



Australian Government

Department of the Environment and Water Resources

Assessment of the
Western Australia South Coast Crustacean Fishery

November 2007

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

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Table 1: Summary of the Western Australia South Coast Crustacean Fishery (SCCF)

<p>Publicly available information relevant to the fishery</p>	<ul style="list-style-type: none"> • Western Australia (WA) <i>Fish Resources Management Act 1994</i>; • WA <i>Fisheries Resources Management Regulations 1995</i> (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery); • <i>Windy Harbour-Augusta Rock Lobster Fishery Management Plan 1987</i>; • <i>Esperance Rock Lobster Fishery Management Plan 1987</i>; • <i>Fish Traps Prohibition Notice 1994 and associated Fishing Boat Licence condition 105</i> (as they relate to the deep sea crab component of the fishery); • WA Department of Fisheries (DoF), <i>State of the Fisheries Reports (SoFR)</i>; • DoF, <i>Final Application to the Australian Government Department of Environment and Heritage on the South Coast Crustacean Fishery — May 2004</i>; • DoF, <i>Application to the Department of the Environment and Water Resources on the South Coast Crustacean Fishery — August 2007</i> • Department of Environment and Water Resources (DEW — formerly the Department of Environment and Heritage), <i>Assessment of the Western Australian South Coast Crustacean Fishery, September 2004</i>.
<p>Area</p>	<p>The SCCF extends from Commonwealth and State waters adjacent to the State of WA, from Augusta to the WA/South Australia border.</p>
<p>Fishery status</p>	<p>The <i>State of the Fisheries Report 2005/06</i> reports that a stock assessment for the fishery has been completed, however insufficient information is available to complete a detailed stock assessment and breeding stock levels are uncertain. Rock lobster catches have seen a decline of 60 per cent over the last five seasons which suggests the model used for assessing the performance of southern rock lobster catch may be inadequate.</p>
<p>Target Species</p>	<p>The SCCF targets southern rock lobster (<i>Jasus edwardsii</i>), western rock lobster (<i>Panulirus cygnus</i>), champagne crab (<i>Hypothalassia acerba</i>), crystal crab (<i>Chaceon bicolour</i>) and giant crab (<i>Pseudocarcinus gigas</i>). Information on the biology of these species can be found in the DoF 2004 SCCF submission and the DEW 2004 assessment of the fishery at: http://www.environment.gov.au/coasts/fisheries/wa/south-coast-crustacean/index.html.</p>
<p>Byproduct Species</p>	<p>A variety of finfish, sharks and octopus.</p>
<p>Gear</p>	<p>Rock lobster pots and some purpose-built steel traps, all with escape gaps of prescribed dimensions.</p>
<p>Season</p>	<p>Rock lobsters: 15 November to 30 June. Deep-sea crabs: year round.</p>
<p>Commercial harvest</p>	<p>2002/03: 61 tonnes (t) southern rock lobster and 30 t deep sea crabs 2003/04: 47 t southern rock lobster and 29.9 t deep sea crabs</p>

	<p>2004/05: 39 t southern rock lobster and 20 t deep sea crabs</p> <p>Harvest of western rock lobster is not reported due to confidentiality provisions relating to the small number of licences.</p>
Value of Commercial Harvest	Estimated value of \$1.4 million (2004/05).
Take by other sectors	<p>The recreational catch of southern rock lobster on the south coast is estimated to be 5 t per year.</p> <p>Species taken in the SCCF are also harvested in the WA West Coast Deep Sea Crab Interim Managed Fishery, WA Western Rock Lobster Fishery and South Australia (SA) Southern Rock Lobster Fishery.</p>
Commercial licences issued (04/05)	44 (2 Windy Harbour/Augusta Rock Lobster Managed Fishery (WHARLMF); 11 Esperance Rock Lobster Managed Fishery (ERLMF); 31 Albany and Great Australian Bight zones).
Management arrangements	<p>The SCCF is comprised of four fisheries (two managed fisheries, WHARLMF and ERLMF and two fishery zones, the Albany Region and Bight Region).</p> <p>Management arrangements in the SCCF include a combination of input and output controls which include:</p> <ul style="list-style-type: none"> • limited entry licensing; • limited pot numbers for rock lobster fishery (during rock lobster season deep sea crab fishers can only use the number of pots endorsed on rock lobster licence); • gear restrictions; • closed season for rock lobsters; • spatial restrictions; and • prohibition on take of berried and tarspot females; and minimum size limits (southern rock lobster — 98.5 mm carapace length (CL); western rock lobster — 77 mm CL from 15 November to 31 January and 76 mm CL from 1 February to 30 June; champagne crab — 92 mm CL; giant crab — 140 mm CL; and voluntary minimum size crystal crab — 120 mm CL).
Export	Product from the SCCF is primarily exported live to Asian markets.
Bycatch	Bycatch in the SCCF is considered negligible given the fishing gear and species-targeting practices which limit the take of bycatch species. Small numbers of finfish, hermit crabs, seastars, octopus and other invertebrates.
Interaction with Protected Species	Interactions with seals and sea lions are rare. Potential for interactions with whales, dolphins and turtles.
Ecosystem Impacts	Pot fishing is relatively benign in nature and therefore unlikely to cause significant impacts to the physical ecosystem. A risk assessment completed for the fishery assessed the risk of ecosystem impacts such as the impact of pots on benthic biota as negligible.

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

Condition	Progress	Recommended Action
<p>Operation of the fishery will be carried out in accordance with the SCCF management regime in force under the <i>Fish Resources Management Act 1994</i>;</p>	<p>The fishery has operated in accordance with the legislated management regime over the course of the current export approval.</p>	<p>This condition has been met and will continue to apply under the new export approval for the SCCF (Condition 1, Table 4).</p>
<p>The Department of Fisheries, Western Australia (DoF) will inform DEW of any material change to the legislated management plan and/or arrangements that could affect the criteria on which EPBC decisions are based, within 3 months of that change being made;</p>	<p>DEW has not received any advice from DoF to suggest that changes have occurred to the management regime since the last assessment of the fishery.</p>	<p>This condition has been met and as part of the new export approval this will continue to apply for this fishery (Condition 2, Table 4).</p>
<p>Reports to be produced and presented to DEW annually, and to include:</p> <ul style="list-style-type: none"> • information sufficient to allow assessment of the progress of DoF in implementing the recommendations made in the <i>Assessment of the South Coast Crustacean Fishery 2004</i> • 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 • Research undertaken or completed relevant to the fishery. 	<p>Annual status for the SCCF is reported in the WA State of the Fisheries Reports (SoFR) which are publicly available from the DoF website. The reports contain information on the performance of the fishery, catch and effort trends and research undertaken relevant to the fishery. The SoFR reports against the performance measure of southern rock lobster catch in the ERLMF.</p>	<p>As DEW is recommending a short-term Wildlife Trade Operation (WTO) declaration for the SCCF, a specific reporting condition has been made for DoF to report on progress on implementing priority actions in the SCCF (Condition 4, Table 4).</p>

Recommendation	Progress	Recommended Action
<p>The ESD Report, including all performance measures, responses and information requirements to be incorporated into the management regime and decision making process.</p>	<p>DoF report that formal policy guidelines are being developed for all WA fisheries which will include governance, ecological, economic and social objectives and performance measures. The development of policy guidelines for the SCCF has yet to commence and it is not anticipated in the immediate future given other priorities in the fishery.</p>	<p>DEW considers it a priority that a fishery has performance measures and is less concerned with the specific approach taken to formally incorporate these into a management regime. The progress update provided by DoF on this recommendation indicates a reluctance to establish performance measures before information requirements or alternate management actions are identified. DEW has made a condition to address the immediate priority for management action to address the sustainability concerns in the SCCF including the development of robust performance measures (Condition 3, Table 4).</p>
<p>DoF to advise DEW of any material change to the fishery's legislated management regime that could affect the criteria on which EPBC decisions are based, within 3 months of that change being made.</p>	<p>DoF report that there have been no changes to the legislated management regime since the last assessment of the fishery.</p>	<p>None. DEW expects that DoF will advise of any changes to the management regime in the future. This recommendation remains in force under the new export approval (Condition 2, Table 4).</p>
<p>DoF to ensure, where appropriate, that any relevant recreational and conservation interests in the fishery are considered through consultative mechanisms. In particular, in consolidating management arrangements for the sectors of the fishery and in the development of the proposed management plan, objectives, performance indicators and measures, DoF to specifically seek participation by conservation and recreational interests.</p>	<p>DoF supports and encourages broad stakeholder engagement in consultation process. However DoF advise that no consultation processes have occurred which have required involvement with recreational and conservation sectors.</p>	<p>DEW expects that DoF will stand by its commitment to consult with a broad range of stakeholders including the recreational and conservation sectors. DEW notes that DoF will be consulting with stakeholders in the coming months about the potential for new precautionary management arrangements for the SCCF. As such DEW has incorporated the requirement of broad consultation within the Condition 3.</p>

<p>By December 2006, DoF to develop fishery specific objectives linked to performance indicators and performance measures for southern rock lobster and all target deep-sea crab species and key by-product species. DoF to also incorporate into the management regime an objective to minimise protected/listed species interactions, to minimise or maintain at sustainable levels the take of other non-retained species and to minimise impacts on the marine environment.</p>	<p>There has been no progress on the development of objectives, performance measures and indicators over the last 3 years. DoF advise that this is due to the lack of robust scientific data to base such measures.</p> <p>Recent catch trends for southern rock lobster in the ERLMF suggest that the performance indicator is too high.</p> <p>DoF accepts that current performance measures for the SCCF are inadequate and considers that an immediate review of the management measures must occur irrespective of the existence of performance indicators.</p>	<p>DEW agrees that prompt action must be taken to address the decreasing catch levels and latent effort in the fishery. A new condition has been made as part of the short-term WTO declaration for DoF to take prompt action to ensure the sustainable management of the SCCF and address the inadequate performance measures currently used in the fishery (Condition 3, Table 4).</p>
<p>DoF to conduct, within 12 months, a compliance risk assessment to determine the most effective use of resources and to specify the measures needed to ensure adequate compliance with the management regime. Within two years, DoF to develop and implement a compliance strategy for the fishery that includes clear management actions and the means of measuring the performance of the strategy on a defined and regular basis.</p>	<p>A compliance workshop was held on 15 March 2005 to identify and rank compliance risks for the fishery. A range of land and sea based compliance strategies have been identified to address risks such as fishing for rock lobster out of season, in unauthorised areas and taking undersized lobsters. DoF advise that details of these strategies cannot be made public to ensure that the integrity of compliance programs is not compromised.</p>	<p>None. DEW commends DoF for holding the compliance workshop and developing compliance strategies for the SCCF. Noting that the SCCF will be moving to revised management arrangements, DoF will need to consider reviewing the compliance risks for the SCCF once these changes are in place.</p>
<p>DoF, in its Annual State of the Fisheries Report (SoFR), to report on the performance of the fishery against performance measures that relate to the sustainability of the fishery.</p>	<p>DoF report that performance of the fishery is reported in the annual SoFR with annual southern rock lobster catch in the ERLMF measured against a 40 t performance indicator. Reporting in the SoFRs over the last three years shows a declining catch against the 40 t performance indicator from 30 t in 2002/03 to</p>	<p>DEW commends DoF for reporting WA fisheries performance in a consolidated annual report. In relation to improved and additional objectives, performance measures and indicators for the SCCF, DEW has incorporated this within Condition 3.</p>

	16 t in 2004/05. The SoFR also reports that a 25% reduction in effort occurred in the 2005/06 season, however this has been due to various reasons and was not a management response to declining catches.	
DoF to review the research information needs and priorities to meet the management information, stock assessment and performance measurement needs of the fishery. Analysis of research needs should take into account any gaps in the basic biological parameters required for stock assessment of southern rock lobster and the deep-sea crab species and the need to examine the appropriateness of the current legal minimum size limit for southern rock lobster. DoF to develop a research strategy to address identified priority areas and explore ways to cooperatively share in or take advantage of research done in adjacent fisheries with shared stocks.	<p>DoF advise that research and information requirements have been reviewed. DoF report that the large cost in undertaking research is not commensurate with the limited funding for the fishery.</p> <p>A compulsory research logbook is being considered as part of the more conservative management approach and to improve the quality of fishery dependent data. This will be addressed in the discussion paper and will require discussion with industry on increased cost recovery to fund the initiative. An increase in the minimum legal length of southern rock lobsters will also be considered as a possible management option.</p>	<p>While DEW notes that DoF reports it has reviewed research information needs, it is unclear how this has been done and what the outcomes, if any, have achieved. DEW recognises that the relatively small size and value of the SCCF has inherent limitations on what can practically be achieved. However noting that limited progress has been made to address any of these issues in the last three years, DEW considers that prompt action is required to address the insufficient data for the fishery. (Condition 3, Table 4)</p> <p>In considering increasing the minimum length for southern rock lobsters, DEW would expect DoF to examine the arrangements in the SA Southern Rock Lobster Fishery Northern Zone which has a minimum length of 105 mm CL.</p>
DoF to ensure that management arrangements to control the take of deep-sea crab stocks in the West Coast Deep Sea Crab Fishery and South Coast Crustacean Fishery provide consistent management arrangements for the species. In addition, DoF to pursue opportunities to actively engage with other relevant jurisdictions in pursuit of	DoF does not consider it appropriate to implement the same management arrangements for deep-sea crabs in west and south coast as the management arrangements need to take account of specific stocks, or parts of stocks, and due to the differences between a dedicated deep-sea crab fishery compared to a multi-species fishery.	<p>Due to the sustainability concerns in this fishery DEW considers that the priority for this fishery is to address the adequacy of the minimum size limit for the southern rock lobster. This issue has been included in Condition 3.</p> <p>DEW also notes that the SA Southern Rock</p>

<p>collaborative or complementary management and research of shared rock lobster stocks.</p>	<p>DoF reports that it is generally supportive of collaborative research and management, however it has not provided any details on how this has been achieved to date. Upcoming stakeholder consultation will be undertaken on an increase to the legal minimum length for southern rock lobster to ensure more consistency with the SA Southern Rock Lobster Fishery.</p>	<p>Lobster Fishery Northern Zone has recently reported an over fished stock status with a reduction in the relative biomass. Noting that WA and SA have shared southern rock lobster stocks, the current status of the SA fishery should be considered in assessing the performance of the SCCF.</p>
<p>By December 2006, DoF to review effort levels in the fishery and develop a strategy to ensure that fishery effort is managed at precautionary levels appropriate to the size of the rock lobster and deep-sea crab resources.</p>	<p>A draft discussion paper is being developed for stakeholder consultation in the coming months which will include proposed reductions in both latent and actual effort.</p> <p>DoF report that progress to limit the number of pots used to target deep sea crabs during the closed season for rock lobster has been delayed due to limited staffing resources.</p>	<p>DEW has incorporated the issue of latent effort within Condition 3.</p>
<p>As part of the review of the fishery, DoF to assess the adequacy of monitoring and assessment arrangements for detecting change and trends in bycatch composition and quantity.</p>	<p>DoF intends to consult with industry on funding for the implementation of a compulsory logbook program. The information collected under the proposed logbooks would allow for the assessment of trends in the composition and quantity of bycatch taken in the fishery.</p>	<p>DEW notes that data collection in the fishery is insufficient and not just in relation to bycatch. As such, prompt and effective action to improve the information base and assessment processes is required.</p> <p>Condition 3 includes the need for DoF to address improved data collection including bycatch in the discussion paper.</p>
<p>DoF to provide a mechanism, which allows fishers to record interactions with protected species/listed species. DoF to implement an education program to ensure that industry has the capacity to make these reports at an appropriate level to accuracy.</p>	<p>DoF intends to introduce a compulsory log book program which will be included in the discussion paper for consultation with stakeholders. The logbook will have an area dedicated to reporting protected species interactions. The new form of reporting will be accompanied by training suitable to the complexity of the new documents.</p>	<p>This issue of improved protected species interaction reporting has been incorporated within Condition 3.</p>

	In the interim, the catch and effort compulsory return logbooks have been modified to include a protected species interactions reporting section.	
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Table 3: The Department of the Environment and Water Resources (DEW) assessment of the SCCF against the requirements of the EPBC Act related to decisions made under Parts 13 and 13A

Part 13

Division 1 Listed threatened species Section 208A Minister may accredit plans, regimes or policies	DEW assessment of the SCCF
<p>Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"> (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; 	<p>In September 2004, the management regime for the SCCF, as managed under the <i>Windy Harbour Augusta Rock Lobster Fishery Management Plan 1987</i>, the <i>Esperance Rock Lobster Fishery Management Plan 1987</i>, the <i>WA Fish Resources Management Regulations 1995</i> (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the <i>Fish Traps Prohibition Notice 1994</i> and associated <i>Fishing Boat Licence condition 105</i> (as they relate to the deep sea crab component of the fishery), and the <i>WA Fish Resources Management Act 1994</i>, was accredited under this section of the EPBC Act. The management arrangements for the SCCF have not significantly changed since this accreditation was granted and interactions with listed threatened species are thought to be low. Consequently, a new Part 13 declaration is not needed at this time.</p>
Division 2 Migratory species Section 222A Minister may accredit plans, regimes or policies	DEW assessment of the SCCF
<p>Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <ul style="list-style-type: none"> (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: <ul style="list-style-type: none"> i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory; 	<p>In September 2004, the management regime for the SCCF, as managed under the <i>Windy Harbour Augusta Rock Lobster Fishery Management Plan 1987</i>, the <i>Esperance Rock Lobster Fishery Management Plan 1987</i>, the <i>WA Fish Resources Management Regulations 1995</i> (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the <i>Fish Traps Prohibition Notice 1994</i> and associated <i>Fishing Boat Licence condition 105</i> (as they relate to the deep sea crab component of the fishery), and the <i>WA Fish Resources Management Act 1994</i>, was accredited under this section of the EPBC Act. The management arrangements for the SCCF have not</p>

	significantly changed since this accreditation was granted and interactions with listed migratory species are thought to be a negligible risk. Consequently, a new Part 13 declaration related to listed migratory species is not needed at this time.
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Division 3 Whales and other cetaceans Section 245 Minister may accredit plans, regimes or policies	DEW assessment of the SCCF
Minister may, by instrument in writing, accredit for the purposes of this Division: (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory;	In September 2004, the management regime for the SCCF, as managed under the <i>Windy Harbour Augusta Rock Lobster Fishery Management Plan 1987</i> , the <i>Esperance Rock Lobster Fishery Management Plan 1987</i> , the <i>WA Fish Resources Management Regulations 1995</i> (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the <i>Fish Traps Prohibition Notice 1994</i> and associated <i>Fishing Boat Licence condition 105</i> (as they relate to the deep sea crab component of the fishery), and the <i>WA Fish Resources Management Act 1994</i> , was accredited under this section of the EPBC Act. The management arrangements for the SCCF have not significantly changed since this accreditation was granted and interactions with cetaceans is considered negligible. Consequently, a new Part 13 declaration related to cetaceans is not needed at this time.

Division 4 Listed marine species Section 265 Minister may accredit plans, regimes or policies	DEW assessment of the SCCF
Minister may, by instrument in writing, accredit for the purposes of this Division: (c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is: i. made by a State or self-governing Territory; and ii. in force under a law of the State or self-governing Territory;	In September 2004, the management regime for the SCCF, as managed under the <i>Windy Harbour Augusta Rock Lobster Fishery Management Plan 1987</i> , the <i>Esperance Rock Lobster Fishery Management Plan 1987</i> , the <i>WA Fish Resources Management Regulations 1995</i> (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the <i>Fish Traps Prohibition Notice 1994</i> and associated <i>Fishing Boat Licence condition 105</i> (as they relate to the deep sea crab component of the fishery), and the <i>WA Fish Resources Management Act 1994</i> , was accredited under this section of the EPBC

	Act. The management arrangements for the SCCF have not significantly changed since this accreditation was granted. Consequently, a new Part 13 declaration related to listed marine species is not needed at this time.
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Part 13A

Section 303DC Minister may amend list	DEW assessment of the SCCF
Minister may, by instrument in published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by: <ul style="list-style-type: none"> (a) including items in the list; 	No amendment to the list of exempt native specimens (LENS) is required as product sourced from the SCCF approved wildlife trade operation is already included on the LENS.

Section 303FN Approved wildlife trade operation	DEW assessment of the SCCF
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.	
The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that: <ul style="list-style-type: none"> (a) the operation is consistent with the objects of Part 13A of the Act; and (b) the operation will not be detrimental to: <ul style="list-style-type: none"> i. the survival of a taxon to which the operation relates; or 	<p>The SCCF is consistent with objects of Part 13A (listed after this table) as:</p> <ul style="list-style-type: none"> • the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species • there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see Table 1) • the operation of the SCCF is unlikely to be unsustainable and threaten biodiversity within the period of the short-term WTO declaration • the EPBC Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens. <p>DEW considers that the SCCF will not be detrimental to the survival or conservation status of a taxon to which it relates within the period of</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>the short-term WTO declaration, given the management measures currently in place, which include: limited entry, seasonal closures, gear restrictions; prohibition on take of berried and tarspot females and minimum size restrictions.</p> <p>DEW considers that the SCCF will not threaten any relevant ecosystem within the period of the short-term WTO declaration, given the management measures currently in place, which include: limited entry, seasonal closures, gear restrictions and prohibition on take of berried and tarspot females.</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>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>DEW considers that the SCCF will not have a significant impact on any relevant ecosystem within the period of the short-term WTO, given the management measures currently in place, which include: limited entry, seasonal closures, gear restrictions and prohibition on take of berried and tarspot females.</p> <p>DEW considers the management arrangements for this fishery are likely to be effective over the duration of the short-term WTO and have made a condition to ensure DoF addresses the long term management arrangements for the fishery as a priority.</p> <p>The stocks and fishery performance are reviewed annually and reported in the annual SoFR.</p>
<p>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</p>	<p>The SCCF is managed under the <i>Windy Harbour Augusta Rock Lobster Fishery Management Plan 1987</i>, the <i>Esperance Rock Lobster Fishery Management Plan 1987</i>, the <i>WA Fish Resources Management</i></p>

<p>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><i>Regulations 1995</i> (as they relate to the Albany and Great Australian Bight zones of the rock lobster pot fishery) and the <i>Fish Traps Prohibition Notice 1994</i> and associated <i>Fishing Boat Licence condition 105</i> (as they relate to the deep sea crab component of the fishery) and the <i>WA Fish Resources Management Act 1994</i>.</p> <p>The management regime for the SCCF applies throughout WA waters.</p> <p>DEW considers the management arrangements for this fishery are likely to be effective over the duration of the short-term WTO and have made a condition to ensure DoF addresses the long term management arrangements for the fishery as a priority.</p>
<p>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 SCCF is a commercial fishery.</p>

Section 303FR Public consultation	DEW assessment of the SCCF
<p>Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <p>(a) setting out the proposal to make the declaration; and</p> <p>(b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and</p> <p>(c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal.</p>	<p>DEW 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 SCCF a WTO and included the submission was released for public comment which closed on 12 September 2007 with two submissions received.</p>
<p>A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p>	<p>A public notice, which set out the proposal to declare the SCCF a WTO and included the submission was released for public comment on 15 August 2007 and closed on 12 September 2007, a total of 20 business days.</p>

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 DEW assessment has considered the public comments received on the submission.
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Section 303FT Additional provisions relating to declarations	DEW assessment of the SCCF
This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the SCCF will be made under section 303FN.
<p>The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <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>	<p>The standard conditions applied to commercial fishery WTOs include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime • notifying DEW of changes to the management regime. <p>It is recommended these standard conditions are applied to the SCCF WTO declaration.</p> <p>It is recommended that two additional conditions be applied to the short-term WTO declaration for this fishery. These are:</p> <ul style="list-style-type: none"> • DoF, by 30 June 2008, to publicly release a discussion paper on the proposed management arrangements for the SCCF, undertake broad consultation on the issues addressed in the paper and identify a way forward for improving the ecological sustainability of the fishery. • DoF to report on progress in implementing Condition 3 for the SCCF by 30 May 2008.
A condition may relate to reporting or monitoring.	An additional condition has been made which relates to reporting on the progress for implementing Condition 3.
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.	
A copy of an instrument under section 303FN, 303FO or 303FP or this section is to be made available for inspection on the Internet.	The instrument for the SCCF made under sections 303FN and 303FT will be gazetted and made available on the DEW website.

Section 391 Minister must consider precautionary principle in making decisions	DEW assessment of the SCCF
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.
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 conditions to DoF for the SCCF

The material submitted by DoF demonstrates that the management arrangements for the SCCF meet most of the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries*. Management arrangements include: limited entry, season closures, spatial restrictions, prohibition on take of berried and tarspot females, and size restrictions. As such, DEW 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.

In undertaking the assessment of the fishery, DEW has identified a number of risks and uncertainties that must be managed to ensure that impacts are minimised:

- the urgent need to review the fishery management arrangements due to ongoing declining catch rates;
- the significant amount of latent effort in the fishery;
- the lack of robust performance measures, indicators and reference ranges to monitor the performance of the fishery; and
- insufficient data collection and assessment processes.

DEW 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 conditions listed below have been made. The key challenges for this fishery will be developing and implementing more precautionary management arrangements to ensure the ongoing sustainability in the long term. DEW considers that, until it can be demonstrated that these priority actions have been progressed, a short-term Wildlife Trade Operation declaration until 16 July 2008 is appropriate.

Given the low level of protected species interaction under the current fishing operations, DEW 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. DEW 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.

For these reasons, the management arrangements were accredited under Part 13 of the EPBC Act in September 2004. Since there have been no changes to the management arrangements since the initial assessment of the fishery, DEW considers that the existing Part 13 accreditation remains valid.

Table 4: SCCF Assessment — Summary of Issues and Conditions, October 2007

	Issue	DEW WTO Condition
1	<p><u>General Management</u> Export decisions relate to the arrangements in force at the time of the decision. In order to ensure that these decisions remain valid, DEW 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.</p>	<p>Condition 1: <i>Operation of the fishery will be carried out in accordance with the SCCF management regime in force under the Fish Resources Management Act 1994;</i> [Generic condition]</p> <p>Condition 2: <i>DoF will inform DEW of any intended change to the legislated management arrangements that may affect the criteria on which EPBC decisions are based.</i> [Generic condition]</p>
2	<p><u>Need for revised precautionary management arrangements</u> The 2007 SCCF submission and the 2003/04 to 2005/06 <i>State of the Fisheries Reports</i> indicate that the current management arrangements are proving to be inadequate to ensure the sustainability of the fishery in the long term. Of particular concern is the excess level of latent effort, declining catches, insufficient data collection and lack of robust performance measures and indicators in the fishery. These issues were also identified as part of the 2004 assessment of this fishery. DEW acknowledges DoF has been constrained by resource issues, however the lack of progress in implementing key recommendations made during the 2004 assessment of this fishery is a concern.</p> <p>In the coming months DoF has advised they will consult with stakeholders on introducing a more precautionary management regime for the SCCF. The development of a discussion paper to address the sustainability issues in the fishery will facilitate consultation and ensure that an agreed approach</p>	<p>Condition 3: <i>By 30 June 2008, DoF to publicly release a discussion paper on the proposed management arrangements for the SCCF, undertake broad stakeholder consultation on the paper and identify a way forward for improving the ecological sustainability of the fishery. The discussion paper should address, but not be limited to, the following issues:</i></p> <ul style="list-style-type: none"> • <i>the removal of latent effort and reduction in actual effort;</i> • <i>improved data collection on target, byproduct and bycatch species and protected species interactions including the enhancement of compulsory logbooks;</i> • <i>consideration of increasing the legal minimum length for southern rock lobster;</i> • <i>implementation of restrictions on the number of pots per vessel for targeting deep sea crabs;</i>

	<p>between managers and stakeholders can be achieved. The strategies put forward by DoF for discussion with stakeholders include:</p> <ul style="list-style-type: none"> – implementation of compulsory research logbooks; – an increase in the legal minimum length for southern rock lobster; – removal of latent effort from the fishery; and – possible reductions in actual effort. <p>DEW considers the finalisation of this discussion paper and public consultation period to be a priority for the fishery. As such, DEW has made a condition as part of the short-term WTO declaration for DoF to release and consult on the discussion paper and identify a way forward for the fishery before the 30 June 2008.</p>	<ul style="list-style-type: none"> • <i>development of robust fishery specific objectives, performance measures, indicators and a management response framework for significant deviations to performance measures; and</i> • <i>development of a research strategy.</i>
3	<p><u>Reporting</u> DEW has recommended the fishery be given a short-term WTO declaration and has made a condition for the finalisation of a discussion paper on more precautionary management arrangements for the SCCF. As such, DoF will need to report to DEW on the progress in implementing Condition 3 in the lead up to the condition deadline.</p>	<p>Condition 4: <i>DoF to report on progress in implementing Condition 3 for the SCCF to DEW by 30 May 2008.</i></p>

References

DoF (2007). *Application to the Environment and Water Resources on the South Coast Crustacean Fishery Against the Guidelines for the Ecologically Sustainable Management of Fisheries*. 8 pages, Perth, Australia

DoF (2004). *Final Application to the Environment and Water Resources on the South Coast Crustacean Fishery Against the Guidelines for the Ecologically Sustainable Management of Fisheries*. 105 pages, Perth, Australia.

Department of Environment and Water Resources (2004) *Assessment of the Western Australian South Coast Crustacean Fishery*. 29 pages, Canberra, Australia.

Acronyms

CITES	Convention on International Trade of Endangered Species of Wild Fauna and Flora
CL	Carapace Length
DEH	Department of the Environment and Heritage
DEW	Department of the Environment and Water Resources
DoF	Department of Fisheries
ERLMF	Esperance Rock Lobster Managed Fishery
ESD	Ecologically Sustainable Development
LENS	List of Exempt Native Species
m	metre
mm	millimetre
SA	South Australia
SCCF	South Coast Crustacean Fishery
SoFR	State of the Fisheries Reports
t	tonnes
WA	Western Australia
WHARLMF	Windy Harbour/Augusta Rock Lobster Managed Fishery
WTO	Wildlife Trade Operation