



Australian Government

Department of the Environment, Water, Heritage and the Arts

Assessment of the
Southern Bluefin Tuna Fishery

February 2008

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Disclaimer

This document is an assessment carried out by the Department of the Environment, Water, Heritage and the Arts 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, Heritage and the Arts 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, Heritage and the Arts or the Australian Government.

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Table 1: Summary of the Southern Bluefin Tuna (SBT) Fishery

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • <i>Fisheries Management Act 1991</i>; • <i>Fisheries Management Regulations 1992</i>; • <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>; • Australia’s Tuna Purse Seine Fisheries Bycatch Action Plan (2005); • Strategic Assessment of the Southern Bluefin Tuna Fishery –2004 (the Department of the Environment and Heritage - DEH); • Australian Fisheries Management Authority (AFMA) submission for the Southern Bluefin Tuna Fishery (Assessment Report – SBT Fishery, 2002); • Annual Status Report - Southern Bluefin Tuna Fishery, August 2007 (AFMA); • Fishery Status Reports 2006 – Australian Government Bureau of Rural Sciences (BRS); • Southern Bluefin Tuna Fishery Purse Seine Operations Supplementary information: - CCSBT 14 Outcomes - 2007 Management Plan Amendments, November 2007 (AFMA); • Australian Fisheries Management Authority (AFMA) Annual Reports; • Review Of Southern Bluefin Tuna Catch Monitoring Procedures, DSI Consulting (2006).
<p>Area</p>	<p>The Australian SBT Fishery encompasses SBT fishing operations inside the Australian Fishing Zone and on the high seas. Most SBT is caught by purse seine (approx 98%) off Port Lincoln in South Australia. The remainder is caught by longlining (both target and byproduct), mainly off the east coast of Australia.</p> <p>This assessment only considers the purse-seine activities within the Australian SBT Fishery, as the longlining activities are considered within the assessments for the Eastern Tuna and Billfish Fishery (ETBF) and the Western Tuna and Billfish Fishery (WTBF).</p>
<p>Fishery status</p>	<p>SBT have been internationally managed through the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), since 1994. SBT is fished by a number of nations including Japan, Australia, New Zealand, Taiwan, Korea, the Philippines, South Africa and Indonesia.</p> <p>The 2006 BRS Fishery Status Report provides information on the global assessment of SBT and classifies the stock as overfished and subject to overfishing. The report notes that the reliability of the assessment is ‘poor owing to a high level of uncertainty surrounding historical catch and effort data arising from the discovery of high levels of unreported catch’.</p> <p>In October 2007, based on 2006 information and a review of stock status indicators in 2007, the CCSBT concluded that there was no appreciable sign of change in the stock status since 2006. The scientific advice continues unchanged that the SBT spawning biomass is at a low fraction of its original biomass, well below the 1980 level, and below the level that could produce Maximum Sustainable Yield.</p>

<p>Target Species</p>	<p>Southern Bluefin Tuna (<i>Thunnus maccoyii</i>). Information on the species can be found in the AFMA submission (Annual Status Report - Southern Bluefin Tuna Fishery, August 2007) and the 2004 Strategic Assessment of the SBT Fishery located on the Department of the Environment, Water, Heritage and the Arts (DEWHA's) website.</p> <p>Bait fishing to support SBT operations also occurs largely in coastal regions in the same area of the fishery. The bait is used to attract schools of SBT to the capture boats. Bait is also purchased for use in capture and feeding fish during the tow back to grow-out cages.</p>
<p>Byproduct Species</p>	<p>The take of any other species is prohibited under the SBT Fishery Management Plan. In order for other species to be taken as byproduct in this fishery a valid concession from other fisheries must be held to cover the take of that species.</p> <p>AFMA reported in its 2007 submission that 'anecdotal evidence from industry, logbook and observer data detail that the purse seine method of fishing for SBT, in the area currently fished, is a relatively clean and targeted technique that results in limited byproduct or bycatch.'</p>
<p>Gear</p>	<p>In Australia, around 98% of SBT is currently taken by purse seine fishing, with the remainder mostly taken by longline. SBT taken by purse seining are then farmed, which involves transferring the fish from the pursed net to a tow cage and then towing the cage to static farm cages located in waters off Port Lincoln. For details of the purse seine activities refer to AFMA's submission (Annual Status Report - Southern Bluefin Tuna Fishery, August 2007).</p> <p>The remainder of SBT is caught by longlining (both target and byproduct), mainly off the east coast of Australia. This assessment only considers the purse-seine activities within the Australian SBT Fishery, as the longline activities are considered within the ETBF and WTBF assessments.</p> <p>SBT is also sometimes taken in small amounts by vessels using pole and line, and trolling fishing methods.</p>
<p>Season</p>	<p>There is no formal seasonal closure in the SBT Fishery. The SBT fishing season runs from 1 December to 30 November each year. The majority of purse-seine fishing generally occurs from January to March.</p>
<p>Commercial harvest</p>	<p>The national allocation for Australia (allocated through the CCSBT) has been set at 5,265 tonnes until 2009.</p> <p>In the 2006/2007 quota year, the catch from the SBT Fishery was 5,234 tonnes. The catches from the Australian fishery in the 2005/06, 2004/05 and 2003/04 quota years were 5,308t, 5,248t and 5,120t respectively.</p>

	SBT is the only target species in the fishery. Byproduct can only be taken from this fishery if other valid permits are held to cover the take of that species.																		
Value of commercial harvest	<p>The value for the wild harvest component of the fishery (excludes farming component) in 2006/2007 was approximately AU\$41 million.</p> <p>The tuna aquaculture production in South Australia was estimated to be approximately \$156 million in 2005/06 (ABARE, 2007).</p>																		
Take by other sectors	<p>The management of recreational fishing is the responsibility of State governments. Whilst recreational take of SBT is known to occur, there is insufficient data to quantify the total level of catches by this sector in recent years. Indicative estimates taken from a NSW Fisheries recreational fishing survey are provided below:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Recreational Catch (t)</th> </tr> </thead> <tbody> <tr> <td>1994</td> <td>16</td> </tr> <tr> <td>1995-1997</td> <td>insufficient data</td> </tr> <tr> <td>1998</td> <td>38</td> </tr> <tr> <td>1999</td> <td>3</td> </tr> <tr> <td>2000</td> <td>10</td> </tr> <tr> <td>2001</td> <td>60</td> </tr> <tr> <td>2002</td> <td>85</td> </tr> <tr> <td>2003-2006</td> <td>insufficient data</td> </tr> </tbody> </table>	Year	Recreational Catch (t)	1994	16	1995-1997	insufficient data	1998	38	1999	3	2000	10	2001	60	2002	85	2003-2006	insufficient data
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Commercial licences issued	As at 11 May 2007, there were 98 Statutory Fishing Rights (SFRs) holders. There were 22 vessels that fished in the purse seine sector for SBT in the 2006/07 quota year.																		
Management arrangements	<p>As mentioned above, SBT is internationally managed through the CCSBT. The Department of Agriculture, Fisheries and Forestry (DAFF) leads Australia's negotiations in CCSBT and AFMA is responsible for the management of the domestic fishery, including implementation of CCSBT decisions.</p> <p>The fishery is managed under the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>, the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i>.</p> <p>The management regime is an output based regime based on individual transferable quotas allocated as SFRs from an annual Total Allowable Catch (TAC). Each season, AFMA determines the TAC based on the National Catch allocations set by the CCSBT. In 2006/07, AFMA set the TAC in accordance with the national allocation of 5,265t set by CCSBT.</p> <p>In 2007, AFMA notified DEWHA of proposed amendments to the SBT management plan in 2008, and this assessment takes account of the amendments. The proposed management plan amendments will:</p> <ul style="list-style-type: none"> - allow the AFMA Board to set multi-year national catch 																		

	<p>allocations for the Australian SBT Fishery;</p> <ul style="list-style-type: none"> - allow AFMA to use any decision made under Article 8(3) of the Convention for the Conservation of Southern Bluefin Tuna for the purposes of determining the national catch allocation; - include a provision to cover the excess take of fish and broaden the basis for the release of live and vigorous fish (under a trial); - change the frequency of reviewing the monitoring arrangements from annually to no more than every five years; and - update AFMA's address, phone numbers and the economic efficiency objective.
Export	<p>The majority of catch is exported to Japan for marketing as sashimi (with prices up to \$50/ kilogram reported, but in the 2003 – 2004 season prices between \$20-30/kilogram) after grow-out in aquaculture operations.</p>
Bycatch	<p>Low. The method of purse seining is regarded as highly selective, and the catch of other species is relatively low. Some bycatch of skipjack tuna is recorded in logbooks and observer data (3,325kg since 2003) and has been observed in farm transfer operations. Leatherjackets (206kg since 2003) and Albacore Tuna (14 individuals, released alive) have also been recorded in observer data.</p> <p>Since 2003, observer data reported interactions with seven seabirds, two of which were fatal (a shearwater observed floating dead in the water, and a storm petrel that flew into the boat and died). There are also some reports of interactions with mako and hammerhead sharks.</p> <p><i>Australia's Tuna Purse Seine Fisheries Bycatch Action Plan</i> details the bycatch issues in all Australian purse seine fisheries and the response to the issues.</p>
Interaction with Protected Species	<p>Anecdotal reports and the observer data to date, indicate that there are no significant interactions with protected species in the purse seine sector. Species that may possibly interact are marine mammals (sea lions and seals) and white sharks and this is more likely in the farm cages than during the purse seine or towing operations. Since 2003, observer data reported interactions with seven seabirds, two of which were fatal (a shearwater observed floating dead in the water, and a storm petrel that flew into the boat and died).</p> <p>The AFMA Ecological Risk Assessment (ERA) identified only one protected species as high risk - great white sharks (based on life history characteristics). Great white sharks are present in the area of the SBT surface fishery, and there have been anecdotal reports of interactions. However, AFMA state that interactions with great white sharks are thought to be minimal, as to date both observer and logbook records have indicated nil interactions with the species. The ERA residual risk process will determine the fishery's response to risks of interactions with great white sharks.</p>

	<p>An observer program was introduced in the 2002/03 season and is ongoing, collecting verified data on interactions with protected species.</p>
<p>Ecosystem Impacts</p>	<p>As detailed above, the method of purse-seining is highly selective (including size and species), there is minimal bycatch, and there is no contact with the substrate. The main ecosystem impact in this fishery is the removal of SBT and potential impacts on the foodweb, however there has been little research on the impacts of taking SBT on the ecosystem, particularly the role of SBT within trophic levels and its relationship with ecologically related species.</p> <p>The CCSBTs Ecologically Related Species Working Group is responsible for providing information and advice on issues relating to species associated with SBT (ecologically related species), with specific reference to:</p> <ul style="list-style-type: none"> a) species (both fish and non-fish) which may be affected by SBT fisheries operations; b) predator and prey species which may affect the condition of the SBT stock. <p>However little progress has been made within the CCSBT on obtaining data and information on SBTs relationship with ecologically related species.</p> <p>Within Australia, AFMA is undertaking an ERA of all Commonwealth fisheries and the ERA should establish the risks of the fishery operations to the broader environment. The ERA for the SBT Fishery is expected to be completed by late 2008.</p>

Table 2: Progress in implementation of conditions and recommendations made in initial assessment of the SBT Fishery

Condition	Progress	Recommended Action
<p>1. Operation of the fishery will be carried out in accordance with the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> (as amended).</p>	<p>Condition met and ongoing. The SBT Fishery has operated in accordance with the SBT Management Plan.</p>	<p>This condition has been complied with to date. This condition will be continued by Condition 1 (see Table 4).</p>
<p>2. The Australian Fisheries Management Authority (AFMA) will inform the Department of the Environment and Heritage of any changes to the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> (as amended) or other significant policy documents.</p>	<p>Condition met and ongoing. DEWHA has been informed of proposed management plan amendments to be implemented in 2008.</p>	<p>This condition has been complied with to date. DEWHA requires that AFMA notify DEWHA of any future amendments to the SBT Fishery management regime. This condition will be continued by Condition 2 (see Table 4).</p>
<p>3. Reports to be produced and presented to the Department of the Environment and Heritage annually, and to include:</p> <ul style="list-style-type: none"> § a statement of the extent to which the performance criteria of the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> (as amended) were met in the year; and § information sufficient to allow assessment of the progress of AFMA in implementing the recommendations made in the <i>Strategic Assessment of the Southern Bluefin Tuna Fishery 2004</i>. 	<p>Condition met and ongoing. AFMA has provided information to DEWHA through Annual Reports and also through the AFMA submission for this assessment.</p>	<p>DEWHA requires AFMA to continue to provide annual reports, in line with Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. Therefore this condition will be revised and continued by Condition 3 (see Table 4).</p>

Recommendation	Progress	Recommended Action
<p>1. AFMA to inform DEH of any proposed amendment to the management regime for the Australian SBT Fishery, including any significant shift in fishing away from the purse seine method of fishing, to enable DEH to evaluate any impact on the ecological sustainability of the SBT Fishery</p>	<p>There have been no amendments to the management regime and no significant shifts away from the purse seine fishing method since the previous Wildlife Trade Operation (WTO) accreditation.</p> <p>DEWHA has been informed of proposed management plan amendments to be implemented in 2008. The proposed amendments have been taken into account in this reassessment.</p>	<p>This recommendation has been complied with to date. DEWHA requires that AFMA notify DEWHA of any future amendments to the SBT management regime (see Condition 2, Table 4).</p>
<p>2. Operation of the Australian fishery is to be carried out in accordance with the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> (as amended) including conducting the reviews identified against an overarching objective of ensuring the fishery achieves ecological sustainability.</p>	<p>This recommendation has been complied with to date. AFMA reports on achievements against the objectives of the SBT Management Plan in its Annual Reports.</p>	<p>This recommendation has been complied with to date. DEWHA requires that the operation of the fishery be carried out in accordance with the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> (see Condition 1, Table 4).</p>
<p>3. DAFF to pursue Australian Government objectives to rebuild the SBT stock to ecologically sustainable levels. This is to include working within the CCSBT to:</p> <ul style="list-style-type: none"> • pursue the establishment of interim milestones within CCSBT that includes management processes and measures of progress towards meeting rebuilding 	<p>This recommendation has largely been complied with to date. The negotiating framework and delegation briefings to CCSBT meetings have all included objectives to rebuild the SBT stock and protect the spawning stock; to ensure the membership of CCSBT includes all those taking SBT; and to</p>	<p>This recommendation has largely been complied with to date. DEWHA notes the progress made within CCSBT to rebuild the SBT stock, specifically the reduction in the global TAC in 2006.</p> <p>However, the SBT stock continues to be classified as overfished and subject to overfishing, and DEWHA notes the large amount of uncertainty around the historical catch data used in stock assessments, due to</p>

<p>objectives;</p> <ul style="list-style-type: none"> • endeavour to ensure the membership of the CCSBT includes all nations taking SBT who have a legitimate historical association with the fishery; • pursue the protection of SBT spawning stock and spawning grounds from unsustainable fishing pressures; • ensure all take of SBT is monitored through a comprehensive catch documentation scheme; and • ensure the recreational take of SBT is taken into account in establishing the global take and setting national allocations. 	<p>develop Monitoring, Control and Surveillance (MCS) measures.</p> <p>DEWHA notes the progress made within CCSBT since 2004, including the reduction of the global TAC by over 3000 tonnes in line with scientific advice, and agreement to develop and implement MCS measures.</p> <p>DEWHA notes that there are still gaps in the knowledge of the recreational take of SBT.</p>	<p>recent overcatches identified internationally by CCSBT. Therefore DEWHA considers that this recommendation should continue for DAFF to pursue objectives through CCSBT to rebuild the SBT stock to ecologically sustainable levels, in line with Australian legislation and policies.</p> <p>This recommendation will be revised and included as Recommendation 1 (see Table 4).</p> <p>Separate recommendations on the recreational take of SBT are included as Recommendations 3 and 4 (see Table 4).</p>
<p>4. DAFF to ensure DEH is kept informed of any significant change in the CCSBT's management of SBT.</p>	<p>Recommendation met through Inter-Departmental Committees and other correspondence between departments.</p>	<p>This is an ongoing recommendation. Given that SBT is internationally managed by CCSBT, DEWHA considers that this recommendation should continue.</p> <p>This recommendation will continue to be included as Recommendation 7 (see Table 4).</p>
<p>5. AFMA to ensure that the observer program, implemented to meet domestic and international data and management needs, is capable of providing the required information at a statistically robust level. The observer program is to be conducted against established terms of reference and objectives that provide clear direction in the collection of at least the</p>	<p>An observer program, aiming for 10% coverage of purse seine operations, has been in place in the Australian SBT Fishery since the 2002/03 season. The observer program provides information on catch (including any mortalities), effort, bycatch, and interactions with protected species.</p>	<p>This recommendation has largely been completed. DEWHA notes that AFMA have implemented an ongoing observer program, however notes that the observer coverage level was not achieved in 2006/07. Even though this was due to low effort in the fishery, DEWHA recommends that AFMA continue to ensure the observer program provides significant and robust information in both the tow and purse seine operations. This recommendation will be revised and included as Recommendation 5 (see Table 4).</p>

<p>following:</p> <ul style="list-style-type: none"> • validation of commercial catch information for use in SBT stock assessments and management, including information on fish mortalities occurring from the purse seine fishing operation through the tow back to the farm cages and final transfer into the ‘grow out’ cages, actual catch rates and the incidence of high grading and over catch; • data on bycatch, protected species interactions and ecosystem impacts of fishing operations; and • information on the techniques and technologies used to estimate the quantities of fish transferred during fishing operations and the further development of these. 	<p>The target level for observer coverage has been achieved in every year except 2006/07 where coverage of 5.6% was achieved (due to low effort).</p> <p>AFMA also noted in its submission that work is continuing on a project to trial stereo video technology to improve the accuracy of SBT catch monitoring arrangements in Australia.</p>	<p>DEWHA also notes that a trial of stereo/video technology is currently being undertaken to improve the accuracy of estimates of the quantities of fish transferred during fishing operations, in line with commitments made at CCSBT. DEWHA notes that, if the technology proves successful, this would improve the validation of commercial catch information. DEWHA encourages the continued efforts of DAFF/AFMA in ensuring the best available data is collected on SBT catch. A separate recommendation on catch monitoring arrangements is included as Recommendation 2 (see Table 4).</p>
<p>6. Recognising that data on the take of SBT by recreational and charter fishing is inadequate, DAFF in conjunction with the Game Fishing Association of Australia will develop a cost effective and affordable method of reliably estimating the Australian recreational and charter catches of SBT.</p>	<p>DEWHA notes that DAFF is currently considering options for a project to improve data collection from recreational fishers of SBT.</p> <p>The collection of data on recreational take of SBT was also raised at CCSBT.</p>	<p>DEWHA notes that reliable data on the recreational take of SBT continues to be lacking. This data is essential to ensure that management decisions take account of all mortalities of SBT. While DEWHA notes that the responsibility for the management of recreational fishing lies with the States, DEWHA recommends that DAFF should take a lead on ensuring that reliable data is collated on the recreational take of SBT and included in stock assessments and management decisions.</p> <p>This recommendation will be revised and included as Recommendations 3 and 4 (See Table 4).</p>

Table 3: The DEWHA assessment of the SBT Fishery against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a summary of relevant sections and components of the Act to provide advice on the fishery in relation to decisions under Parts 13 and 13A. A complete version of the EPBC Act can be found on the DEWHA website.

Part 4

<p>Division 2 Actions covered by Ministerial declarations and accredited management arrangements or accredited authorisation process Section 33 Making declaration that actions do not need approval under Part 9</p>	<p>DEWHA assessment of the SBT Fishery</p>
<p>(1) The Minister may declare in writing that actions in a class of actions specified in the declaration wholly or partly by reference to the fact that their taking has been approved by the Commonwealth or a specified Commonwealth agency, in accordance with a management arrangement or authorisation process that is an accredited management arrangement or an accredited authorisation process for the purposes of the declaration, do not require approval under Part 9 for the purposes of a specified provision of Part 3.</p> <p>(2) A management arrangement is an accredited management arrangement if and only if:</p> <p style="padding-left: 20px;">(a) the management arrangement is in operation under a law of the Commonwealth identified in or under the declaration; and</p> <p style="padding-left: 20px;">(b) the management arrangement has been accredited in writing by the Minister in accordance with this section for the purposes of the declaration.</p> <p>(3) For the purposes of subsection (2), the Minister may accredit by</p>	<p>The <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> (SBT Management Plan) for the SBT Fishery in force under the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i> was accredited in November 2004.</p> <p>AFMA notified DEWHA of proposed amendments to the SBT Management Plan. The proposed amendments will:</p> <ul style="list-style-type: none"> - allow the AFMA Board to set multi-year national catch allocations for the Australian SBT Fishery; - allow AFMA to use any decision made under Article 8(3) of the Convention for the Conservation of SBT for the purposes of determining the national catch allocation; - include a provision to cover the excess take of fish and broaden the basis for the release of live and vigorous fish (under a trial); - change the frequency of reviewing the monitoring arrangements from annually to no more than every five years; and - update AFMA’s address, phone numbers and the economic efficiency objective.

<p>written instrument a management arrangement or authorisation process for the purposes of a declaration. However, the Minister may do so only if the Minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the management arrangement or authorisation process and the law under which it is in operation, or in which it is set out, meet the criteria prescribed by the regulations; and (b) there has been or will be adequate assessment of the impacts that actions approved in accordance with the management arrangement or authorisation process: <ul style="list-style-type: none"> (i) have or will have; or (ii) are likely to have; on each matter protected by a provision of Part 3 to which the declaration relates; and (c) actions approved or taken in accordance with the management arrangement or authorisation process will not have unacceptable or unsustainable impacts on a matter protected by a provision of Part 3 to which the declaration relates. <p>The Minister must publish in accordance with the regulations (if any) the instrument accrediting the management arrangement or authorisation process.</p>	<p>DEWHA has considered the proposed amendments to the Management Plan in this assessment and considers that the proposed amendments do not provide impacts that are significantly greater than assessed under the previous assessment and will continue to provide for the SBT Fishery to be managed in an ecologically sustainable way. Therefore, DEWHA considers that the amended management plan can be reaccredited under Section 33.</p>
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Part 13

<p>Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the SBT Fishery</p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"> (a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>; <p>if satisfied that:</p> <ul style="list-style-type: none"> (f) the plan, regime or policy requires persons engaged in 	<p>The SBT Fishery will be managed under the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>, the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i>.</p> <p>The SBT Management Plan was accredited in November 2004. AFMA advised DEWHA of minor amendments to the management plan for the SBT Fishery in May and July 2007. DEWHA considers that the</p>

<p>fishing under the plan, regime or policy 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; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>proposed management plan amendments are minor and that the amendments will not significantly affect the sustainability of the SBT Fishery. A determination for the SBT Management Plan will be made under section 303AB, to acknowledge these minor amendments.</p> <p>Anecdotal reports and limited observer data indicate that there are no significant interactions with protected species in the purse seine sector. Therefore, DEWHA considers the current operation of the SBT Fishery is not likely to adversely affect the survival or recovery in nature of any threatened species or threatened ecological community.</p>
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<p>Division 2 Migratory species Section 222A Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the SBT Fishery</p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The SBT Fishery will be managed under the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>, the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i>.</p> <p>The SBT Management Plan was accredited in November 2004. AFMA advised DEWHA of minor amendments to the management plan for the SBT Fishery in May and July 2007. DEWHA considers that the proposed management plan amendments are minor and that the amendments will not significantly affect the sustainability of the SBT Fishery. A determination for the SBT Management Plan will be made under section 303AB, to acknowledge these minor amendments.</p> <p>Anecdotal reports and limited observer data indicate that there are no significant interactions with protected species in the purse seine sector. Therefore, DEWHA considers the current operation of the SBT Fishery is not likely to adversely affect the survival or recovery in nature of any listed migratory species.</p>

<p>Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the SBT Fishery</p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The SBT Fishery will be managed under the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>, the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i>.</p> <p>The SBT Management Plan was accredited in November 2004. AFMA advised DEWHA of minor amendments to the management plan for the SBT Fishery in May and July 2007. DEWHA considers that the proposed management plan amendments are minor and that the amendments will not significantly affect the sustainability of the SBT Fishery. A determination for the SBT Management Plan will be made under section 303AB, to acknowledge these minor amendments.</p> <p>Anecdotal reports and limited observer data indicate that there are no significant interactions with protected species in the purse seine sector. Therefore, DEWHA considers the current operation of the SBT Fishery is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>

<p>Division 4 Listed marine species Section 265 Minister may accredit plans or regimes</p>	<p>DEWHA assessment of the SBT Fishery</p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(a) a plan of management within the meaning of section 17 of the <i>Fisheries Management Act 1991</i>;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p>	<p>The SBT Fishery will be managed under the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>, the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i>.</p> <p>The SBT Management Plan was accredited in November 2004. AFMA advised DEWHA of minor amendments to the management plan for the SBT Fishery in May and July 2007. DEWHA considers that the proposed management plan amendments are minor and that the amendments will not significantly affect the sustainability of the SBT Fishery. A determination for the SBT Management Plan will be made under section 303AB, to acknowledge these minor amendments.</p>

<p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>Anecdotal reports and limited observer data indicate that there are no significant interactions with protected species in the purse seine sector. Therefore, DEWHA considers the current operation of the SBT Fishery is not likely to adversely affect the conservation status of a listed marine species or a population of that species.</p>
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Section 303AA Conditions relating to accreditation of plans, regimes and policies	DEWHA assessment of the SBT Fishery
<p>(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.</p>	<p>The <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> was accredited in November 2004 under sections 208A, 222A, 245 and 265.</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"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	<p>No condition has been imposed on SBT Fishery to satisfy sections 208A, 222A, 245 and 265 under Part 13.</p>
<p>(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.</p>	

303AB Amended policies, regimes or plans taken to be accredited	DEWHA assessment of the SBT Fishery
<p>(1) If:</p> <ul style="list-style-type: none"> (a) a plan, regime or policy is accredited under section 208A, 222A, 245 or 265; and (b) the plan, regime or policy is amended, or is proposed to be amended; and (c) the Minister is satisfied that the amendments are, or will be, minor; and (d) the Minister is satisfied that the plan, regime or policy as 	<p>The <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> was accredited in November 2004 under sections 208A, 222A, 245 and 265.</p> <p>AFMA advised DEWHA of minor amendments to the Management Plan for the SBT Fishery in May and July 2007. DEWHA considers that the proposed management plan amendments are minor and that the amendments will not significantly affect the sustainability of the SBT Fishery.</p>

<p>amended meets, or will meet, the requirements of subsection 208A(1), 222A(1), 245(1) or 265(1) (as the case may be); the Minister may, by instrument in writing, determine that this subsection applies to the amendments.</p>	
<p>(2) If the Minister makes a determination under subsection (1), the plan, regime or policy as amended is, for the purposes of this Act, taken to be accredited under section 208A, 222A, 245 or 265 (as the case may be).</p>	<p>A determination for the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> will be made under section 303AB.</p>

Part 13A

Section 303DC Minister may amend list	DEWHA assessment of the SBT Fishery
<p>(1) Minister may, by instrument in published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (e) including items in the list; (f) deleting items from the list; or (g) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (h) varying of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (i) correcting an inaccuracy or updating the name of a species. 	
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>The SBT Fishery was assessed under Part 10 of the EPBC Act in 2004. In conducting this assessment, DEWHA considered that actions taken in the fishery would not have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area while fishers operated in accordance with the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> and AFMA continued to implement conditions and recommendations to improve the management of the fishery.</p> <p>Consequently, the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> was accredited under section 33 of the EPBC Act in November 2004.</p> <p>AFMA have notified DEWHA of proposed amendments to the SBT</p>

	<p>management plan, and this assessment takes account of the proposed amendments. The proposed management plan amendments will:</p> <ul style="list-style-type: none"> - allow the AFMA Board to set multi-year national catch allocations for the Australian SBT Fishery; - allow AFMA to use any decision made under Article 8(3) of the Convention for the Conservation of SBT for the purposes of determining the national catch allocation; - include a provision to cover the excess take of fish and broaden the basis for the release of live and vigorous fish (under a trial); - change the frequency of reviewing the monitoring arrangements from annually to no more than every five years; and - update AFMA’s address, phone numbers and the economic efficiency objective. <p>DEWHA has considered the proposed plan amendments in this assessment and considers that the proposed amendments do not provide impacts that are significantly greater than assessed under the previous assessment and will continue to provide for the SBT Fishery to be managed in an ecologically sustainable way.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the List of Exempt Native Specimens (LENS). The objects of Part 13A, which are set out below this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor.</p> <p>DEWHA considers that the amendment of the LENS to include product taken in the SBT Fishery WTO continues to be consistent with the provisions of Part 13A as:</p> <ul style="list-style-type: none"> the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed

	<p>species;</p> <p>there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1);</p> <p>the operation of the SBT Fishery is unlikely to be unsustainable and threaten biodiversity within the next 28 months; and</p> <p>the EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.</p>
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <p>(a) must consult such other Minister or Ministers as the Minister considers appropriate; and</p> <p>(b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and</p> <p>(c) may consult such other persons and organisations as the Minister considers appropriate.</p>	<p>DEWHA considers that the consultation requirements have been met. The public comment period on the AFMA submission sought comment on the submission for the SBT Fishery and provided sufficient opportunity for consultation with other persons and organisations.</p> <p>A letter to the Hon Tony Burke MP, Minister for Agriculture, Fisheries and Forestry, and the Hon Tony Rundle, Chairman, AFMA, advises them of the intention to declare the fishery an approved WTO under the EPBC Act.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the SBT Fishery made under section 303DC will be gazetted and made available on the DEWHA website.</p>

Section 303FN Approved wildlife trade operation	DEWHA assessment of the SBT Fishery
<p>(2) The Minister may, by instrument published in the <i>Gazette</i>, declare that a specified wildlife trade operation is an <i>approved wildlife trade operation</i> for the purposes of this section.</p>	
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p>i. the survival of a taxon to which the operation relates; or</p>	<p>The SBT Fishery is consistent with objects of Part 13A (listed after this table) as:</p> <p>the fishery will not harvest any CITES listed species;</p> <p>there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1);</p> <p>the operation of the SBT Fishery is unlikely to be unsustainable and</p>

<p>ii. the conservation status of a taxon to which the operation relates; and</p> <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p> <p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p> <p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>threaten biodiversity within the next 28 months; and the EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.</p> <p>DEWHA considers that the SBT Fishery will not be detrimental to the survival or conservation status of a taxon to which it relates within the next 28 months, given the management measures currently in place, which include output controls based on individual transferable quotas allocated as SFRs from an annual TAC, and comprehensive compliance and monitoring arrangements.</p> <p>DEWHA considers that the SBT Fishery will not threaten any relevant ecosystem within the next 28 months, given the management measures currently in place, which include output controls based on individual transferable quotas allocated as SFRs from an annual TAC, and comprehensive compliance and monitoring arrangements.</p> <p>The EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.</p> <p>No other conditions are specified in relation to commercial fisheries in the EPBC Regulations 2000.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p> <p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>DEWHA considers that the SBT Fishery will not have a significant impact on any relevant ecosystem within the next 28 months, given the management measures currently in place, which include output controls based on individual transferable quotas allocated as SFRs from an annual TAC, and comprehensive compliance and monitoring arrangements.</p> <p>The management arrangements that will be employed for the SBT Fishery are likely to be effective. The CCSBT sets an annual national catch allocation, based on a reasonably sound stock assessment process. AFMA then sets the domestic TAC, based on the CCSBT</p>

	allocation. The management arrangements include a comprehensive compliance and monitoring program, including the collection of verified data through an observer program.
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>The SBT Fishery will be managed under the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i>, the <i>Fisheries Management Act 1991</i> and the <i>Fisheries Management Regulations 1992</i>.</p> <p>The Commonwealth <i>Fisheries Management Act 1991</i> applies throughout Commonwealth waters.</p> <p>The management arrangements that will be employed for the SBT Fishery are likely to be effective. The CCSBT sets an annual national catch allocation, based on a reasonably sound stock assessment process. AFMA then sets the domestic TAC, based on the CCSBT allocation. The management arrangements include a comprehensive compliance and monitoring program, including the collection of verified data through an observer program.</p>
<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(d) the operation is a commercial fishery.</p>	<p>The SBT Fishery is a commercial fishery.</p>
<p>(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>The SBT Fishery was assessed under Part 10 of the EPBC Act in 2004. In conducting this assessment, DEWHA considered that actions taken in the fishery would not have an unacceptable or unsustainable impact on the environment in a Commonwealth marine area while fishers operated in accordance with the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> and AFMA continued to implement conditions and recommendations to improve the management of the fishery.</p> <p>Consequently, the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> was accredited under section 33 of the EPBC Act in November 2004.</p>

	<p>AFMA have notified DEWHA of proposed amendments to the SBT management plan in 2008, and this assessment takes account of the proposed amendments. The proposed management plan amendments will:</p> <ul style="list-style-type: none"> - allow the AFMA Board to set multi-year national catch allocations for the Australian SBT Fishery; - allow AFMA to use any decision made under Article 8(3) of the Convention for the Conservation of SBT for the purposes of determining the national catch allocation; - include a provision to cover the excess take of fish and broaden the basis for the release of live and vigorous fish (under a trial); - change the frequency of reviewing the monitoring arrangements from annually to no more than every five years; and - update AFMA's address, phone numbers and the economic efficiency objective. <p>DEWHA has considered the proposed plan amendments in this assessment and considers that the proposed amendments will continue to provide for the SBT Fishery to be managed in an ecologically sustainable way.</p>
<p>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.</p>	

Section 303FR Public consultation	DEWHA assessment of the SBT Fishery
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <ul style="list-style-type: none"> (a) setting out the proposal to make the declaration; and (b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and (c) inviting persons and organisations to give the Minister, 	<p>DEWHA considers that consultation requirements of the EPBC Act for declaring a WTO have been met. A public notice, which set out the proposal to declare the SBT Fishery a WTO and included the submission, was released for public comment, which closed on 21 December 2007 with 1 submission received.</p>

within the period specified in the notice, written comments about the proposal.	
(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.	A public notice, which set out the proposal to declare the SBT Fishery a WTO and included the submission was released for public comment on 22 November 2007 and closed on 21 December 2007, a total of 21 business days.
(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.	The public comments received on the submission are included at <u>Attachment E</u> of the brief. The DEWHA assessment has considered the public comments received on the submission.

Section 303FT Additional provisions relating to declarations	DEWHA assessment of the SBT Fishery
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the SBT Fishery will be made under section 303FN.
(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: <ul style="list-style-type: none"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	The standard conditions applied to commercial fishery WTOs include: <ul style="list-style-type: none"> • operation in accordance with the management regime; • notifying DEWHA of changes to the management regime; and • annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>. <p>Additional conditions include:</p> <ul style="list-style-type: none"> • 100% observer coverage during the release process of the trial of the release of live fish; and • provision of a report to DEWHA on a review of the outcomes of the trial. <p>The WTO instrument for the SBT Fishery specifies the standard and additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration	

has been contravened.	
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the Internet.	The instrument for the SBT Fishery made under sections 303FN and the conditions under section 303FT will be gazetted and made available on the DEWHA website.

Part 16

Section 391 Minister must consider precautionary principle in making decisions	DEWHA assessment of the SBT Fishery
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	The precautionary principle must be considered when making a decision to include specimens on the LENS.
(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.	

Objects of Part 13A

- (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and
- (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife

Final recommendations to the Australian Fisheries Management Authority (AFMA) for the Southern Bluefin Tuna (SBT) Fishery

The material submitted by AFMA demonstrates that the management arrangements for the SBT Fishery meet most of the requirements of the Australian Government *Guidelines for the ecologically sustainable management of fisheries – 2nd edition*. DEWHA recognises that the management arrangements in the fishery, including output controls based on individual transferable quotas allocated as SFRs from an annual TAC, and comprehensive compliance and monitoring arrangements render it somewhat robust to fishing. As such, DEWHA considers that overall the management regime aims to ensure that fishing is conducted in a manner that does not lead to over-fishing and for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

While the fishery is relatively well managed, DEWHA has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised:

- Trial of the release of live fish;
- Progress within the CCSBT to rebuild the SBT stock;
- Catch monitoring;
- SBT catch by other sectors;
- Observer program;
- Potential interactions with Great White Sharks;
- CCSBTs management;

DEWHA is satisfied that the fishery will not be detrimental to the survival or conservation status of the taxon to which it relates in the short term. Similarly, it is not likely to threaten any relevant ecosystem in the short term. To contain and minimise the risks in the longer term the recommendations listed below have been made. The key challenges for this fishery will be effective engagement in the CCSBT to rebuild the SBT stock, develop and implement MCS measures and ensure unreported and under-reported catches are eliminated; the trial of the release of live fish; investigations of appropriate catch monitoring technologies; and ensuring the catch of all take of SBT is accounted for. DEWHA considers that, until it can be demonstrated that these issues have been adequately dealt with, a 28-month WTO declaration is appropriate. The 28-month WTO will allow the 2009 CCSBT stock assessment to be taken into account in a reassessment of the export approval for the SBT Fishery in 2010.

DEWHA considers that the operation of the fishery does not, or is not likely to, adversely affect the survival in nature of a listed threatened species or population of that species, or the conservation status of a listed migratory species, cetacean or listed marine species or a population of any of those species. DEWHA also considers that under the management plan operators are required to take all reasonable steps to avoid the killing or injuring of protected species, and the level of interaction under current fishing operations is low.

Due to the pending proposed management plan amendments, a new Part 13 accreditation is required. DEWHA considers that the proposed management plan amendments are not likely to represent a significant impact on protected species given the current low rates of interactions. DEWHA therefore believes it appropriate to accredit the management regime for the fishery under Part 13 of the EPBC Act.

Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (28 months). Note that a standard condition of a WTO is an annual reporting requirement, the details of which are provided at the end of the recommendations.

Table 4: Southern Bluefin Tuna Fishery Assessment– Summary of Issues, Conditions and Recommendations February, 2008

	Issue	Condition
1	<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. In order to ensure that these decisions remain valid and export approval continues uninterrupted, DEWHA needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.</p> <p>AFMA have notified DEWHA of proposed management plan amendments in 2008, and this assessment takes account of the proposed amendments. DEWHA notes, in particular, that the amendments include a trial on the release of live fish. AFMA must notify DEWHA prior to any changes to this trial or if AFMA considers permanent implementation of the trial.</p>	<p>Condition 1: Operation of the fishery will be carried out in accordance with the <i>Southern Bluefin Tuna Fishery Management Plan 1995</i> made under the <i>Fisheries Management Act 1991</i>.</p> <p>Condition 2: The Australian Fisheries Management Authority (AFMA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.</p> <p>[generic conditions]</p>
2	<p><u>Annual reporting</u></p> <p>It is important that reports be produced and presented to DEWHA annually in order for the performance of the fishery and progress in implementing the conditions and recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p> <p>Annual reports should 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 protected species; impacts of the fishery on the ecosystem in which it operates; and, information outlining progress in implementing conditions and recommendations resulting from the previous accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> available from the DEWHA website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	<p>Condition 3: The Australian Fisheries Management Authority to produce and present reports to DEWHA annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p> <p>[generic condition]</p>

3	<p><u>Trial of the release of live fish</u></p> <p>DEWHA notes the proposed amendment to the SBT Management Plan to allow the release of live and vigorous fish through a two year trial. DEWHA notes that during the trial, AFMA will require 100% observer coverage and that any mortality during the release process will be covered by quota.</p> <p>DEWHA agrees that the trial must be closely monitored to ensure that there is no increase in mortalities of SBT during the release process and recommends that AFMA ensure that 100% observer coverage is implemented.</p> <p>DEWHA also considers that a review should be undertaken after the first fishing season and a reported provided to DEWHA.</p>	<p>Condition 4: AFMA to ensure that 100% observer coverage is met during the release process of the trial of the release of live fish.</p> <p>Condition 5: Within 12 months of the commencement of the trial of the release of live fish, AFMA to review the outcomes and provide a report to DEWHA.</p>
	<p>Issue</p>	<p>Recommendation</p>
4	<p><u>Progress within the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) to rebuild SBT stock</u></p> <p>DEWHA notes the progress made within the CCSBT to rebuild the SBT stock. In particular, the reduction in the global TAC in 2006 from 14,925t to 11,810 tonnes, in line with the CCSBT Scientific Committee recommendation (i.e. that an immediate catch reduction below 14,925t would decrease the probability of further stock declines and rebuild the spawning biomass). The global TAC is to remain at this level until 2009, unless exceptional circumstances emerge in relation to the stock.</p> <p>The recent identification of over-catches by CCSBT is a significant issue, resulting in a high level of uncertainty around the historical catch data used in stock assessments. The CCSBT must now eliminate all unreported and under-reported catches to provide the best chance to meet management objectives to rebuild the stock.</p> <p>DEWHA also notes that the CCSBT agreed to conduct a full stock assessment for discussion in 2009. It will be important for Australia to monitor the progress in rebuilding the SBT stock and to play an active role in ensuring that CCSBT decisions meet management objectives. Critical to this will be ensuring effective MCS measures are in place and confidence in the data is restored.</p> <p>Recognising the role of the CCSBT in the management of the global SBT stock, DEWHA acknowledges that full engagement by Australia to deliver an effectively functioning CCSBT</p>	<p>Recommendation 1: The Department of Agriculture, Fisheries and Forestry (DAFF) to continue to pursue Australian Government objectives to incorporate an ecosystem approach to fisheries management and rebuild the SBT stock to ecologically sustainable levels. This is to include working within the CCSBT to:</p> <ul style="list-style-type: none"> - restore confidence in catch data, including through the collection of fishery independent data; - establish effective monitoring, control and surveillance measures (e.g. Catch Documentation Scheme, International Observer Program, Vessel Monitoring System, transshipment) to ensure compliance with the global total allowable catch and ensure that unreported catches are eliminated; - ensure that total allowable catch levels are sustainable through the continued development of a Management Procedure. In this regard, Australia should advocate a position consistent

	<p>provides the best chance for SBT stock recovery. Australia needs to remain an active participant in the CCSBT and DEWHA recommends that DAFF continue to pursue objectives through CCSBT to rebuild the SBT stock to ecologically sustainable levels, in line with Australian legislation and policies.</p> <p>In addition, DEWHA is concerned with the slow progress made by the CCSBT to develop conservation and management measures for ecologically related species, specifically on data collection; seabird bycatch mitigation, and the conservation and management of sharks.</p>	<p>with the Harvest Strategy Policy;</p> <ul style="list-style-type: none"> - ensure that decisions regarding the global TAC take into account all take of SBT; - monitor the SBT spawning grounds and status of the spawning stock and implement appropriate management measures to ensure protection if required; and - pursue the development of measures to mitigate impacts on ecologically related species.
5	<p><u>Catch monitoring</u></p> <p>Whilst AFMA has a comprehensive compliance and data collection program in place, the practical difficulties in ensuring accurate estimates of the SBT taken in the purse seine fishery is recognised. At present weight estimates rely on sampling fish as they are transferred from the tow nets into the ‘grow-out’ cages or pens and these estimates are extrapolated by the total count to determine the total catch weight. A major risk identified in the previous assessment is the accuracy of the weight estimates of SBT caught and the methods of determining the weight.</p> <p>DEWHA notes that a trial of new stereo/video technology is currently being undertaken to test the accuracy and precision of this equipment in estimating catch. DEWHA notes that, if the technology proves successful, it would improve the validation of commercial catch information by the purse seine sector. DEWHA encourages the continued efforts of DAFF and AFMA in ensuring the most accurate data is collected on SBT catch levels in the purse seine sector.</p> <p>DEWHA recommends that DAFF and AFMA continue to investigate appropriate catch monitoring technologies that ensures the highest level of confidence in the estimates of SBT catch in the purse seine sector.</p>	<p>Recommendation 2: DAFF and AFMA to continue to investigate appropriate catch monitoring technologies that ensures the highest level of confidence in the estimates of SBT catch in the purse seine sector</p>
6	<p><u>SBT catch by other sectors</u></p> <p>DEWHA notes that reliable data on the recreational take of SBT continues to be lacking. This data is essential to ensure that management decisions take account of all mortalities of SBT, especially given the overfished status of the stock. In order to ensure that Australia can establish the level of total Australian catch with certainty, DEWHA recommends that information on the</p>	<p>Recommendation 3: Within 2 years, DAFF in conjunction with relevant State governments, to collect data and information on the recreational and charter catches of SBT, and provide relevant information to CCSBT16.</p>

	<p>recreational take of SBT is collected as a priority.</p> <p>DEWHA notes that DAFF is currently investigating options for a project to estimate the recreational catch for 2007/08 and collate and review existing information on recreational fishing for SBT.</p> <p>While DEWHA notes that the responsibility for the management of recreational fishing lies with the States, DEWHA recommends that DAFF should take a lead role in ensuring that reliable data is collated on the recreational take of SBT and included in stock assessments and management decisions.</p> <p>In addition, DEWHA recommends that DAFF should ensure that the data and information collected under Recommendation 3 is included in stock assessments and management decisions to ensure that all take of SBT, including recreational and charter take within Australia is accounted for.</p>	<p>Recommendation 4: DAFF to ensure that the management of SBT takes account of all take of SBT, including recreational and charter take within Australia.</p>
7	<p><u>Observer program</u></p> <p>DEWHA notes that an observer program, aiming for 10% coverage of tow and purse seine operations, has been in place in the Australian SBT Fishery since the 2002/03 season.</p> <p>DEWHA also notes that the observer level target was not achieved in 2006/07. Even though this was due to low effort in the fishery, DEWHA recommends that AFMA consider options to ensure that a statistically robust level of observer coverage is applied in the various circumstances (such as variations in fishing effort) and ensure that the appropriate observer coverage is met for both the tow and purse seine operations. Noting difficulties in observing the tow component of the operation, it is particularly important to consider practical options for improving the level of observer coverage in the towing operation.</p>	<p>Recommendation 5: AFMA to ensure that the observer program, implemented to meet domestic and international data and management needs, is capable of providing statistically robust information in both the tow and purse seine operations. The observer program should at a minimum provide validation of commercial catch information including:</p> <ul style="list-style-type: none"> - SBT catch; - SBT mortalities occurring during purse seine fishing operations; - SBT mortalities occurring during tow operations and final transfer into the 'grow out' cages; - the incidence of high grading and over catch; and - interactions with bycatch and protected species.

8	<p><u>Potential interactions with Great White Sharks</u></p> <p>AFMA noted in its submission that Great White Sharks are identified as high risk in the draft ERA. Great White Sharks are present in the area of the SBT surface fishery, and there have been anecdotal reports of interactions (for example white sharks entering tow cages or harassing SBT during transport operations).</p> <p>AFMA also noted that the incidence of interaction with great white sharks is thought to be minimal, with both the observers and logbook programs recording no interaction with the species. Whilst this may well be the case, DEWHA considers that the level of interactions with Great White Sharks and any impacts should be identified with certainty, given its listing as ‘vulnerable’ under the EPBC Act.</p> <p>Ensuring the appropriate level of observer coverage during tow operations in particular will be important in establishing whether there are any impacts from the operations on Great White Sharks (see Recommendation 5).</p>	<p>Recommendation 6: AFMA to monitor interactions with Great White Sharks and implement appropriate management measures to minimise interactions if required.</p>
9	<p><u>CCSBTs management</u></p> <p>The international management of SBT, through the CCSBT, plays a major role in determining AFMA’s management of the Australian SBT Fishery, and hence has been an important consideration in DEWHA’s assessment of the fishery management arrangements.</p> <p>Should there be a significant change in the CCSBT’s management of SBT, the strategic assessment may need to be reviewed.</p>	<p>Recommendation 7: DAFF to ensure DEWHA is kept informed of any significant change in the CCSBT’s management of SBT.</p>

References

ABARE (2007) *Australian Fisheries Statistics 2006*. Australian Bureau of Agricultural and Resource Economics. Canberra. June 2007.

Acronyms

AFMA	Australian Fisheries Management Authority
BRS	Bureau of Rural Sciences
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DAFF	Department of Agriculture, Fisheries and Forestry
DEWHA	Department of the Environment, Water, Heritage and the Arts
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ERA	Ecological Risk Assessment
ETBF	Eastern Tuna and Billfish Fishery
LENS	List of Exempt Native Specimens
MCS	Monitoring, Control and Surveillance
SBT	Southern Bluefin Tuna
SFRs	Statutory Fishing Rights
TAC	Total Allowable Catch
WTBF	Western Tuna and Billfish Fishery
WTO	Wildlife Trade Operation