

**APPLICATION TO THE DEPARTMENT OF THE
ENVIRONMENT, WATER, HERITAGE AND THE ARTS ON
THE
MARINE AQUARIUM FISH MANAGED FISHERY**

*Against the Guidelines for the Ecologically Sustainable
Management of Fisheries*

June 2008



Department of Fisheries
Government of Western Australia



Fish for the future

**DEPARTMENT OF FISHERIES, WESTERN AUSTRALIA
168-170 ST. GEORGES TERRACE
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1. BACKGROUND

The purpose of this report is to update the Department of the Environment, Water, Heritage and the Arts (DEWHA) on changes in the Marine Aquarium Fish Managed Fishery to enable the re-assessment of the fishery against the *Guidelines for Ecologically Sustainable Management of Fisheries*.

Previous Assessment

In August 2004, the WA Department of Fisheries (the Department) submitted an application to DEWHA (then the Department of Environment and Heritage) for assessment of the fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries*, seeking continued listing of the species taken in the fishery on section 303DB list of exempt species under the *Environment Protection and Biodiversity Conservation Act 1999*. (EPBC Act)

On 11 October 2005, Lara Musgrave, as delegate of the Minister for the Environment and Heritage, declared the operations for the harvesting of species, other than specimens of species listed under Part 13 of the EPBC Act, taken in the Marine Aquarium Fish Managed Fishery to be an approved Wildlife Trade Operation (WTO). The WTO was approved for three years until 10 October 2008 and was subject to 4 conditions and 9 recommendations.

A copy of the Department's application and DEWHA's assessment are available on the DEWHA website at:

www.environment.gov.au/coasts/fisheries/wa/marine-aquarium/.

Further information on the Marine Aquarium Fish Managed Fishery can be obtained from the Department's *State of the Fisheries* reports. *State of the Fisheries* reports published since the current WTO was declared (2005-06 and 2006-07) can be downloaded from <http://www.fish.wa.gov.au/docs/sof>.

Re- Assessment Process

The documentation attached to enable the re-assessment of the Fishery consists of:

1. a summary of the key changes in the Fishery since 2004;
2. an update report addressing the progress of the Fishery against each of the WTO conditions and recommendations;
3. a copy of the Fishery's last two annual reports (Appendix 1);
4. a copy of the current invertebrate exemption no. 288 approved on 8 June 2008 (Appendix 2); and,
5. a copy of the final draft of the daily logbooks (Appendix 3).

2. SUMMARY OF KEY CHANGES IN THE FISHERY SINCE 2004

- In September 2004 (just after the original application was submitted), finer scale spatial reporting in 10 x 10 nautical mile blocks was introduced.
- In April 2005, a Ministerial exemption allowing the take of a variety of invertebrates by all licensees, subject to conditions, was granted and became the primary authorisation governing the invertebrate (other than corals) component of the Fishery. The exemption has been recently amended (approved 8 June 2008) following a review. The new exemption has annual limits on all categories. A copy of the exemption is at appendix 2.
- In September 2007, the Coral, Live Rock and Algae Section 43 Order was gazetted which allows access of 500 kg of live rock for all licensees, introduced a daily landing limit for the take of coral and live rock and a notification of fishing requirement. The Order also provides for a general prohibition on the take of algae for commercial purposes, other than marine aquarium fishers and a prohibition on the take of the coral species *Catalaphyllia jardinei* from the Dampier Archipelago region.
- By the end of 2008, daily logbooks will be in use. These have been developed in consultation with industry and trialled in the field. The latest draft is at appendix 3 for your information.

The Section 43 Order and invertebrate exemption consolidate and supersede the former management arrangements (i.e. the permissive conditions on Commercial Fishing Licences) that were used to administer these components of the Fishery at the time of the last WTO assessment. In addition, it has increased the degree of standardisation of licences in the fishery by allowing all licensees access to a minimal amount of live rock and a range of invertebrates. The amount of coral quota has not changed since the last assessment.

3. UPDATE AGAINST THE CONDITIONS AND RECOMMENDATIONS WHICH INCLUDES ANY DEVELOPMENTS WITHIN THE FISHERY SINCE THE LAST ANNUAL REPORT (Feb 2008)

Two annual reports were submitted to DEWHA in November 2006 and February 2008 to provide an update against the conditions and recommendations since the last assessment. Below is the third of these annual reports.

Condition 1:

Operation of the Fishery will be carried out in accordance with the WA Marine Aquarium Fish Management Plan 1995 and associated management regime in force under the WA FRMA 1994 and the WA FRMR 1995.

Current Status: No action required

All licensees are required to operate in the Fishery in accordance with the Management Plan, *FRMA 1994, FRMR 1995, Order 11 of 2007* and Exemption No 288 that was granted on 8 June 2008.

Condition 2:

DFWA to advise DEH of any material change to the MAF's legislated management plan and/or arrangements that could affect the criteria on which EPBC Act decisions are based, within three months of that change being made.

Current Status: Ongoing

An amended invertebrate exemption was granted on 8 June 2008, which permits all Managed Fishery Licence holders within the Fishery to collect a variety of invertebrate, seagrass and algal species (appendix 2). The main amendments include a new category to allow licensees to collect a restricted amount of corallimorphs and zooanthids and also to permit the take of seagrasses. Each category has a total annual limit.

Condition 3:

The declaration covers the WA Marine Aquarium Fish Managed Fishery only to the extent that the WA MAFMF relates to specimens that:

- i. are not listed under Part 13 of the EPBC Act, or***
- ii. are listed marine species that are not taken in the Commonwealth marine area, or***
- iii. are listed marine species that are taken in the Commonwealth marine area according to the specifications of a wildlife conservation plan negotiated between DFWA and DEH.***

Current Status: No action required

Condition 4:

Reports to be produced and presented to DEH annually, and to include: Information sufficient to allow assessment of the progress of DFWA in implementing the recommendations made in the Assessment of the WA MAFMF 2005. A description of the status of the fishery and catch and effort information. A statement of the performance of the fishery against objectives, performance indicators and measures once developed; and Research undertaken or completed relevant to the fishery.

Current status: Ongoing

This is the third report on the progress of the Fishery against the conditions and recommendations which is submitted to DEWHA annually. The Department reports

on the performance of the fishery including catch and effort information in the annual State of the Fisheries Report.

Recommendation 1:

Same as condition 1.

Recommendation 2:

The ESD Report, including all performance measures, responses and information requirements to be incorporated into the management regime and decision making process.

Current Status: Completed

Legislative instruments (the *Fish Resources Management Regulations 1995*, *Marine Aquarium Fish Management Plan 1995*, relevant Orders and an Exemption subject to conditions) establish the management rules for the Fishery, but do not include performance measures and management responses. All of the available information is considered in the management regime which is reviewed annually and the status of the Fishery is recorded in the annual State of the Fisheries Report. If required (e.g. performance measure exceeded) the management plan, Order or Exemption can be amended to respond to the issue.

Recommendation 3:

DFWA to consult with DEH prior to a change to the management arrangements for a CITES or EPBC Act listed species being implemented.

Current Status: Ongoing

Stony corals which belong to the Order Scleractinia and giant clams of the genus *Tridacna* are listed in the Convention on Trade in Endangered Species (CITES). The DoF is considering, in consultation with licensees, a marginal increase in coral quota across all MAF licensees provided any additional quota is taken from outside the Dampier region. DEWHA will be consulted once the proposal is finalised.

The prohibition on the take of the stony coral *Catalaphyllia jardinei* in the greater Dampier Archipelago region will remain in place until information on the abundance and distribution of this coral species becomes available.

The Aquarium Specimen Collectors Association requested an increase in the number of *Tridacna* clams taken in the fishery. The DoF consulted with DEWHA in February 2008 prior to seeking Ministerial approval for the amendment to the invertebrate exemption. The Minister did not support any increase and the current limit was retained at 200 *Tridacna* clams per year per licensee.

The Family Syngnathidae (seahorses, sea-dragons and pipefish) is an EPBC Act listed species. The catch of syngnathids has been relatively low and stable over the last few years and there are no sustainability concerns regarding the species

targeted. Since some licensees collect syngnathids and others don't, individual quotas for licensees is not practical at this stage. A trigger limit of 2000 individual syngnathids has been set for the fishery. If this number is reached, the species and locations of take will be assessed prior to a change in the management arrangements. Syngnathids, as a category, has been included in the daily logbooks to enable this group to be more closely monitored by management.

Recommendation 4:

Within 18 months DFWA to develop and implement strategies to address identified compliance risks within the fishery.

Current status: Completed

Strategies developed to mitigate compliance risks include notification of fishing and the introduction of daily logbooks for quota management. Written notification of fishing for coral and live rock was introduced in September 2007 in the Section 43 Order. This has assisted the planning of compliance activities for inspections both at sea and at the point of landing. A nomination to fish via a phone-in type service, which is more practical and efficient, is currently being investigated.

The introduction of daily logbooks for quota species is imminent and will be in use by the end of 2008.

Recommendation 5:

DFWA to implement data validation mechanisms for CITES and EPBC Act listed species harvested in the fishery within 18 months.

Current status: Completed

Validation of CITES and EPBC Act listed species will occur by notifications of fishing/landing in conjunction with the use of daily logbooks to allow inspections of reported catches. Notification of departure, fishing and landing for coral has been legislated in the new Order. The Department has worked with industry and developed and trialled a comprehensive daily logbook for the fishery. The use of the daily logbooks is nearly finalised and requires catch numbers and locations for syngnathids, coral and *Tridacna* clams. The daily logsheets are required to remain with the catch and be completed before departing the point of landing. Together with the notification of fishing, fisheries and marine officers will be able to validate catch and effort data for all quota-managed species including those that are CITES and EPBC Act listed.

Completion of the daily logbooks will be enforced by way of a licence condition on the Commercial Fishing Licences of the nominated operators.

Recommendation 6:

Within 2 years DFWA to develop and implement a research strategy to gather further information on the stock status, biology and ecology of CITES and

EPBC Act listed species. DEH notes that the research strategy will need to be implemented within the constraints of available resources.

Current Status: Completed (to the extent reasonably possible)

The Department acknowledges that ideally, research on the abundance and distribution of many of the collected species in WA is required. However, the marine aquarium fishery catches hundreds of different species and is a non-cost recovered fishery. Licensees make no financial contribution to management, research or compliance activities (they pay only for the annual renewal of their Managed Fishery, Fishing Boat and Commercial Fishing Licences) meaning that these activities are currently entirely reliant on WA Government Consolidated Revenue funding. Competing research priorities mean that there are insufficient resources to undertake research at the present time on the broad range of species taken. In addition, the current quota on invertebrates is considered to be appropriately precautionary.

However, it should be noted that the Department of Environment and Conservation are conducting surveys on giant clams in the Coral Bay region and coral surveys in the Dampier Archipelago as part of a long term monitoring project. This should provide some valuable information of the distribution and abundance of these species.

Regular liaison with staff at the WA Museum and Mscience, a consulting company, provides valuable information on the ecology and biology of some species.

Recommendation 7:

Within 2 years DFWA to identify species at risk of localised and serial depletion and to implement management measures to mitigate these risks in the fishery.

Current Status: Completed

Catch and effort statistics are monitored to identify the fishery's "hot spots" and any information on local or serial depletion is investigated. Similar to the prohibition put in place for the coral *Catalaphyllia jardinei* following anecdotal reports that this species was locally depleted in the Dampier region, there are mechanisms available to minimize these risks.

Much of the coral quota within the fishery is taken from the Dampier Archipelago, thus the new daily logbooks requires this take to be recorded from 5 nm blocks rather than the 10 nm blocks currently used for the rest of the fishery. Information derived from this information will guide management decisions to ensure local depletion risks are minimal.

Recommendation 8:

Within 12 months DFWA to develop a timeline for the implementation of proposed changes to the Management Plan for the MAF, as outlined in the DFWA submission.

Current Status: No longer applicable

Delays in the management plan amendments are expected to be ongoing. As a result, the coral, live rock and algae Order was legislated as an alternative mechanism to regulate the take of this component of the fishery. Furthermore, the invertebrate exemption has recently been amended to define the catch and, from a management perspective, is working well. Both the invertebrate exemption and the Coral and Live Rock Order are considered to be “stepping stones” towards a management plan that includes all components of the fishery. In any event, in an environment of emerging marine parks and changing market dynamics for the fishery, there is a need to further develop future management arrangements in liaison with Industry and compliance officers before drafting instructions for a management plan can be finalised.

Recommendation 9:

DFWA to provide a mechanism, which allows fishers to record interactions with protected/listed species. DFWA to ensure that industry has the capacity to make these reports at an appropriate level of accuracy.

Current Status: Completed

The monthly catch and effort logbooks have been were modified to include a section where licensees can record an interaction with a protected species. All licensees have been provided with a copy of the “Protected marine species identification guide”.

4. CONCLUSION

The Department believes that this report should provide adequate information to allow DEWHA to re-assess the fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries* under Part 13 and 13A of the EPBC Act. However, should any clarification or further information be required, please contact Ms Sascha Brand-Gardner on (08) 9482 7387 (Mondays and Wednesdays) or e-mail Sascha.BrandGardner@fish.wa.gov.au.

5. APPENDIX 1: PREVIOUS ANNUAL REPORTS



Department of Fisheries
Government of Western Australia



**REPORT TO THE DEPARTMENT OF ENVIRONMENT AND
HERITAGE ON THE PROGRESS OF THE
WESTERN AUSTRALIAN MARINE AQUARIUM FISH
MANAGED FISHERY AGAINST CONDITIONS AND
RECOMMENDATIONS OF ITS WTO DECLARATION**

NOVEMBER 2006

Background

A Delegate of the Minister for the Environment and Heritage declared the Western Australian Marine Aquarium Fish Managed Fishery (the Fishery) an approved Wildlife Trade Operation (WTO), with conditions and recommendations, allowing continued export until 11 October 2008. The purpose of this report is to update the Department of Environment and Heritage (DEH) on the progress of the Fishery against those conditions and recommendations.

Industry and the Department of Fisheries (DFWA) have been working towards revising the management plan to ensure more compliance friendly and effective management arrangements. Agreement has been reached with regard to moving to the use of standard containers for coral and live rock quota and defining these terms to ensure compliance with quota allocations.

Report against conditions and recommendations set by DEH

Condition 1:

Operation of the Fishery will be carried out in accordance with the WA Marine Aquarium Fish Management Plan 1995 and associated management regime in force under the WA FRMA 1994 and the WA FRFR 1995.

Current Status: No action required

All licensees are required to operate in the Fishery in accordance with the Management Plan, *FRMA 1994*, *FRMR 1995* and any current Exemptions or authorizations on their CFL's.

Recommendation 1 and Condition 2:

DFWA to advise DEH of any material change to the MAF's legislated management plan and/or arrangements that could affect the criteria on which EPBC Act decisions are based, within three months of that change being made.

Current Status: Ongoing

A letter was sent to DEH on the 23 June 2006 advising of changes that were implemented into the management of Western Australia's Marine Aquarium Managed Fishery via an exemption issued 29 April 2005 and amended on 12 October 2005 and again on 27 January 2006. The Exemption permits all Managed Fishery licence holders within the Marine Aquarium Managed Fishery (MAF) to collect a variety of invertebrate and algal species. Development of this additional arm of the fishery occurred in order to meet growing market demand and involved considerable consultation within and external to DFWA.

There have been no legislative changes to the management plan since accreditation.

Recommendation 2:

The ESD Report, including all performance measures, responses and information requirements to be incorporated into the management regime and decision making process.

Current Status: In progress

The Department is currently developing a fisheries policy statement for each fishery to aid the CEO in the management of the fishery in accordance with set objectives and performance indicators.

Regular contact is made with Caitlin Barry, Senior Assessment Officer from the Sustainable Fisheries Section of DEH to ensure the management regime and decision-making process incorporates all information required for the Fishery to remain accredited under the EPBC Act.

Condition 3:

The declaration covers the WA Marine Aquarium Fish Managed Fishery only to the extent that the WA MAFMF relates to specimens that:

- iv. are not listed under Part 13 of the EPBC Act, or*
- v. are listed marine species that are not taken in the Commonwealth marine area, or*
- vi. are listed marine species that are taken in the Commonwealth marine area according to the specifications of a wildlife conservation plan negotiated between DFWA and DEH.*

Current Status: No action required

Recommendation 3:

DFWA to consult with DEH prior to a change to the management arrangements for a CITES or EPBC Act listed species being implemented.

Current Status: Ongoing

Stony corals which belong to the Order Scleractinia and giant clams of the genus *Tridacna* are listed in the Convention on Trade in Endangered Species (CITES). This will need to be considered when incorporating coral and giant clam collection into the management arrangements for the Fishery. The Minister has recently approved the drafting of a statewide prohibition against the take of *Catalaphyllia jardinei*, a stony coral that is popular in the aquarium trade. This prohibition was initiated following several anecdotal reports that this species was becoming harder to procure. DEH will be advised once this prohibition is gazetted.

The Family Syngnathidae (seahorses, sea-dragons and pipefish) are EPBC Act listed species. DEH has been contacted by both DFWA and the Aquarium Specimen Collectors Association of WA Inc (ASCA) regarding a change in the total allowable catch of these species. Information on the biology and ecology of these species is currently being collated with a view to submitting a formal application to DEH.

Condition 4:

Reports to be produced and presented to DEH annually, and to include: Information sufficient to allow assessment of the progress of DFWA in implementing the recommendations made in the Assessment of the WA MAFMF 2005. A description of the status of the fishery and catch and effort information. A statement of the performance of the fishery against objectives, performance indicators and measures once developed; and Research undertaken or completed relevant to the fishery.

Current status: Ongoing

A report on the progress of the Fishery against the conditions and recommendations will be submitted to DEH annually (this is the first of those reports). The Department reports on the performance of the fishery including catch and effort information in the annual State of the Fisheries Report.

Recommendation 4:

Within 18 months DFWA to develop and implement strategies to address identified compliance risks within the fishery.

Current status: In progress

A risk assessment workshop to discuss compliance strategies and update on issues of concern identified in the 2003 compliance risk assessment workshop for the Fishery was held on the 9 August 2006. Several compliance strategies were developed including a need to increase operations on both licensees and any black market dealings in the fishery. Several strategies identified in 2003 have either already been implemented or have been drafted. For example, an industry Code-of-Conduct has been developed. A quantifiable method for measuring coral and live rock quota through the use of standard containers has been drafted for inclusion into the management plan amendments, as has the requirement to nominate when fishing to enable compliance checks at the point of landing.

In addition a specific compliance checklist for this fishery has been produced and is at attachment 1.

Recommendation 5:

DFWA to implement data validation mechanisms for CITES and EPBC Act listed species harvested in the fishery within 18 months.

Current status: In progress

Advice has been sought from DEH regarding possible mechanisms of validating the take of stony corals, syngnathids and giant clams noting that these species all have a total allowable catch and are reported on a

monthly basis in licensees catch and effort returns. What are some of the other fisheries doing to comply with this recommendation?

Recommendation 6:

Within 2 years DFWA to develop and implement a research strategy to gather further information on the stock status, biology and ecology of CITES and EPBC Act listed species. DEH notes that the research strategy will need to be implemented within the constraints of available resources.

Current Status: Completed

Research staff of DFWA (Western Australian Fish and Marine Research Laboratories, Hillary's) held a workshop on Tuesday 20 June 2006 to discuss the research needs for all minor fisheries and identify research priorities. A Resource Assessment Framework (Risk Matrix) assessed factors such as inherent vulnerability, current risk to wild stock and the recreational, cultural and ecological significance of various fisheries and species. Coral harvest in the fishery was given a relatively low weighted total compared to other fisheries/species such as abalone, mud crabs and rock lobster. However, it was noted that although coral harvest in the fishery was in small quantities it was highly localised take and valued habitat that would require coral expertise outside the DFWA and possibly from the WA museum.

DFWA has no in-house coral scientist and has recently contacted coral expert Dr Jim Stoddart to quote on costs of commissioning a survey of coral stocks. To survey a small targeted area would be very expensive and has not been provided for within the Department's current budget.

DFWA is in regular contact with a syngnathid researcher from Murdoch University who has provided some advice on the biology and ecology of some syngnathid species that are targeted by the fishery. This information is limited and the Aquarium Specimen Collectors Association is looking at options for self-funding some syngnathid research.

Recommendation 7:

Within 2 years DFWA to identify species at risk of localised and serial depletion and to implement management measures to mitigate these risks in the fishery.

Current Status: In progress

Within the ESD report for this fishery, the risk rating for the collection of hard coral was 'low' however; a small risk of local depletion of some hard coral species within the Dampier region was noted. Recently, there has been several anecdotal reports that one species, *Catalaphyllia jardinei*, which is extremely popular in the aquaria trade has become increasingly harder to procure. While there is no scientific data to support the concern of local depletion of this particular species of coral, the anecdotal evidence is abundant and it was considered that tighter controls should be considered to avoid any risk. With this in mind, the Minister has recently approved drafting of a Section 43 Order prohibiting the take of *Catalaphyllia jardinei* statewide.

In addition, before the total allowable catch of syngnathids is revised, management measures to minimize any risk of local depletion will be developed based on the ecological/biological information currently available.

Recommendation 8:

Within 12 months DFWA to develop a timeline for the implementation of proposed changes to the Management Plan for the MAF, as outlined in the DFWA submission.

Current Status: In progress

DFWA is working with Industry on the specific amendments to the management plan mostly with regard to inclusion of coral and live rock. It may prove more practicable in the short term to, rather than drafting a new Marine Aquarium Fish Managed Fishery Management Plan, to draft a new plan for the collection of coral, live rock and live sand and marine invertebrates. In any event, the proposed changes are close to being agreed to by Industry and there is a need to further refine and settle some of the proposed new management arrangements in liaison with Industry and compliance officers before drafting instructions can be issued. In any case, the Minister has recently approved priority being given to the revision of or drafting of a new management plan for the fishery to be ready for gazettal as soon as possible.

Recommendation 9:

DFWA to provide a mechanism, which allows fishers to record interactions with protected/listed species. DFWA to ensure that industry has the capacity to make these reports at an appropriate level of accuracy.

Current Status: Completed

The compulsory monthly catch and effort logbooks have been modified to include a section which asks the licensee whether there has been an interaction with a protected species and, if so, whether the animal was released alive or dead. There is also a space provided to record species, location and any other comments. Furthermore, in September 2006 a letter was sent to all licensees reminding them of the requirement to report any interactions with protected species. Attached to the letter was a waterproof "Protected Marine Species Identification Guide" booklet to assist with accurate reporting.

I trust this report allows sufficient information for DEH to assess the Fishery's progress in meeting the above conditions and recommendations. Please contact Sascha Brand-Gardner on (08) 9482 7387 (Mondays and Wednesdays) or via email Sascha.BrandGardner@fish.wa.gov.au should you require any further information.

COMPLIANCE CHECKLIST

Marine Aquarium Fishery (MAF)

Standardised checking requirements for operators in the Marine Aquarium Fishery

1. Marine Aquarium Fishery Licence No (MAFL) -----
Nº:..... Expires:___/___/___-----
2. Fishing Boat Licence (FBL)--Nº:..... Expires:___/___/___
Check that this corresponds with MAFL
3. Boat Name and Licence Fishing Boat No.....
Check that this corresponds with MAFL and FBL
4. MAF Operator and Divers - List and Commercial Fishing Licence No:
(CFL's) (Insert Details Overleaf)
5. Possession of Live Coral (hard coral)
If yes, check CFL for coral entitlement (permissive condition)
6. Possession of invertebrates (other than hard coral) -----
If yes, is the operator carrying a copy of the MAF exemption for invertebrate collection?
If yes, has the operator departed from the point of landing? (If yes has the operator complied with condition 2 of the exemption?)
7. Possession of prohibited specimens:
 - a. Leafy seadragon
 - b. Sawfish
 - c. Grey nurse
 - d. Great white (ie., juvenile)
 - e. Hump head maori wrasse
8. Possession of prohibited fishing equipment:
 - a. Non-hand held equipment (ie., traps)
 - b. Powered equipment (ie., jack hammers)
 - c. Chemicals for stunning fish
9. Check for brown/green abalone; pearl oysters; western rock lobster:
If yes, check for licence conditions/ additional exemptions that allow this.
10. Check for dead fish that might be sold for purposes other than those associated with Marine Aquariums

- MAF LICENSED OPERATOR:
- Name:-----DOB:----/--/--
 ----- CFL No:----- Res Address: -----

- Postal Address: -----

-

- NOMINATED DIVERS
- Name:-----DOB:----/--/--
 ----- CFL No:----- Res Address: -----

- Postal Address: -----

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- Name:-----DOB:----/--/--
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- Postal Address: -----



Department of Fisheries
Government of Western Australia



**ANNUAL REPORT TO THE DEPARTMENT OF
ENVIRONMENT, WATER, HERITAGE AND THE ARTS ON THE
WESTERN AUSTRALIAN MARINE AQUARIUM FISH
MANAGED FISHERY IN ACCORDANCE WITH THE
CONDITIONS AND RECOMMENDATIONS OF ITS WTO
DECLARATION**

FEBRUARY 2008

Background

A Delegate of the then Minister for the Environment and Heritage declared the Western Australian Marine Aquarium Fish Managed Fishery (the Fishery) an approved Wildlife Trade Operation (WTO), with conditions and recommendations, allowing continued export until 11 October 2008. The purpose of this report is to provide the Department of Environment, Water, Heritage and the Arts (DEWHA) an annual report in accordance with condition 4 of that approval. Furthermore, this report will advise of some recent management changes to the fishery in accordance with condition 2. A previous report was submitted to DEWHA in November 2006 specifically addressing the progress of the Fishery against all conditions and recommendations - this report is an update from the previous report.

Update report against conditions and recommendations

Condition 1:

Operation of the Fishery will be carried out in accordance with the WA Marine Aquarium Fish Management Plan 1995 and associated management regime in force under the WA FRMA 1994 and the WA FRFR 1995.

Current Status: No action required

All licensees are required to operate in the Fishery in accordance with the Management Plan, *FRMA 1994*, *FRMR 1995*, *Order 11 of 2007* and the invertebrate Exemption that was issued in 2005.

Condition 2:

DFWA to advise DEH of any material change to the MAF's legislated management plan and/or arrangements that could affect the criteria on which EPBC Act decisions are based, within three months of that change being made.

Current Status: Ongoing

A change in the management arrangements for the take of coral and live rock occurred within the Fishery during September 2007. A Prohibition on Fishing (Coral, Live Rock and Algae) Order 2007 (Order 11 of 2007) was published in the Government Gazette on 28 September 2007. The new Order replaces the permissive conditions on some of the Commercial Fishing Licenses and provides for an enforceable management regime for this component of the fishery. The subsidiary legislation prohibits the take of coral, live rock and algae by all persons, with marine aquarium licensees listed as exceptions subject to specific "conditions". The new Order (at attachment 1) clearly defines coral, live rock and algae, provides a quota for each licensee, requires notification of fishing and prescribes a daily landing limit, amongst other "conditions". The total amount of coral quota has (as permitted under the permissive conditions) not changed. There has been an increase in the amount of live rock quota - each of the 13 licensees has access to 500 kg of live rock per calendar year. Previously, only three licensees were permitted to take 500 kg of live rock. This quantity is a minimal amount and required for the maintenance of healthy aquariums for those specimens already collected within the fishery.

Order 11 of 2007 also provides a prohibition on the take of the coral species, *Catalaphyllia jardinei*, in the greater Dampier Archipelago region in response to anecdotal evidence that this species was being locally depleted.

The DoF is also currently in the process of reviewing the invertebrate exemption, which permits all Managed Fishery Licence holders within the Fishery to collect a variety of invertebrate and algal species, to ensure consistency with order 11 of 2007. DEW will be advised of the resulting amendments once finalised.

There have been no legislative changes to the management plan since accreditation.

Condition 3:

The declaration covers the WA Marine Aquarium Fish Managed Fishery only to the extent that the WA MAFMF relates to specimens that:

- vii. are not listed under Part 13 of the EPBC Act, or*
- viii. are listed marine species that are not taken in the Commonwealth marine area, or*
- ix. are listed marine species that are taken in the Commonwealth marine area according to the specifications of a wildlife conservation plan negotiated between DFWA and DEH.*

Current Status: No action required

Condition 4:

Reports to be produced and presented to DEH annually, and to include: Information sufficient to allow assessment of the progress of DFWA in implementing the recommendations made in the Assessment of the WA MAFMF 2005. A description of the status of the fishery and catch and effort information. A statement of the performance of the fishery against objectives, performance indicators and measures once developed; and Research undertaken or completed relevant to the fishery.

Current status: Ongoing

This is the second report on the progress of the Fishery against the conditions and recommendations which is submitted to DEWHA annually. The Department reports on the performance of the fishery including catch and effort information in the annual State of the Fisheries Report.

Recommendation 1:

Same as condition 1.

Recommendation 2:

The ESD Report, including all performance measures, responses and information requirements to be incorporated into the management regime and decision making process.

Current Status: Completed

Legislative instruments (the *Fish Resources Management Regulations 1995*, *Marine Aquarium Fish Management Plan 1995*, relevant Orders and an Exemption subject to conditions) establish the management rules for the Fishery, but do not include performance measures and management responses. All of the available information is considered in the management regime which is reviewed annually and the status of the Fishery is recorded in the annual State of the Fisheries Report.

A full environmental management system (EMS) (funded by the FRDC) has been completed for the fishery, which identified a range of potential risks and issues. This document contains a range of issues with performance indicators and targets and is in the final draft stage. Once the EMS manual is finalized it will be distributed to the Association which will then ensure all industry members and associated personnel receive a copy of the manual. The DoF provided input into the EMS process and is aware of all the issues and risks identified.

Recommendation 3:

DFWA to consult with DEH prior to a change to the management arrangements for a CITES or EPBC Act listed species being implemented.

Current Status: Ongoing

Stony corals which belong to the Order Scleractinia and giant clams of the genus *Tridacna* are listed in the Convention on Trade in Endangered Species (CITES). The DoF is considering, in consultation with licensees, a marginal increase in coral quota across all MAF licensees provided any additional quota is taken from outside the Dampier region.

The recently gazetted Order prohibits the take of *Catalaphyllia jardinei*, a stony coral that is popular in the aquarium trade, in the greater Dampier Archipelago region. This prohibition was initiated following several anecdotal reports that this species was becoming harder to procure.

The Aquarium Specimen Collectors Association has requested an increase in the number of *Tridacna* clams taken in the fishery. The DoF is currently collating research information on the genus and will advise DEWHA of any proposed changes to the management arrangements for the take of *Tridacna* clams.

The Family Syngnathidae (seahorses, sea-dragons and pipefish) are EPBC Act listed species. The DoF is considering an increase in the total allowable catch of these species. Information on the biology and ecology of these species is currently being collated with a view to including this information in the Fishery's reassessment which is due October 2008.

Recommendation 4:

Within 18 months DFWA to develop and implement strategies to address identified compliance risks within the fishery.

Current status: Completed

Compliance risk assessment workshops for the Fishery were held in 2003 and 2006. Several compliance strategies were developed and some of them implemented including the notification of fishing requirement in the new Order. This assists in the planning of compliance activities for inspections both at sea and at the point of landing. In addition,

development of logbooks for quota species is progressing well and should be implemented during 2008.

Recommendation 5:

DFWA to implement data validation mechanisms for CITES and EPBC Act listed species harvested in the fishery within 18 months.

Current status: Completed (in part)

Validation of CITES and EPBC Act listed species will occur by notifications of fishing/landing in conjunction with the use of daily logbooks to allow inspections of reported quotas and species names. Notification of departure, fishing and landing for coral has been legislated in the new Order. The Department is currently drafting daily logbooks which are numbered, in triplicate and will be required to remain with the catch and be completed before departing the point of landing. DEWHA will be advised once the logbooks are in use. Together with the notification of fishing, fisheries officers will be able to validate catch quotas for all quota-managed species including those that are CITES and EPBC Act listed.

Recommendation 6:

Within 2 years DFWA to develop and implement a research strategy to gather further information on the stock status, biology and ecology of CITES and EPBC Act listed species. DEH notes that the research strategy will need to be implemented within the constraints of available resources.

Current Status: Completed

As stated in the previous report, a research workshop was held in June 2006 to identify research priorities and the current risk to wild stock taken in this fishery was considered to be low. However, it was noted that the Department of Environment and Conservation are planning some research on giant clams and coral in the Dampier Archipelago which should provide some valuable information of the distribution and abundance of these species.

During the recent environmental management system project for the Fishery, stakeholders identified the fact that research is required for some collected species and that the Industry Association will consider funding some of the research that would provide additional species information.

Regular liaison with staff at the WA Museum and Mscience, a consulting company, provides valuable information on the ecology and biology of some species.

Recommendation 7:

Within 2 years DFWA to identify species at risk of localised and serial depletion and to implement management measures to mitigate these risks in the fishery.

Current Status: Completed

Catch and effort statistics are monitored to identify the fishery's "hot spots" and any information on local or serial depletion is investigated. There have been several anecdotal reports that one species of hard coral, *Catalaphyllia jardinei*, which is extremely popular in the aquaria trade has become increasingly harder to procure in the Dampier region. To mitigate any risk to this species, a complete prohibition on the take of this species in the greater Dampier Archipelago region was legislated on 28 September 2007.

Recommendation 8:

Within 12 months DFWA to develop a timeline for the implementation of proposed changes to the Management Plan for the MAF, as outlined in the DFWA submission.

Current Status: No longer applicable

Delays in the management plan amendments are expected to be ongoing. As a result, the coral, live rock and algae Order was legislated as an alternative mechanism to regulate the take of this component of the fishery. Furthermore, the invertebrate exemption, from a management perspective, is working well and is currently undergoing review now that a full calendar year of catch and effort data is available. Both the invertebrate exemption and the Coral and Live Rock Order are considered to be "stepping stones" towards a management plan that includes all components of the fishery. In any event, in an environment of emerging marine parks and changing market dynamics for the fishery, there is a need to further develop future management arrangements in liaison with Industry and compliance officers before drafting instructions for a management plan can be finalised.

Recommendation 9:

DFWA to provide a mechanism, which allows fishers to record interactions with protected/listed species. DFWA to ensure that industry has the capacity to make these reports at an appropriate level of accuracy.

Current Status: Completed

The monthly catch and effort logbooks have been were modified to include a section where licensees can record an interaction with a protected species. All licensees have been provided with a copy of the "Protected marine species identification guide". No interactions with protected species have been reported.

6. APPENDIX 2: INVERTEBRATE EXEMPTION

Fish Resources Management Act 1994

Section 7(2)

INSTRUMENT OF EXEMPTION (No. 288)

I, Hon Jon Ford JP MLC, Minister for Fisheries, hereby exempt all persons who are authorised to fish under the Marine Aquarium Fish Managed Fishery Licence (MFL) Numbers described in Schedule 1, from the provisions of *Notice 366, Schedule 2, Part 2 Division 5 of the Fish Resources Management Regulations 1995* and from the provisions of *Orders Nos 3 of 1999, 7 of 2004, 13 of 2005 and 11 of 2007* - which would otherwise prevent the aforementioned licence holders from lawfully pursuing the activity described in Schedule 2, for the period and purpose set out in Schedule 3, subject to the conditions listed in Schedule 4.

Schedule 1 MFL No's

Managed Fishery Licence numbers 2563, 2564, 2565, 2566, 2567, 2568, 2570, 2571, 2572, 2573, 2576, 2587 and 2588.

Schedule 2 Activity

The taking of invertebrates, seagrass and algae, of the scientific classification/s and prescribed numbers (where specified) as listed in Annex 1 by hand and non-powered hand held tools from below the high water mark.

Schedule 3 Period and Purpose

1. From the date of this instrument until 31 March 2010 or until such time as the *Marine Aquarium Fish Management Plan 1995* is amended to include the take of invertebrates, seagrass and algae or this Exemption is otherwise withdrawn.
2. For the purpose of developing and enhancing the Marine Aquarium Fish Fishery.

Schedule 4 Conditions

1. The nominated operator of the MFL number listed in Schedule 1 must carry a copy of this Exemption when carrying out the activities provided for under this Exemption.
2. In relation to *Orders No 13 of 2005* (Prohibition on commercial fishing Ningaloo Marine Park) and *7 of 2004* (Prohibition on commercial fishing Shark Bay Marine Park) this Instrument only applies to Clause 3 of the orders.
3. In relation to Ningaloo Marine Park, specimens taken under the authority of this exemption must only be taken in waters of the Parks General Use Areas that are:
 - (a) north of 21°56.300' south latitude; or
 - (b) south of 23° 7.300' south latitude.
4. In relation to Shark Bay Marine Park, specimens taken under the authority of this Exemption must only be taken in waters of the Parks General Use Areas.
5. All records required to be made under this Exemption must be made prior to departing the point of landing.
6. The Exemption holder must maintain a written record on a 'per trip' basis of the number and species of fish taken, the cumulative total for each scientific classification listed in Annex 1 taken over the calendar year and the location, time and date of take for all specimens taken under the authority of this Exemption. Any mortalities are to be included in the record of number of fish taken.
7. The written records described in condition 6 must be collated on a monthly (calendar) basis (i.e. included on your existing catch and effort returns) and forwarded to the Department of Fisheries by the 15th day of the following month. The Exemption holder must maintain a copy of these written records and, at their normal place of business, made available for examination on request by a Fisheries and Marine Officer.
8. The fish listed in Annexe 1 must only be collected and sold live for use for marine aquarium display purposes or as live aquarium feed. Fish must not be taken as food for human consumption or for frozen or dried aquarium food or for any other purpose.
9. For the fish listed in Annexe 1, each individual licensee may take no more than the limit specified in column 3 (Total Number of individuals to be taken per Managed Fishery Licence per calendar year) of the Annexe.
10. Those species in Annexe 1 that are associated with 'live rock' are to be collected individually or removed from the substrate and the substrate returned to the water. Small holdfasts and minimal substrate associated with corallimorphs and zooanthids is acceptable.
11. Female gastropods laying or brooding eggs must not be taken.

12. Fishing activities conducted under the authority of this Exemption are to be undertaken in accordance with the *Marine Aquarium Fish Management Plan 1995*, including the use of boats, and permitted means of operating in the fishery.
13. An exception to condition 12 of this Exemption is the permitted collection methods (listed schedule 1) which includes the use of non-powered, hand held tools and collection may be carried out by wading.
14. All containers that are used to hold categories listed in Annex 1 that have a volumetric daily limit in litres must be clearly labelled with the volume capacity.
15. Non-compliance with any of the foregoing conditions may result in the withdrawal of the Exemption from the associated MFL.

SIGNED BY THE MINISTER ON 8 JUNE 2008

Hon Jon Ford JP MLC
MINISTER FOR FISHERIES

Dated this day of 2008

Exemption Administration No. 288

Annexe 1

Scientific classification	Exceptions	Total Number of individuals or volume to be taken (where specified) per Managed Fishery Licence per calendar year
Class Holothuroidea (sea cucumbers)	<i>Holothuria scaba</i> , <i>H. whitmaei</i> , <i>H. nobilis</i> , <i>H. atra</i> , <i>Thelenota ananas</i> , <i>Actinopyga echninitis</i>	3000 with no more than 80/day
Class Gastropoda (snails, slugs)	All <i>Haliotis</i> species <i>Tectus niloticus</i> Family Volutidae Genus <i>Cypraea</i> (<i>Zoila</i>) and <i>Amoria</i>	15,000 with no more than 500/day
<i>Tridacna maxima</i> , <i>T. squamosa</i> (clams)		200 with no more than 5 per day No <i>T. maxima</i> south of 26°S No <i>T. squamosa</i> south of Dampier townsite (20°45'S)
Thorny oyster (<i>Spondylus spp.</i>), Flame shell/oyster (<i>Lima spp.</i>)		100
Class Echinoidea (sea urchins)		2500 with no more than 40 per day
Class Crinoidea, (feather stars), Class Asteroidea (sea stars)		4000 with no more than 80 per day
Class Ophiuroidea (brittle stars)		4000
Class Ascidiacea (ascidians/sea squirts)		4000
Order Actiniaria (anemones)		5000
Order Decapoda (shrimp, crabs)	Crustaceans subject to other fisheries ie rock lobster, commercial prawn and crab species. Land hermit crabs (<i>Coenobita variabilis</i>)	15,000
Painted/Ornate rock lobsters (<i>Panulirus versicolor</i> and <i>P. ornatus</i>)		20. None to be taken south of 21°44'S
Class Cephalopoda		200
Phylum Porifera		3000

(sponges)		
Class Polychaeta (worms)		4000
Algae	No crustose coralline algae associated with 'live rock'	No more than 100 litres per day
Seagrasses		No more than 60 litres per day
Order Corallimorpharia/ Order Zooanthidea		No more than 60 litres combined per day.

7.APPENDIX 3: FINAL DRAFT OF DAILY LOGBOOKS