options are being discussed with licence holders, to determine options to rebuild stocks through increasing abundance levels, and the possibility of including seasonal closures, pot reductions and individual transferable quota (longer term). However, WA DPIRD consider that given the reduced fishing activity (following the impacts of COVID-19) the reduced fishing effort was expected to have a positive influence on stock sustainability. WA DPIRD acknowledge that further measures will be required to restore stock sustainability and management actions will be implemented during the 2020/2021 fishing season (current season).

A condition has been set to address the requirement for improved abundance and spatial data.

**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 – Commercial catch data and estimates of recreational fishing is available however there is limited data available on take by Indigenous fishers.**

The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' provides a summary of commercial and recreational catch outcomes and status. The commercial fishery received a status of **unacceptable – management action required**.

The total catch for 2018 is reported as:

- Commercial = 101.2 tonnes.
  - Southern Rock Lobster = 31.0 tonnes
  - Western Rock Lobster = 54.1 tonnes
  - Crystal Crabs = 5.1 tonnes
  - Giant Crabs = 9.1 tonnes
  - Champagne Crabs = 1.8 tonnes.
- Recreational = < 5 tonnes. The recreational fishery status was indicated as "N/A"
- Indigenous – no up-to-date data available.

As mentioned above, WA DPIRD are discussing further management measure options with licence holders, to determine options to rebuild stocks through increasing abundance levels, and the possibility of including seasonal closures, pot reductions and individual transferable quota (longer term).

However, the WA DPIRD consider that given the reduced fishing activity (following the impacts of COVID-19) the reduced fishing effort was expected to have a positive influence on stock sustainability. The WA DPIRD acknowledge that further measures will be required to restore stock sustainability and management actions will be implemented during the 2020/2021 fishing season (current season).

The Status reports of the fisheries and aquatic resources of Western Australia 2018/19 state that WA DPIRD has implemented an integrated survey design, to provide biennial estimates of recreational catch by boat-based recreational fishers at both state-wide and bioregional levels.

	<p>The integrated surveys include three complementary components:</p> <ul style="list-style-type: none"> <li>(i) off-site phone surveys encompassing an initial Screening Survey, a 12-month Phone-Diary Survey, followed by post-enumeration surveys</li> <li>(ii) on-site boat ramp surveys (including a state-wide Biological Survey and a Perth metropolitan Validation Survey)</li> <li>(iii) remote Camera Surveys. The most recent (third) survey was undertaken from 1 September 2015 to 31 August 2016.</li> </ul> <p>The state-wide survey of boat-based recreational fishing has been repeated biennially between 2011/12 and 2017/18.</p>
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**1.1.5** There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.

**Doesn't meet – While collection of data provides some indication of potential productivity, there is no formal harvest strategy in place for the fishery**

Scientific data on the status of the fish stocks, including environmental factors and harvest pressures that influence stock abundance, are determined through the stock assessment and review process.

WA DPIRD confirmed in recent correspondence with the Department that while there is no formal harvest strategy for the fishery, consideration is being given to formalise a harvest strategy for the fishery in the future.

In response to the sustainability concerns for Zones 2 and 3, a mandatory fishing return, the 'South Coast Crustacean Trip Return' (Trip Return) was implemented in September 2019. The trip return provides the WA DPIRD with finer spatial scale data (catch and effort data based on a trip-by-trip basis). This replaced 'old' monthly returns which were based on broader spatial scale.

Further management measure options are being discussed with licence holders, to determine options to rebuild stocks through increasing abundance levels, and the possibility of including seasonal closures, pot reductions and individual transferable quota (longer term). However, WA DPIRD consider that given the reduced fishing activity (following the impacts of COVID-19) the reduced fishing effort was expected to have a positive influence on stock sustainability. The WA DPIRD acknowledge that further measures will be required to restore stock sustainability and management actions will be implemented during the 2020/2021 fishing season (current season).

Given the current stock concerns, the implementation of a formal harvest strategy outlining management objectives, performance indicators, reference levels and control rules will assist in meeting this objective. A condition has been set, requiring WA DPIRD to implement a formal harvest strategy by the end of 2022.

### **Management responses**

**1.1.6** There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.

#### **Doesn't meet – there is no formal harvest strategy in place for the fishery**

There is no harvest strategy outlining reference points and trigger response. WA DPIRD confirmed in recent correspondence that there is no formal harvest strategy for the fishery, and that consideration is being given to formalise a harvest strategy for the fishery in the future.

Given the current stock concerns, the implementation of a formal harvest strategy outlining management objectives, performance indicators, reference levels and control rules will assist in meeting this objective. A condition has been set, requiring WA DPIRD to implement a formal harvest strategy by the end of 2021.

**1.1.7** There are management strategies in place capable of controlling the level of take.

**Partially meets – limited entry, but strategies could be stronger**

The fishery is managed through:

- limited entry licensing
- limited pot numbers for rock lobster fishery (during rock lobster season, deep-sea crab fishers can only use the number of pots endorsed on rock lobster licence)
  - the number of units in the fishery is limited and fully allocated in the fishery.
  - 1 unit equals 1 pot, where the number of units is conferred on the relevant South Coast Crustacean Managed Fishery Managed Fishery Licence.
- gear restrictions
  - only permitted to fish with a 'pot' as defined in the Fish Resources Management Regulations 1995, (FRMA)
  - if fishing in a SLED zone, pots must be fitted with a SLED device
- closed season for rock lobsters
  - commercial fishing season for rock lobster in the SCCMF is 15 November to 30 June inclusive
- spatial restrictions
  - the fishery is split into four zones.
  - Sea Lion Exclusion Devices (SLED) zones
- prohibition on take of berried and tarspot females
  - legislated under the *Fish Resources Management Act 1994*
- minimum size limits
  - Southern Rock Lobster - 98.5 mm carapace length (CL)
  - Western Rock Lobster – 76 mm all year round
  - Champagne Crab - 92 mm CL
  - Giant Crab - 140 mm CL
  - Crystal Crab - 120 mm CL.

	<p>WA DPIRD will be consulting with licence holders, to discuss the decreasing catch trends in Zones 2, 3 and 4 of the fishery and in particular, the requirement to rebuilt stock levels.</p> <p>WA DPIRD also state in the submission that development of short and long term management measures (seasonal closures, pot reductions, potential move to individual transferable quota system) is being considered for the fishery to assist in improving longer term abundance levels and future sustainability of the stocks concerned.</p> <p>Discussions between WA DPIRD and licence holders will also consider the current COVID-19 impacts, including reduction in fishing activity and market failure. In their submission WA DPIRD stated that they expect the reduced fishing effort (as a result of COVID-19) to result in more favourable stock sustainability levels. WA DPIRD go on to state that investigations will continue regarding the development and implementation of further management measures to improve stock sustainability, with a particular focus on implementating specific measures in the current fishing season (2020/2021).</p>
<p><b>1.1.8</b> Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p><b>Meets – Byproduct and bycatch is considered negligible in the fishery</b></p> <p>Due to the gear type and design used in the fishery (pots) also ensuring 'ghost-fishing' is negligible, the risk of harvest of byproduct and bycatch is considered negligible in the fishery.</p> <p>The EBFM assessment in 2018 (reported through the 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19') assessed bycatch as low risk and acceptable.</p>
<p>(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)</p>	
<p><b>1.1.9</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Partially meets – Development of a formal harvest strategy will assist in ensuring the fishery remains sustainable</b></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 formal harvest strategy (included in condition 4 of section 2 of this report) by the end of 2022, will assist in ensuring the fishery remains sustainable.</p>

<p><b>If overfished, go to Objective 2:</b></p> <p><b>If not overfished, go to PRINCIPLE 2:</b></p>	
<p><b>Objective 2</b> - 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><b>Management responses</b></p>	
<p><b>1.2.1</b> 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><b>Does not meet – There are sustainability concerns for some zones; no harvest strategy or long-term recovery strategy is in place for the fishery</b></p> <p>The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' (link available in the Notes section above) assessed the status of the indicator species as follows:</p> <ul style="list-style-type: none"> <li>• Western Rock Lobster (Zone 1) – <b>sustainable-adequate</b>. The source of recruitment in the fishery, is the West Coast Rock Lobster Managed Fishery.</li> <li>• Crystal Crabs in (Zone 2) – <b>below-limit</b> and <b>inadequate</b> (as indicated in the EBFM assessment in the report) and the overall stock depletion as <b>unacceptable</b> (moderate to high sustainability risk) and assessed as <b>inadequate</b>.</li> <li>• Southern Rock Lobster (Zones 3 and 4) – <b>sustainable-adequate</b>. This is a major commercial species for many southern Australian states. The status report also indicates that the catches from WA are considered minimal.</li> </ul> <p>There is no formal harvest strategy in place. WA DPIRD confirmed in the 2020 submission that they are discussing further management measures with licence holders, to determine options to rebuild stocks through increasing abundance levels, and the possibility of including seasonal closures, pot reductions and individual transferable quota (longer term).</p> <p>However, WA DPIRD consider that given the reduced fishing activity (following the impacts of COVID-19) the reduced fishing effort was not expected to impact stock sustainability. The WA DPIRD acknowledge that further measures will be required to restore stock sustainability, and management actions will be implemented during the 2020/2021 fishing season (current season).</p>

<p><b>1.2.2</b> 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><b>Does not meet – Improved management responses need to be developed to inform decision making in the fishery</b></p> <p>Landings of Crystal Crabs showed an increase between 2016/2017 (3.1 tonnes) and 2017/2018 (5.1 tonnes). The Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' (link available in the Notes section above) assessed the overall stock depletion as <b>unacceptable</b> (moderate to high sustainability risk). This resulted in a rating of <b>inadequate</b>.</p> <p>In response to the sustainability concerns for Zones 2 and 3, a mandatory fishing return, the 'South Coast Crustacean Trip Return' (Trip Return) was implemented in September 2019. The trip return provides the WA DPIRD with finer spatial scale data (catch and effort data based on a trip-by-trip basis). This replaced previous monthly returns which were based on broader spatial scale.</p> <p>Further management measure options are being discussed with licence holders, to determine options to rebuild stocks through increasing abundance levels, and the possibility of including seasonal closures, pot reductions and individual transferable quota (longer term). However, WA DPIRD consider that given the reduced fishing activity (following the impacts of COVID-19) the reduced fishing effort not expected to impact stock sustainability. WA DPIRD acknowledge that further measures will be required to restore stock sustainability and management actions will be implemented during the 2020/2021 fishing season (current season).</p>
<p><b>PRINCIPLE 2</b> - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.</p>	
<p><b>Objective 1</b> - The fishery is conducted in a manner that does not threaten bycatch species.</p>	
<p><b>Information requirements</b></p>	
<p><b>2.1.1</b> Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.</p>	<p><b>Meets – Adequate information is available appropriate to the scale of the fishery</b></p> <p>Bycatch is considered negligible in the fishery, due to the gear type and design used in the fishery (pots), also ensuring 'ghost-fishing' is negligible. Bycatch can potentially include small numbers of finfish, Hermit Crabs, sea stars, octopus (and other invertebrates).</p> <p>The EBFM assessment in 2018 (reported through the 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19') assessed bycatch as <b>low risk</b> and <b>acceptable</b>.</p>

<b>Assessment</b>	
<p><b>2.1.2</b> There is a risk analysis of the bycatch with respect to its vulnerability to fishing.</p>	<p><b>Meets – Risk analysis of bycatch vulnerability has been conducted.</b></p> <p>Bycatch is considered negligible in the fishery, due to the gear type and design used in the fishery (pots), also ensuring ‘ghost-fishing’ is negligible.</p> <p>The EBFM assessment in 2018 (reported through the ‘Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19’) assessed bycatch as <b>low</b> risk and <b>acceptable</b>.</p>
<b>Management responses</b>	
<p><b>2.1.3</b> 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>	<p><b>Meets – Measures are in place to avoid capture and mortality of bycatch</b></p> <p>Due to the gear type and design used in the fishery (pots), also ensuring ‘ghost-fishing’ is negligible, WA DPIRD consider bycatch is negligible in the fishery. The EBFM assessment in 2018 (reported through the ‘Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19’) assessed bycatch as <b>low risk</b> and <b>acceptable</b>.</p> <p>The risk of potential interactions with protected species has been assessed through the EBFM assessment and was found to be <b>moderate</b>. Protected species present in the fishery include: Australian Sea Lions (risk to colonies and juveniles); whales and turtles. In 2017/2018 there were no reports of turtle entanglements. There was one whale entanglement reported in the 2017/2018 fishing season. WA DPIRD confirmed in recent correspondence that there are no known TEPs interactions attributed to the 2018/2019 season in this fishery.</p> <p>In the 2015/2016 season, an exemption was granted to assess impact of SLEDs on catch composition and catch rates (Zone 3). SLEDs were assessed as having no impact on catch composition and catch rates. To address risks (interactions) to ASL, WA DPIRD implemented the mandatory Australian Sea Lion (ASL) Mitigation Strategy in September 2019 which includes an amendment to the management plan, requiring fishers to have pots fitted with SLEDs when fishing in the revised SLED Zones in the fishery. SLEDs reduce the likelihood of ASLs entering the fishing gear, and prevent them from drowning.</p> <p>Under the strategy, fishing operators can elect to have fixed on-board cameras (in lieu of SLEDs) for WA DPIRD to monitor ASL interactions. The 2020 fishery submission states that no operators have elected to use on-board cameras to date. SLED zones are legislated under Schedule 4 of the management plan.</p>

<p><b>2.1.4</b> An indicator group of bycatch species is monitored.</p>	<p><b>Not applicable</b></p> <p>Given bycatch and 'ghost-fishing' is considered negligible in the fishery there is no need for an indicator species.</p>
<p><b>2.1.5</b> There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.</p>	<p><b>Not applicable</b></p> <p>Given bycatch and 'ghost-fishing' is considered negligible in the fishery there is no need for an indicator species.</p>
<p><b>2.1.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Meets – High chance of achieving objective</b></p> <p>Given bycatch and 'ghost-fishing' is considered negligible in the fishery (due to the gear type and design used in the fishery), and the recent implementation of the mandatory Australian Sea Lion (ASL) Mitigation Strategy in September 2019, 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.</p>
<p><b>Objective 2</b> - 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><b>Information requirements</b></p>	
<p><b>2.2.1</b> Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.</p>	<p><b>Partially meets – Data collection needs improvement</b></p> <p>The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' suggests that data (including standardised catch rates from monthly returns and volunteer logbook returns) were used in the fishery.</p> <p>The 2020 fishery submission also states that a mandatory fishing return, the 'South Coast Crustacean Trip Return' (Trip Return) was implemented in September 2019. The new trip return provides WA DPIRD with finer spatial scale data (catch and effort data based on a trip-by-trip basis). This replaced previous monthly returns which were based on broader spatial scale.</p> <p>WA DPIRD need to ensure that finer-scale catch and effort data obtained (through the Trip Returns) is used to inform annual stock assessments and factored into appropriate management responses in the fishery.</p>



<b>Assessments</b>	
<p><b>2.2.2</b> There is an assessment of the impact of the fishery on endangered, threatened or protected species.</p>	<p><b>Meets – Risks identified as moderate, and management measures are in place</b></p> <p>The risk to protected species has been assessed through the EBFM assessment (with the risk assessed as <b>moderate</b>). Protected species include: ASL (risk to colonies and juveniles); whales and turtles. In the 2017/2018 fishing season, there were no turtle entanglements and one whale entanglement reported.</p> <p>The South Coast Marine Scalefish Fishery operates in areas adjacent to ASL colonies, and there is the potential for juvenile ASLs to frequent zones pots attend areas where pots are fished. The 2020 fishery submission indicates that there were no ASL interactions in the fishery, during the 2017/18 season.</p> <p>WA DPIRD confirmed in recent correspondence that there are no known TEPs interactions attributed to the 2018/2019 season in this fishery.</p>
<p><b>2.2.3</b> There is an assessment of the impact of the fishery on threatened ecological communities.</p>	<p><b>Meets – An Ecosystem Based Fisheries Management assessment has been conducted and risks identified as low and acceptable</b></p> <p>The fishery operates in the South-west Marine Region, and there are state and Commonwealth marine parks and reserves in the area. The region covers the Commonwealth waters from Kangaroo Island (eastern end) South Australia, through to Shark Bay in WA, between 3 and 200 nautical miles from the coast.</p> <p>One of the marine protected areas is Walpole-Nornalup Marine Park – first marine protected area on the South Coast. WA DPIRD undertakes research and monitoring in this area. Inshore marine habitats, due to their remoteness and the coastal management processes, are considered unlikely to experience impact from activities such as fishing. Section 12 provided further details.</p> <p>The EBFM assessments assess the status of the ecosystem and the adequacy of management arrangements. The EBFM assessments are reviewed annually and outcomes are reported through the fisheries status report process.</p> <p>The EBFM assessment in 2018 (reported through the ‘Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19’) assessed the risk to habitat and the ecosystem, as <b>low</b> risk and <b>acceptable</b>. The fishing technique of ‘potting’ is considered low impact on the habitat in which the fishery operates, and has been assessed in other fishery’s on the west coast (based on the harvesting of crabs and lobsters) as having a low risk of impact to the food chain.</p>

<b>Management responses</b>	
<p><b>2.2.4</b> There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p>	<p><b>Meets – Mitigation strategies are in place to avoid interactions with protected species</b></p> <p>In September 2019, WA DPIRD implemented an ASL Mitigation Strategy and amended the management plan for the fishery, requiring fishers to have pots fitted with SLEDs when fishing in the revised ‘SLED Zones’ in the fishery. The pots are fitted with mandatory SLEDs. The SLEDs are designed to stop the entrance and accidental drowning of ASLs.</p> <p>The 2020 fishery submission suggests that some of the fishery’s operators were already using SLEDs in the zones frequented by ASL, before the management plan was amended (requiring SLEDs to be fitted when in relevant zones). Under the strategy, fishing operators can elect to have fixed on-board cameras (in lieu of SLEDs) for WA DPIRD to monitor ASL interactions. The 2020 fishery submission states that no operators have elected to use on-board cameras to date. SLED zones are legislated under Schedule 4 of the management plan.</p>
<p><b>2.2.5</b> There are measures in place to avoid impact on threatened ecological communities.</p>	<p><b>Meets – Mitigation strategies are in place to avoid impacts on threatened ecological communities</b></p> <p>The ‘Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19’ states that management measures (such as spatial closures) have been implemented specific to the South Coast Bioregion to assist in manage potential impacts of activities in the area.</p> <p>WA DPIRD continue to conduct regular risk assessments in the fishery. If significant changes in fishery operations are identified during the risk assessment process and determined as likely to result in an increased risk, management arrangements should be adjusted appropriately, and possibly more frequent risk assessments be conducted.</p> <p>WA DPIRD have indicated in correspondence with the Department that they intend to implement a formal harvest strategy for the fishery in the near future. Condition 4 in section 2 of this report requires WA DPIRD to develop and implement a harvest strategy for the fishery by 31 December 2022.</p> <p>Under the current management arrangements and with the gear used in the fishery (pots), and the mitigation measures in place, such as the use of SLEDs to reduce impact to ASL colonies, the fishery is not expected to impact threatened ecological communities.</p>

<p><b>2.2.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Partially meets – The management response has a medium to high chance of achieving the objective; implementation of a formal harvest strategy will strengthen the management regime</b></p> <p>The management regime has a medium to 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 Threatened Ecological Communities (TECs) (and the wider marine environment).</p> <p>The implementation of a formal harvest strategy will strengthen the management regime.</p>
<p><b>Objective 3</b> - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>	
<p><b>Information requirements</b></p>	
<p><b>2.3.1</b> 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><b>Meets – Robust methods of data collection are in place</b></p> <p>Information appropriate for the analysis in 2.3.2, is collected/collated through annual stock assessments, the ERA/EBFM process and stakeholder workshops.</p>
<p><b>Assessment</b></p>	
<p><b>2.3.2</b> 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.</p> <ol style="list-style-type: none"> <li>1. Impacts on ecological communities <ul style="list-style-type: none"> <li>• Benthic communities</li> <li>• Ecologically related, associated or dependent species</li> <li>• Water column communities</li> </ul> </li> <li>2. Impacts on food chains <ul style="list-style-type: none"> <li>• Structure</li> <li>• Productivity/flows</li> </ul> </li> <li>3. Impacts on the physical environment <ul style="list-style-type: none"> <li>• Physical habitat</li> <li>• Water quality</li> </ul> </li> </ol>	<p><b>Meets – An Ecosystem Based Fisheries Management risk assessment has been conducted</b></p> <p>WA DPIRD conduct risk assessments through the EBFM process to determine research, data collection, monitoring and management requirements, to ensure sustainable fishing operations (including assessment of risks to the broader ecosystem components). The EBFM assessment is reported through the 'Status Reports of the Fisheries and Aquatic Resources of Western Australia' (link available in the Notes section above).</p> <p>The EBFM assessment in 2018 assessed the risk to the ecosystem generally as <b>low</b>. The fishing technique of 'potting' is considered low impact on the habitat in which the fishery operates, and has been assessed in other fishery's on the west coast (based on the harvesting of crabs and lobsters) as having a low risk of impact to the food chain. Risk assessments will continue to be conducted.</p>

<b>Management responses</b>	
<p><b>2.3.3</b> Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>	<p><b>Meets – Management actions in place to mitigate the risk of damage to ecosystems</b></p> <p>The 'Status Reports of the Fisheries and Aquatic Resources of Western Australia 2018/19' states that the South Coast Bioregion has management measures (such as spatial closures) to manage the potential impact on the ecosystem from human activities in the area.</p> <p>WA DPIRD conducts risk assessments which through the EBFM process to determine research, data collection, monitoring and management requirements, to ensure fishing operations remain sustainable. The EBFM outcomes are reported through the Status Reports of the Fisheries and Aquatic Resources of Western Australia process.</p> <p>The EBFM risk assessments will continue to be conducted by WA DPIRD on a periodical basis. WA DPIRD have stated in their submission that if significant changes in fishery operations are identified and determined as likely to result in an increased risk, a new (more regular) risk assessment will be conducted.</p>
<p><b>2.3.4</b> 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><b>Partially meets – Periodical risk assessments are undertaken but there is currently no formal harvest strategy in place outlining management objectives, performance indicators, reference levels and control rules.</b></p> <p>WA DPIRD conduct risk assessments through the EBFM process to determine research, data collection, monitoring and management requirements, to ensure sustainable fishing operations. However, there is no formal harvest strategy in place in the fishery.</p> <p>The implementation of a formal harvest strategy outlining management objectives, performance indicators, reference levels and control rules will assist in meeting this objective. A condition has been set, requiring WA DPIRD to implement a formal harvest strategy by the end of 2021.</p>
<p><b>2.3.5</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Meets – The management response has a high chance of achieving the objective</b></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.</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
<p>(5) Minister must have regard to relevant bioregional plans</p>	<p><b>Meets – Has regard to relevant bioregional plans</b></p> <p>The WA South Coast Crustacean Fishery operates in waters of the South-west Marine Region. The 'Marine bioregional plan for the South-west Marine Region' identifies several key ecological features in the area:</p> <ul style="list-style-type: none"><li>• Commonwealth marine environment surrounding Houtman Abrolhos Islands</li><li>• Perth Canyon and adjacent shelf break, and other west coast canyons</li><li>• Commonwealth marine environment within and adjacent to the west coast inshore lagoons</li><li>• Commonwealth marine environment within and adjacent to Geographe Bay</li><li>• Commonwealth marine environment surrounding the Recherche Archipelago</li><li>• Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings.</li></ul> <p>Identified conservation values of regional priority potentially relevant to the fishery include; Blue Whales; Southern Right Whale; Humpback Whale; Australian Sea Lion. Relevant pressures of regional concern include bycatch and extraction of living resources.</p> <p>There is no evidence to suggest any systematic change to species diversity or richness caused by the fishery, indicating fishing effort is not having a material impact on the food chain or trophic structure. Given the low impact fishing methods used in the fishery and the mitigation measures in place, impact to key ecological features is considered low.</p>

## Part 13 – Species and communities

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
<p>s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e)</p> <p>Does the fishery have an accreditable plan of management, regime or policy?</p>	<p><b>Meets – Accreditable management regime</b></p> <p>There is an accreditable management regime in place for the fishery. The WA South Coast Crustacean Managed Fishery will be managed in accordance with the the <i>South Coast Crustacean Fishery Management Plan 2015</i> (management plan), made under the <i>Fish Resources Management Act 1994</i>; the Fish Resources Management Regulations 1995 (FRMR); and the FRMA Section 43 Order, such as relevant prohibition on fishing - marine park orders.</p>
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?</p>	<p><b>Meets – Regime requires fishers to take all relevant steps</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, it is likely that the management regime will ensure listed threatened species will not be killed or injured as a result of fishing.</p>
<p>(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?</p>	<p><b>Meets – Unlikely to adversely affect survival or recovery</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, it is unlikely that fishing will adversely affect the survival or recovery in nature of the species.</p>
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	Comment
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?</p>	<p><b>Meets – Regime requires fishers to take all relevant steps</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, it is likely that the management regime will ensure migratory species will not be killed or injured as a result of fishing.</p>

<p>(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?</p>	<p><b>Meets – Is not likely to adversely affect the conservation status of a listed migratory species or a population of that species</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, it is unlikely that fishing will adversely affect the conservation status of a listed migratory species or a population of that species.</p>
<p><b>Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes</b></p>	<p><b>Comment</b></p>
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?</p>	<p><b>Meets – All reasonable steps taken to ensure Cetaceans are not killed or injured</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, it is unlikely that Cetaceans will be killed or injured as a result of fishing.</p>
<p>(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?</p>	<p><b>Meets – Is not likely to adversely affect the conservation status of a species of Cetacean or population of that species</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, the current operation of the fishery is not likely to adversely affect the conservation status of a species of Cetacean or population of that species.</p>
<p><b>Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes</b></p>	<p><b>Comment</b></p>
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?</p>	<p><b>Meets – All reasonable steps taken to ensure listed marine species are not killed or injured</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, the current operation of the fishery is unlikely to result in the listed marine specie being killed or injured as a result of fishing.</p>

<p>(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?</p>	<p><b>Meets – Is not likely to adversely affect the conservation status of a listed marine species or population of that species</b></p> <p>Given the low impact fishing methods used in the fishery, and the mitigation measures in place, it is unlikely that fishing will adversely affect the survival or recovery in nature of the species.</p>
Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment
<p>(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.</p>	<p>The Department considers that the management regime requires fishers to take all reasonable steps to ensure that species listed under Part 13 of the of the EPBC Act are not killed or injured as a result of the fishing.</p>
<p>(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only:</p> <ul style="list-style-type: none"> <li>(a) during a particular period; or</li> <li>(b) while certain circumstances exist; or</li> <li>(c) while a certain condition is complied with.</li> </ul> <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	<p>The Department recommends that the management regime for the WA South Coast Crustacean Managed Fishery be accredited under sections 208A, 222A, 245 and 265.</p>

## Part 13A – International movement of wildlife specimens

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <ul style="list-style-type: none"> <li>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;</li> <li>(b) to protect wildlife that may be adversely affected by trade;</li> <li>(c) to promote the conservation of biodiversity in Australia and other countries;</li> <li>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;</li> </ul>	<p>The management arrangements for the WA South Coast Crustacean Managed Fishery have been assessed as consistent with the general guidance provided in the objects of Part 13A as:</p> <ul style="list-style-type: none"> <li>• the fishery will not harvest any species listed on the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</li> </ul>



<ul style="list-style-type: none"> <li>(e) to promote the humane treatment of wildlife;</li> <li>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</li> <li>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>• there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Section 3)</li> <li>• the operation of the WA South Coast Crustacean Managed Fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and</li> <li>• 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.</li> </ul>
<b>Section 303CG Minister may issue permits (CITES species)</b>	<b>Comment</b>
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to: <ul style="list-style-type: none"> <li>(i) the survival of any taxon to which the specimen belongs; or</li> <li>(ii) the recovery in nature of any taxon to which the specimen belongs; or</li> <li>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and</li> </ul> </li> </ul>	<p><b>Not applicable</b></p> <p>The fishery does not harvest species listed under CITES.</p>
<b>Section 303DC Minister may amend list (non CITES species)</b>	<b>Comment</b>
<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <ul style="list-style-type: none"> <li>(a) doing any of the following: <ul style="list-style-type: none"> <li>(i) including items in the list;</li> <li>(ii) deleting items from the list;</li> <li>(iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject;</li> <li>(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</li> </ul> </li> <li>(b) correcting an inaccuracy or updating the name of a species.</li> </ul>	<p>It is recommended that specimens that are or are derived from fish or invertebrates harvested in the WA South Coast Crustacean Managed Fishery, as defined in the management regime in force in accordance with the the <i>South Coast Crustacean Fishery Management Plan 2015</i> (management plan) made under the <i>Fish Resources Management Act 1994</i>; the Fish Resources Management Regulations 1995 (FRMR); and the FRMA Section 43 Order, such as relevant prohibition on fishing - marine park orders, but not including:</p> <ul style="list-style-type: none"> <li>• specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or</li> </ul>

	<ul style="list-style-type: none"> <li>specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or</li> <li>specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or</li> <li>specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List).</li> </ul> <p>be included in the list of exempt native specimens while the WA South Coast Crustacean Managed Fishery, is subject to a declaration as an approved wildlife trade operation.</p>
(1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2	<p><b>Not applicable</b></p> <p>The fishery is not managed by the Commonwealth.</p>
(1C) The above does not limit matters that may be considered when deciding to amend LENS.	<p><b>Meets</b></p> <p>Although there is no strategic assessment under Part 10 of the EPBC Act, the assessment has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens, to include product taken in this fishery.</p>
<p>(3) Before amending the LENS, the Minister must consult:</p> <p>(a) other Minister or Ministers as appropriate; and</p> <p>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and</p> <p>(c) other persons and organisations as appropriate.</p>	<p><b>Meets</b></p> <p>The submission from the Western Australian Department of Primary Industries and Regional Development, was made available on the Department's website from <b>1 October 2020 to 3 November 2020</b>. No comments were received.</p>
(5) A copy of an instrument made under section 303DC is to be made available for inspection on the internet.	<p>The instrument made under section 303DC(1)(a) for the fishery will be registered on the Federal Register of Legislation, and a link to the instrument made available through the Department's website.</p> <p>Under subsection 56(1) of the <i>Legislation Act 2003</i> (CTH), registration on the FRL meets the requirements for gazettal.</p>

Section 303FN Approved wildlife trade operation	Comment
<p>(2) The Minister may, by instrument published in the <i>Gazette</i>, declare that a specified wildlife trade operation is an <b>approved wildlife trade operation</b> for the purposes of this section.</p>	<p>The instrument to declare the fishery as an approved wildlife trade operation under section 303FN will be registered on the Federal Register of Legislation and a link to the instrument made available through the Department's website.</p> <p>Under subsection 56(1) of the <i>Legislation Act 2003</i> (CTH), registration on the FRL meets the requirements for gazettal.</p>
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is <b>satisfied</b> 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> <p>(i) the survival of a taxon to which the operation relates; or</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><b>Meets</b></p> <p>The fishery is consistent with Objects of 13A – see above assessment against the Guidelines.</p> <p>Based on the outcomes of the Department's assessment, as outlined in this report, the fishery operation is unlikely be detrimental to the survival or conservation status of a taxon to which it relates, nor will it threaten any relevant ecosystem, within the next three years, given the management measures currently in place and the conditions recommended in Section 2 of this assessment.</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><b>Meets</b></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><b>Meets</b></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 <b>regard</b> 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>Meets</b></p> <p>The fishery is unlikely to have a significant impact on any relevant ecosystem within the next <b>three years</b>, given the management measures</p>

	currently in place, which include the arrangements described above at s303FN 3(b).
(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).	<p><b>Meets</b></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 <b>regard</b> 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><b>Meets</b></p> <p>The WA South Coast Crustacean Managed Fishery is managed by the Department of Primary Industries and Regional Development (DPIRD) under the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Fish Resources Management Act 1994</i></li> <li>• Fish Resources Management Regulations 1995 (FRMR)</li> <li>• FRMA Section 43 Order.</li> </ul> <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><b>Meets</b></p> <p>The WA South Coast Crustacean Managed Fishery is a commercial fishery.</p>
<b>Section 303FR Public consultation</b>	<b>Comment</b>
<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><b>Meets</b></p> <p>A public notice, which set out the proposal to declare the WA South Coast Crustacean Managed Fishery an approved wildlife trade operation and included the application from WA DPIRD, was released for public comment on 1 October 2020 to 3 November 2020, a total of approximately 21 business days.</p> <p>No public comments were received on the submission.</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>(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>	
Section 303FT Additional provisions relating to declarations	Comments
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the WA South Coast Crustacean Managed Fishery will be made under section 303FN.</p>
<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"> <li>• operation in accordance with the management regime</li> <li>• notifying the Department of changes to the management regime, and</li> <li>• annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</li> </ul> <p>The wildlife trade operation instrument for the WA South Coast Crustacean Managed Fishery specifies the standard and any additional conditions applied.</p>
<p>(8) A condition may relate to reporting or monitoring.</p>	<p>One of the standard conditions relates to reporting.</p>
<p>(9) The Minister must, by instrument published in the <i>Gazette</i>, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.</p>	

## Part 16 – Precautionary principle and other considerations in making decisions

Section 391 Minister must consider precautionary principle in making decisions	Comment
<p>(1) Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.</p> <p>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.</p>	<p><b>Meets</b></p> <p>The assessment has identified a range of issues that require attention by WA DPIRD. The conditions proposed for inclusion on Part 13 and 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>

## REFERENCES

(DSEWPaC) Department of Sustainability, Environment, Water, Population and Communities  
2012 'Marine bioregional plan for the South-west Marine Region', Department of Sustainability,  
Environment, Water, Population and Communities, Canberra ACT, Available at  
<http://www.environment.gov.au/marine/marine-bioregional-plans>.