



**Australian Government**

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

**Assessment of the  
SOUTH AUSTRALIAN BEACH-CAST MARINE  
ALGAE MANAGED FISHERY**

**SEPTEMBER 2021**

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This report should be attributed as '*Assessment of the South Australian Beach-Cast Marine Algae Fishery September 2021*, Commonwealth of Australia 2021'.

#### **Disclaimer**

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

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## **ASSESSMENT SUMMARY**

On 22 June 2021, the Department of Primary Industries and Regions, South Australia (PIRSA), submitted an application to the Department of Agriculture, Water and the Environment (the Department), which sought for the South Australian Beach-Cast Marine Algae Fishery to be assessed as an approved Wildlife Trade Operation under the *Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act).

A public comment period on the application was open from 15 July 2021 - 16 August 2021. Seven public comment submissions were received.

### **Fishery management arrangements**

PIRSA manage the fishery in accordance with the *Fisheries Management Act 2007* (SA), which provides a statutory framework to ensure the ecologically sustainable management of South Australia's aquatic resources. The regulations that govern the management of commercial harvest of beach-cast seagrass and marine algae in South Australia are the Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013 (SA); the Fisheries Management (Miscellaneous Fishery) Regulations 2015 (SA), and the Fisheries Management (General) Regulations 2017 (SA).

There are two non-transferrable Miscellaneous Fishery licences in SA, permitting the harvest of accumulated, dead, beach-cast seagrass and marine algae on beaches (referred to as wrack). One of the licences (Y080) is held by a local government Council, allowing for removal of seagrass from local town beaches (for amenities purposes). The other licence (Y078) is held by a private company and the operations are commercial in nature. An Exploratory Permit (EP003) was also active in the fishery over the previous assessment period. This expired on 30 June 2021. At the time of writing, PIRSA is considering an application to continue exploratory harvesting in the fishery.

Harvesting is controlled by conditions attached to each licence and permit. PIRSA may issue additional permits during the term of this declaration and has given an undertaking that similar conditions will be attached to any new permits to ensure that harvesting does not have a detrimental impact on matters of national environmental significance under the EPBC Act.

Harvesting is limited to no more than 50 per cent of the available wrack within the harvesting area. Wrack is selectively harvested by hand with the aid of mechanical winches. A four-wheel drive vehicle is used to transport wrack, although restrictions apply to minimise the disturbance of important habitat and minimise the impacts to shorebird species. Licence conditions specify restrictions that aim to protect migratory shorebirds while they recuperate from and prepare for migration. Impacts to the environment and threatened species are minimised through area restrictions and harvesting timeframes. Harvesting is a land-based activity limited to sandy beaches and no wrack is to be removed from the water.

The management regime for the fishery is likely to ensure that harvesting is conducted in a manner that is not detrimental to the species collected or the broader ecosystem.

### **Target stocks**

Commercial wrack harvesting occurs between Kingston and Beachport in the southeast of South Australia on beaches around the shoreline of Lacepede and Rivoli Bays. This reassessment is specifically relevant to the area between Cape Jaffa and the Victorian border. Commercial harvest is under the Miscellaneous Fishery Licence (Y078) and Exploratory Fishery Permit (EP0003).

Species targeted include Bull Kelp (*Durvillaea potatorum*), Common Kelp (*Ecklonia radiata*), Giant kelp (*Macrocystis pyrifera*), and *Gracilaria* species. The wrack is not alive when it is harvested. The daily harvest is recorded in logbooks and reported to PIRSA each month. No species is identified as byproduct or bycatch.

The Department has determined the harvesting operations will not be detrimental to the survival or conservation status of the target species and considers the management regime for the fishery will ensure harvesting does not lead to overfishing.

### **Protected species and threatened ecological communities**

The Giant Kelp Forests of south-east Australia threatened ecological community (TEC) may occur offshore, and adjacent to the harvesting areas. Plant material from this TEC may detach from the seabed and wash ashore. However, the plant material is considered dead or dying when harvested, and therefore the fishery is unlikely to have a significant impact on the Giant Kelp Forest TEC.

The fishery does not harvest any threatened, endangered and protected species (TEPS) listed under the EPBC Act. However, the accumulation of wrack material provides an ecological benefit for the broader terrestrial and coastal ecosystems and is important for the ongoing survival of shorebird species.

The harvesting area has been identified as containing nationally and internationally important habitat for migratory shorebirds. While there have been no reported interactions with TEPS during the previous assessment period, the large numbers of shorebirds present in the fishery area increases the likelihood of interactions, the consequence of which may be high. It is important that collectors are able to identify individual shorebird species and understand what is an 'interaction' to ensure accurate reporting.

Given the management measures in place, including exclusion zones, seasonal restrictions and the mandatory reporting of any interactions, the Department considers the fishery is unlikely in the short-term to have a detrimental impact on TEPS.

### **Ecosystem impacts**

Accumulated wrack can stabilise coastal ecosystems and may contribute to the fertility and stability of substrates behind the fore dunes. Particulate matter from decomposing wrack also provides food for offshore species, including fish and benthic communities. The removal of large banks of wrack increases the risk of impacts to coastal and nearshore ecosystems.

An ecologically sustainable development (ESD) risk assessment was carried out on the marine harvest of marine algae in the southeast of South Australia in 2015. The risk assessment framework provides an objective and structured process for identifying and prioritising potential risks to the broader ecosystem from the fishery's operation. While this draft document was circulated for public comment, it has not been finalised and published.

To manage the risks and impacts of the fishery's operation, it is important that the risk assessment for the fishery be updated and finalised. This will ensure that suitable consideration is given to any new and emerging research. It will also allow for the effectiveness of any management arrangements which have come into force since the draft risk assessment was developed to be considered. A condition has been set to address this.

Licence and permit conditions include area and seasonal restrictions that will help to limit the impacts on the broader ecosystem. Given these and other management arrangements in place in the fishery, the Department has determined that the fishery is unlikely to have a significant impact on the environment in which it operates in the short-term.

## Conclusion

Following assessment against the criteria set out in Section 3 of the [Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition](#), the South Australian Beach-Cast Marine Algae Fishery has been found to meet the requirements of the EPBC Act.

On this basis, the Department considers it is appropriate to declare the harvest operations of the South Australian Beach-Cast Marine Algae Fishery as an approved Wildlife Trade Operation for three years (until 21 September 2024).

This declaration is subject to the conditions set out in Section 2 of this assessment document. Unless a specific time frame is provided, each condition must be addressed within the period of the approved Wildlife Trade Operation declaration for the fishery.

While the fishery is well managed, the Department has identified certain risks that must be managed via the conditions listed at Section 2 of this document. These conditions relate to:

- the need to update and publish an ESD risk assessment that considers the full impacts of the Beach-Cast Marine Algae Fishery on associated species, habitats, and ecological processes
- the need to address key risks identified through the ESD risk assessment via the development and implementation of any supporting management actions
- the need to implement measures to ensure that permit holders in the fishery, have the necessary resources tools to readily identify and report on any interactions with shorebirds (including Hooded Plovers).

## SECTION 1: ASSESSMENT SUMMARY

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime	5	4		<p><b>The management regime is effective.</b></p> <p>The overall management regime for the fishery aims to ensure that fishing is conducted in a manner that does not lead to overfishing.</p> <p>The harvesting of marine algae is a small-scale sector within the South Australian Miscellaneous Fishery. While there are no fishery-specific objectives, strategies and performance measures, general objectives and performance criteria contained in the broader South Australian legislation will ensure the fishery is adequately managed. PIRSA has also attached conditions to individual licences and permits that include permitted species, harvesting areas, exclusion zones and seasonal restrictions.</p> <p>Given its small scale, PIRSA does not undertake regular periodic reviews of the management arrangements.</p>
Principle 1 (target stocks)	2	2		<p><b>Target stocks are adequately managed.</b></p> <p>The management regime aims to ensure that fishing is conducted in a manner that does not lead to the over-harvesting of the beach-cast wrack resource, and by its nature the operation of the fishery is unlikely to be detrimental to the survival or conservation status of the target species in the short-term.</p> <p>The status of the fishery's target species stocks is currently undetermined (due to a lack of research and stock assessments). In response to these uncertainties, PIRSA takes a precautionary approach to managing the fishery, and continues to implement controls that support the biological requirements for migratory and threatened shorebirds.</p> <p>While some information is available on the distribution and spatial structure of the source stocks, there is very little information on the amounts washed ashore and available for harvesting or for use by migratory shorebirds.</p>

Principle 2 (bycatch and TEPS)		5		<p><b>Negligible impacts to bycatch. Risks to protected shorebird species is recognised as a priority issue and managed through appropriate permit conditions/management measures.</b></p> <p>Small animals may inhabit beach-cast wrack and may be unknowingly removed from the beach. However, bycatch is only required to be reported for species listed as threatened, endangered or protected.</p> <p>There is a lack of non-fishery related monitoring of the impact of harvesting on the broader ecosystem and on specific TEPS, particularly migratory shorebirds. Questions have also been raised about the capacity of licence holders to readily identify and avoid interactions with TEPS species.</p>
Principle 2 (ecosystem impacts)	1	4		<p><b>Ecological risk is inherently low due to the selective fishing method used and limited number of licences active in the fishery.</b></p> <p>An ESD risk assessment was carried out on the marine harvest of marine algae in the southeast of South Australia in 2015. While this draft document was circulated for public comment, it has not been finalised and published.</p> <p>To manage the risks and impacts of the fishery's operation, it is important that the ERA for the fishery be updated and finalised. This will ensure that suitable consideration is given to any new and emerging research and the cumulative impacts of all users on the beach-wrack resource and associated ecosystems. A condition has been set to address this.</p>
Part 12	N/A			<p><b>Not Applicable.</b></p> <p>The fishery operates within state waters only, and therefore does not impact on a Commonwealth marine area.</p>
Part 13	N/A			<p><b>Not Applicable.</b></p> <p>The fishery operates within state waters only, and therefore is not subject to the provisions under Part 13 of the EPBC Act.</p>
Part 13A	All met.			<p><b>Meets the requirements</b></p> <p>The fishery is consistent with the Provisions of Part 13A.</p>
Part 16	Met			<p><b>Meets the requirements</b></p> <p>The Department considers that precautionary measures are in place to prevent serious or irreversible environmental damage being caused by the fishery.</p>



## SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

PART 13A CONDITIONS – South Australian Beach-cast Marine Algae Fishery	
Issue	Condition
<p><b><u>General Management</u></b></p> <p>Export decisions relate to the management arrangements in force at the time of any decision(s) made under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).</p> <p>To ensure that the decision(s) remain valid and export approval continues uninterrupted, the Department of Agriculture, Water and the Environment needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision(s).</p> <p>This includes operational and legislated amendments that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.</p>	<p><b><u>Condition 1:</u></b></p> <p>Operation of the South Australian Beach-cast Marine Algae Fishery must be carried out in accordance with the management arrangements specified under the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Fisheries Management Act 2007</i> (SA)</li> <li>• Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013 (SA)</li> <li>• Fisheries Management (Miscellaneous Fishery) Regulations 2015 (SA)</li> <li>• Fisheries Management (General) Regulations 2017 (SA)</li> </ul> <p><b><u>Condition 2:</u></b></p> <p>The Department of Primary Industries and Regions, South Australia must inform the Department of Agriculture, Water and the Environment of any intended material changes to the South Australian Beach-cast Marine Algae Fishery management arrangements (including permit conditions) that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p> <p><b><u>Condition 3:</u></b></p> <p>The Department of Primary Industries and Regions, South Australia must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.</p>

<p><b><u>Annual reporting</u></b></p> <p>It is important that the Department of Primary Industries and Regions, South Australia (PIRSA) produces and presents reports to the department annually in order for the performance of the fishery and progress in implementing the conditions and other commitments described in this report to be monitored and assessed.</p> <p>Annual reports must be prepared in accordance with Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> and include: a description of the fishery; management arrangements in place; research and monitoring outcomes; catch data for the fishery; the status of the target stock; interactions with EPBC Act protected species; impacts of the fishery on the ecosystem in which it operates; and progress in implementing conditions described in the current assessment for the fishery.</p> <p>Electronic copies of the guidelines are available from the department's website at <a href="http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries">http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries</a>.</p>	<p><b><u>Condition 4:</u></b></p> <p>The Department of Primary Industries and Regions, South Australia must produce and present reports to the Department of Agriculture, Water and the Environment annually, as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>
<p><b><u>Ecological Risk Assessment and Management</u></b></p> <p>Many Australian fisheries have developed evidence-based, precautionary management frameworks to help manage risk and uncertainty, and achieve long-term sustainability and profitability by drawing on a wide range of available information. This process, which involves the development of an ecologically sustainable development risk assessment, is used to identify and prioritise key risks associated with the operation of the fishery and to identify potential areas of management response.</p> <p>A draft risk assessment was developed for the harvest of marine algae in South Australia's south-eastern region in 2015. While this draft document was circulated for public comment, it has not been finalised and published. Since this time, a number of new research reports have been released that may provide information that is relevant to the fishery's interaction with local ecosystems.</p> <p>To manage the risks and impacts of the fishery's operation, it is important that the risk assessment for the fishery be updated and finalised. This will ensure consideration is given to any new and emerging research. It will also allow for</p>	<p><b><u>Condition 5:</u></b></p> <p>By 1 September 2022, the Department of Primary Industries and Regions, South Australia must complete and publish an ecologically sustainable development risk assessment that considers the impacts of the Beach-Cast Marine Algae Fishery on associated species, habitats, and ecological processes. This should consider all relevant credible and documented information (including new and emerging research).</p> <p>In undertaking the review of the risk assessment, PIRSA should adopt the method and terminology set out by Fletcher et al. (2002). Under this framework, components of the fishing activity rated at a risk level of Moderate or higher require management action.</p> <p><b><u>Condition 6:</u></b></p> <p>By 1 April 2023, the Department of Primary Industries and Regions, South Australia, must publish a Management Policy and begin, or continue to implement, measures to address any risks categorised as Moderate or higher in the ecological risk assessment.</p> <p>The department's progress in implementing the Management Policy and any associated risk mitigation activities should be included in annual reports provided to the Department of Agriculture Water and the Environment (as specified at Condition 4 of the wildlife trade operation approval).</p>

<p>the effectiveness of any management arrangements that have come into force since the draft risk assessment was developed to be considered.</p> <p>The department considers it crucial that any significant risks identified through this process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders.</p>	
<p><b><u>Reliable fisheries data collection, validation and monitoring</u></b></p> <p>The accurate identification and reporting of any interactions with protected species is crucial for the monitoring and management of any associated ecological risks.</p> <p>A number of the stakeholder submissions to the assessment noted their concerns over the lack of data reported on protected species interactions in the SA Beach-cast Marine Algae Fishery. There were also concerns expressed over the capacity of permit holders to readily identify and report on any interactions with protected bird species.</p> <p>Given that one of the fishery permit conditions excludes harvesting within 100 metres of nesting and brooding Hooded Plovers, it is important that the permit holders have the necessary resources and tools to identify and avoid such situations. While the response from PIRSA suggests that at least one of the permit holders have previously received bird identification training, there would be value in this training being refreshed and extended to all permit holders.</p>	<p><b><u>Condition 7:</u></b></p> <p>By 1 July 2022, the Department of Primary Industries and Regions, South Australia must implement measures to ensure permit holders in the fishery have the necessary resources and tools to identify and report on any interactions with shorebirds (including Hooded Plovers) sighted within the area of the harvest.</p> <p>The outcomes of this process must be included in annual reports provided to the Department of Agriculture Water and the Environment (as specified at Condition 4 of the wildlife trade operation approval).</p>

## Notes:

### Assessment history:

Information on previous assessments for the South Australian Beach-Cast Marine Algae Fishery is available on the Department's website at:

<https://www.environment.gov.au/marine/fisheries/sa/seagrass>

- 1st assessment finalised August 2004 – LENS with four recommendations.
- 2nd assessment finalised June 2015 – WTO with five conditions.
- 3rd assessment finalised May 2018 – WTO with five conditions, expired 21 September 2021.

### Fishery reporting

Annual reports - The most recent annual report *2019/20 Annual report to the Commonwealth Department of Agriculture, Water and the Environment* was provided in May 2021. The report is updated annually, or as required.

### Key links:

#### Fishery information:

- SA commercial fisheries – [https://www.pir.sa.gov.au/fishing/commercial\\_fishing](https://www.pir.sa.gov.au/fishing/commercial_fishing)
- SA Beach-Cast Marine Algae Fishery – [http://www.pir.sa.gov.au/fishing/commercial\\_fishing/fisheries/miscellaneous\\_fishery](http://www.pir.sa.gov.au/fishing/commercial_fishing/fisheries/miscellaneous_fishery)
- Exploratory and developmental permit information – [http://pir.sa.gov.au/fishing/commercial\\_fishing/exploratory\\_and\\_development\\_permits](http://pir.sa.gov.au/fishing/commercial_fishing/exploratory_and_development_permits).
- SA Research and Development Institute (SARDI) – <http://pir.sa.gov.au/research>.
- Fishwatch – <http://www.pir.sa.gov.au/fishing/fishwatch>.
- EPBC Act Policy Statement 3.21 – Industry guidelines for avoiding, assessing, and mitigating impacts on EPBC Act listed migratory shorebird species – <http://www.environment.gov.au/epbc/publications/shorebirds-guidelines>.
- Wildlife conservation plan for migratory shorebirds – <http://www.environment.gov.au/biodiversity/publications/wildlife-conservation-plan-migratory-shorebirds>.

### Management plan

The fishery is managed under state legislation and regulations. There is no fishery-specific management plan.

### Enforcing legislation:

Operation of the South Australian Beach-Cast Marine Algae Fishery is in accordance with the management arrangements specified in:

- [Fisheries Management Act 2007](#) (SA)
- [Fisheries Management \(Miscellaneous Developmental Fishery\) Regulations 2013](#) (SA)
- [Fisheries Management \(Miscellaneous Fishery\) Regulations 2015](#) (SA)
- [Fisheries Management \(General\) Regulations 2017](#) (SA).

### Harvest strategy

There is no current harvest strategy for this fishery.

### Ecological Risk Assessment:

An ecologically sustainable development risk assessment was partially completed in 2015 (currently in draft form) and is available on the Department of Agriculture, Water and the Environment's website:

[Ecologically sustainable development \(ESD\) risk assessment of proposed activity to harvest beachcast marine algae](#) (draft, PIRSA, September 2015).

### Stock assessments and reports:

No stock assessment reports have been undertaken due to the limited scale of the fishery. The 2021 fishery submission indicates that harvest data taken from the fishery suggests there has been no significant changes to the status of the target stock (although there have been no formal stock assessments conducted).

### SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

Guidelines criteria	Comment
<p><b>THE MANAGEMENT REGIME</b></p> <p>The management regime does not have to be a formal statutory fishery management plan and may include non-statutory management arrangements or management policies and programs. The regime should:</p>	
<p>Be documented, publicly available and transparent.</p>	<p><b>Meets</b></p> <p>The management regime is documented, publicly available and transparent (see links above). The Beach-cast Marine Algae Fishery is managed by the Department of Primary Industries and Regions, South Australia (PIRSA) in accordance with the <i>Fisheries Management Act 2007 (SA)</i>, the Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013 (SA), the Fisheries Management (Miscellaneous Fishery) Regulations 2015 (SA), and the Fisheries Management (General) Regulations 2017 (SA).</p> <p>Recreational fishing (excluding Aboriginal traditional fishing) is managed separately under the <i>Draft Management Plan for Recreational Fishing in South Australia</i>. The Fisheries Management Act allows PIRSA to develop separate management plans for Aboriginal traditional fishing.</p>
<p>Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.</p>	<p><b>Meets</b></p> <p>The Fisheries Act requires PIRSA to consult with key stakeholders, including the general public, in relation to any changes to fishery management arrangements. PIRSA also consults with other state government agencies, including the Department of Agriculture, Water and the Environment, the Department of State Development (DSD), and the Department Infrastructure and Transport, and local governments as required.</p> <p>The harvesting of wrack is subject to licence conditions which have been developed in consultation with other state government agencies, local governments, licence holders and other stakeholders. Licence conditions specify methods of access and harvesting, and any relevant restrictions on harvesting activities considered necessary by PIRSA.</p>
<p>Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.</p>	<p><b>Partially meets</b></p> <p>There is no formal fishery management committee. However, given the fisheries small-scale, PIRSA consults directly with licence holders in relation to managing the harvesting and any associated impacts.</p> <p>There is no stock assessment process because cast wrack is not harvested live. However, PIRSA continues to collect and analyse information from monthly reports, which include the amounts and species collected and processed.</p>

<p>Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.</p>	<p><b>Partially meets</b></p> <p>Broad management objectives and performance criteria are included in the <i>Fisheries Management Act 2007 (SA)</i> although they are not regularly used to assess the fishery's effectiveness. Licence conditions provide more specific regulation and management of harvesting operations. Fishery performance is monitored via compliance programs and monthly logbook reports.</p>
<p>Be capable of controlling the level of harvest in the fishery using input and/or output controls.</p>	<p><b>Meets</b></p> <p>Currently, commercial wrack harvesting is a small-scale 'developmental fishery'. The harvest of seagrass or algal material is conducted between Kingston and Beachport in the southeast of South Australia on beaches around the shoreline of Lacepede and Rivoli Bays.</p> <p>The licence/permit holders are given access to specified areas of foreshore through licence/permit conditions. The commercial harvest is conducted by two licence holders (Miscellaneous Fishery Licence Y078 and Exploratory Fishery Permit EP0003) between Cape Jaffa and the Victorian border. Harvesting is sporadic and opportunistic, and generally occurs where large wrack accumulations are found on the foreshore, during winter and spring (when peak accumulations often occur after storms or strong winds).</p> <p>Current management controls include:</p> <ul style="list-style-type: none"> <li>• spatial closures (non-harvest and exclusion zones)</li> <li>• temporal arrangements reducing fishing effort (to allow normal behaviour of migratory shore-birds)</li> <li>• the use of specific harvesting methods (hand-collection may be assisted by mechanical winch)</li> <li>• additional conditions/restrictions included on commercial licences/permits.</li> </ul>
<p>Contain the means of enforcing critical aspects of the management arrangements.</p>	<p><b>Meets</b></p> <p>The fishery has effective enforcement capability. Compliance measures included random and targeted inspections of harvesting operations to ensure license and permit holders met agreed conditions. PIRSA monitors monthly catch and effort logbooks to determine the numbers and types of species harvested. There are also options for the broader public to comment on non-compliance through PIRSA Fishwatch service (see above link).</p>

<p>Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.</p>	<p><b>Partially meets</b></p> <p>There is no periodic review of the management arrangements in the fishery, including stock assessments. However, PIRSA may review the management arrangements at any time to ensure their continued efficiency.</p>
<p>Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives, and the fishery operates.</p>	<p><b>Partially meets</b></p> <p>Given the low number of harvesters in the fishery, the current management arrangements provide PIRSA with a general capacity to manage its broader impacts on local marine ecosystems.</p> <p>There is no specific monitoring program/independent monitoring or assessment in place for the amount of wrack on beaches, or for the potential impacts of harvesting on migratory shorebirds and the wider ecosystem. However, the licence conditions placed on the permits operating in the fishery provides some assurance that environmental impacts will be minimised. The use of geo-referencing cameras also allows PIRSA to collect additional evidence for monitoring harvesting activities and to estimate the amounts available for harvesting in each area.</p> <p>PIRSA monitors the quantity of harvest through monthly logbook reports. However, there is currently no data available for the amount of wrack that is harvested by other non-commercial and indigenous users.</p>
<p>Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy.</p>	<p><b>Meets</b></p> <p>The fishery appears to be compliant with relevant national environmental policies and plans, including the Department's policy statement in relation to avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species and the Wildlife Conservation Plan for Migratory Seabirds (see links above).</p> <p>A Recovery Plan (2006, managed by the Commonwealth, Victoria, South Australia, New South Wales and Tasmania) has been developed for the Orange-bellied Parrot (Critically Endangered under the EPBC Act). To mitigate the risk of the harvesting activity interacting with this bird species, management arrangements prohibit the harvest of beach-cast marine algae within four metres of the base of sand dunes. Beach access is restricted to existing access tracks.</p>



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

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

Information requirements

**1.1.1** There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.

**Partially Meets**

Harvesting data is recorded daily and includes the location and time of harvesting, the amounts and types of species harvested, the collection and processing methods used, the volume sold each month, and its intended use. This data is reported to PIRSA each month. However, no fishery independent data is collected. Cameras with geo-referencing technology provide photographic evidence of the harvesting area immediately before and after each harvest activity.

The licence holders are also required to report all wildlife/protected species interactions to PIRSA via their daily logbooks. This data is reported to PIRSA each month. The logbook data is collated annually and published by SARDI.

PIRSA's 2021 application indicated that data collected from the fishery suggests there has been no major change in the target stock's status. However, due to the nature and limited scale of the fishery, formal stock status reports have not been developed for key target stocks. There are also no historical records of wrack biomass, composition or turnover rates for beaches in South Australia.

Assessment

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

**Partially meets**

The target species stock status is undetermined. PIRSA advised that no up-to-date research is available to determine ecologically sustainable harvest levels, and that no formal stock assessments or surveys are planned for this fishery. This lack of baseline information makes it difficult to determine an appropriate ecologically sustainable level of harvesting.

The target species are harvested after they have detached from the marine substrate and been washed ashore. In response to these uncertainties, PIRSA has taken a precautionary and structured approach to ensure that harvesting is sustainable, and that harvesting continues to support the biological requirements for migratory and threatened shorebirds.

<p><b>1.1.3</b> The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p><b>Partially meets</b></p> <p>Information is available on the distribution and spatial structure of the source stocks (i.e. live plants attached to the seabed). However, there is very little information on the amounts available for harvest at any given time. The availability of wrack for harvesting is dependent on environmental activities that dislodge plants from the seabed and wash them ashore. These factors result in wrack being unevenly deposited along the foreshore. Harvesting is subsequently conducted sporadically and opportunistically, and times when storm activity is most frequent. There is very little information available in relation to the use of wrack by fauna and its onshore accumulation and decomposition.</p> <p>The available information has been factored into management arrangements. Precautionary management arrangements are in place and consider the inconsistent and infrequent distribution of harvestable material.</p>
<p><b>1.1.4</b> There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.</p>	<p><b>Partially meets</b></p> <p>Commercial operators provide reliable estimates of removals through monthly logbook reports to PIRSA. The information includes catch and effort data and sales records.</p> <p>The amounts harvested for recreational and Aboriginal traditional use, and by local councils for amenity purposes are unknown. However, there are no major alternative uses for the wrack, so these extractions are likely to be negligible.</p>
<p><b>1.1.5</b> There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.</p>	<p><b>Meets</b></p> <p>There is a sound estimate of the amounts harvested through monthly harvest data reported to PIRSA. This information may be used to estimate productivity in the future. The productivity is highly variable due to the sporadic and unpredictable availability of harvestable wrack. Harvesting is dependent upon environmental factors including inclement weather and wave and tidal activity.</p>
<p><b>Management responses</b></p>	
<p><b>1.1.6</b> There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.</p>	<p><b>Not applicable</b></p> <p>The target species can only be harvested from sandy beaches. No live marine plants are harvested. Therefore, the requirement for reference points that trigger management actions is not applicable.</p>

<p><b>1.1.7</b> There are management strategies in place capable of controlling the level of take.</p>	<p><b>Meets</b></p> <p>Suitable management arrangements are in place to control the level of take. These include limited entry; limits on the amounts permitted to be harvested in each harvesting area; and limits on harvesting equipment. Combined, these provide adequate control over the level of take.</p>
<p><b>1.1.8</b> Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p><b>Not applicable</b></p> <p>The fishery does not harvest any byproduct species.</p>
<p>(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)</p>	
<p><b>1.1.9</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Meets</b></p> <p>The fishery's management arrangements appear likely to maintain stocks within ecologically viable levels.</p>
<p><b>If overfished, go to Objective 2:</b></p> <p><b>If not overfished, go to PRINCIPLE 2:</b></p>	
<p><b>Objective 2</b> - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.</p>	
<p><b>Management responses</b></p>	
<p><b>1.2.1</b> A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.</p>	<p><b>Not applicable</b></p> <p>A precautionary recovery strategy is not required because harvesting wrack is unlikely to have a significant impact on stocks of native marine plants.</p>

<p><b>1.2.2</b> If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.</p>	<p><b>Not applicable</b></p> <p>Stocks are not considered to be at or below the biological or effort bottom line. Adequate management responses are in place, to minimise the impact on live marine plants.</p>
<p><b>PRINCIPLE 2</b> - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.</p>	
<p><b>Objective 1</b> - The fishery is conducted in a manner that does not threaten bycatch species.</p>	
<p><b>Information requirements</b></p>	
<p><b>2.1.1</b> Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.</p>	<p><b>Partially meets</b></p> <p>No information is available regarding the amounts or species discarded. Operators are only required to report bycatch if it is listed as a TEPS. Small animals (meiofauna) can be found in beach-cast wrack prior to collection. The draft ESD risk assessment notes there is the possibility for these animals to be unknowingly removed from the beach with the target species.</p>
<p><b>Assessment</b></p>	
<p><b>2.1.2</b> There is a risk analysis of the bycatch with respect to its vulnerability to fishing.</p>	<p><b>Partially meets</b></p> <p>The draft ESD risk assessment considered the impacts of inadvertent collection of non-target species during harvesting operations, and the impact of using motor vehicles to transport wrack along beaches within the harvesting area. It found that the fishery's impacts on bycatch species are likely to be negligible. However, the risk assessment is yet to be finalised. It is important that the risk assessment is updated and finalised. A number of the public submissions to the assessment noted that there was new and emerging research that could be relevant to the fishery and needed to be factored into the risk assessment. A condition has been set to address this issue.</p>

<b>Management responses</b>	
<b>2.1.3</b> Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	<p><b>Meets</b></p> <p>Management measures such as restrictions on the methods and gear used, exclusion zones and area restrictions help to minimise any impacts of fishing on bycatch species. There is no data available for bycatch, although it is considered negligible (due to hand-collection method used).</p>
<b>2.1.4</b> An indicator group of bycatch species is monitored.	<p><b>Not applicable</b></p> <p>No bycatch indicator species monitored. Bycatch is considered negligible.</p>
<b>2.1.5</b> There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	<p><b>Not applicable</b></p> <p>No bycatch indicator species monitored. Bycatch is considered negligible.</p>
<b>2.1.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<p><b>Meets</b></p> <p>Given the nature of harvesting, the likelihood of inadvertently removing bycatch species is low due to the selectivity of harvesting wrack. Therefore, the management response has a high chance of achieving the objective to conduct the fishery in a manner that does not threaten any bycatch species.</p>

**Objective 2** - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.

**Information requirements**

**2.2.1** Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.

**Partially Meets**

The Giant Kelp Forests of south-east Australia threatened ecological community (TEC) occur offshore, and adjacent to the harvesting areas. Plant material from this TEC may detach from the seabed and wash ashore. However, the plant material is considered dead or dying when harvested, and therefore the fishery is unlikely to have a significant impact on the Giant Kelp Forest TEC.

The harvesting area has been identified as containing nationally and internationally important habitat for migratory shorebirds. Operators are required to record any interaction with TEPS in Wildlife Interaction Logbooks and report this data to PIRSA as part of monthly logbook returns. PIRSA use this data to monitor TEPS interactions. However, there is no independent monitoring of the impact of harvesting on the broader ecosystem and on TEPS, particularly migratory shorebirds.

A number of the public submissions to this assessment voiced concern over the lack of any reported interactions with protected bird species during the period of the previous WTO arrangement. There was also some doubt over whether licence holders had the necessary knowledge, tools and resources to successfully identify key bird species and apply existing permit conditions. A condition has been set to address this issue.

## Assessments

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

### Partially meets

The 2021 submission by PIRSA to this assessment indicated that there had been no reported interactions with shorebirds or other protected species in the fishery during the period of the previous WTO arrangement.

A draft ESD risk assessment was developed for the harvest of marine algae in South Australia's south-eastern region in 2015. This identified the risk posed by the fishery to the broader environment as low. While this draft document was circulated for public comment, it has not been finalised and published. Since this time, several research reports have been released that may provide information relevant to the fishery's interaction with TEPS.

To manage the risks and impacts of the fishery's operation, it is important the ESD risk assessment be updated and finalised. This will ensure consideration is given to any new and emerging research. It will also allow for the effectiveness of any management arrangements to be considered. A condition has been set to address this issue.

In undertaking this review, the department recommends PIRSA to adopt the method and terminology set out by Fletcher et al. (2002). Under this framework, components of the fishing activity rated at a risk level of Moderate or higher require management action.

The Department also considers it crucial that any significant risks identified through this process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders. A condition has been set to address this issue.

**2.2.3** There is an assessment of the impact of the fishery on threatened ecological communities.

### Partially meets

The draft ESD risk assessment identified the risk posed by the fishery to the broader environment and threatened ecological communities as low. PIRSA has also developed and implemented a range of management practices and permit conditions in consultation with licence holders and other state government agencies.

To manage the risks and impacts of the fishery's operation, it is important the ESD risk assessment be updated and finalised. This will ensure consideration is given to any new and emerging research. It will also allow for the effectiveness of any management arrangements to be considered. A condition has been set to address this issue.

The Department also considers it crucial that any significant risks identified through this process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders. A condition has been set to address this issue.

<b>Management responses</b>	
<p><b>2.2.4</b> There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p>	<p><b>Partially Meets</b></p> <p>A number of management measures have been implemented to mitigate potential impacts to migratory shorebirds and to protect nesting or aggregation sites. Current licence conditions include the application of exclusion zones; seasonal effort restrictions and allied management arrangements; limiting harvest to greater than 4m from the base of dunes; prohibiting harvest within 100m of nesting or brooding hooded plovers; and limits of the type of vehicles and equipment that can used as part of the harvest process.</p> <p>To manage the risks and impacts of the fishery’s operation, it is important the ESD risk assessment be updated and finalised. This will ensure consideration is given to any new and emerging research. It will also allow for the effectiveness of any management arrangements to be considered. A condition has been set to address this issue.</p> <p>The Department also considers it crucial that any significant risks identified through this process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders. A condition has been set to address this issue.</p>
<p><b>2.2.5</b> There are measures in place to avoid impact on threatened ecological communities.</p>	<p><b>Not applicable</b></p> <p>See 2.2.3. above. While the fishery harvests plant material that originates from the Giant Kelp Forest TEC, the material is in a dead or dying state upon harvesting.</p>
<p><b>2.2.6</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Partially meets</b></p> <p>Conditions imposed on the fishery ensure that fishing is conducted in a way that is likely to be effective in avoiding impacts to protected species, and ecological communities. However, there are areas where the fishery could improve. These areas are built into the conditions for the Wildlife Trade Operation (as set out in Section 2).</p>



**Objective 3** - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.

**Information requirements**

**2.3.1** Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fishery's impact on the ecosystem and environment generally.

**Partially meets**

The draft ESD risk assessment was based on the national ESD framework, which considers information appropriate to the analysis in matters identified at 2.3.2. It identified a low risk to coastal and nearshore ecosystems in areas where wrack occurs.

To manage the risks and impacts of the fishery's operation, it is important the ESD risk assessment be updated and finalised. This will ensure consideration is given to any new and emerging research. It will also allow for the effectiveness of any management arrangements to be considered. A condition has been set to address this issue.

**Assessment**

**2.3.2** Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery.

1. Impacts on ecological communities
  - Benthic communities
  - Ecologically related, associated or dependent species
  - Water column communities
2. Impacts on food chains
  - Structure
  - Productivity/flows
3. Impacts on the physical environment
  - Physical habitat
  - Water quality

**Partially meets**

The draft ESD risk assessment collected and analysed information and subsequently assessed the fishery and its impact on retained species, non-retained species and general ecosystem impacts (including erosion, trophic level interactions, water quality).

To manage the risks and impacts of the fishery's operation, it is important the ESD risk assessment be updated and finalised. This will ensure consideration is given to any new and emerging research. It will also allow for the effectiveness of any management arrangements to be considered. A condition has been set to address this issue.

<b>Management responses</b>	
<p><b>2.3.3</b> Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>	<p><b>Partially meets</b></p> <p>PIRSA, in consultation with licence holders, other state government agencies, local councils, and other key stakeholders has implemented management actions to minimise the risks to the environment in which the fishery operates.</p> <p>However, the Department considers it is crucial that any significant risks identified through the updating of the ESD risk assessment process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders. A condition has been set to address this.</p>
<p><b>2.3.4</b> There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.</p>	<p><b>Partially meets</b></p> <p>No decision rules are in place to trigger management actions, if monitoring were to detect any significant impacts of harvesting.</p> <p>The amount of wrack available for foraging and nesting is an important determinant of the numbers of shorebirds that use the habitat. The numbers of migratory shorebirds may be considered an ecosystem indicator. It is important that data is collected through regular monitoring. This information will help to identify risks as they occur to allow rapid implementation of management measures to minimise the impacts to shorebird populations in the harvesting area.</p> <p>The Department considers it is crucial any significant risks identified through the updating of the ESD risk assessment process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders. A condition has been set to address this.</p>
<p><b>2.3.5</b> The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p><b>Partially meets</b></p> <p>Considering uncertainties in the assessment and precautionary management actions, the fishery has a reasonable chance of achieving the objective to conduct harvesting in a manner that minimises the impact of fishing operations on the ecosystem in which the fishery operates</p> <p>However, the Department considers it is crucial any significant risks identified through the updating of the ESD risk assessment process are responded to. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders. A condition has been set to address this.</p>

## SECTION 4: ASSESSMENT OF THE SOUTH AUSTRALIAN BEACH-CAST MARINE ALGAE FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

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

### Part 12 – Identifying and monitoring biodiversity and making bioregional plans

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	<b>Not applicable.</b> No marine bioregional plan applies to the South-east Marine Bioregion in which the fishery operates.

### Part 13 – Species and communities

No Part 13 accreditation is required because the fishery operates completely within the state jurisdiction.

### Part 13A – International movement of wildlife specimens

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <ul style="list-style-type: none"> <li>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;</li> <li>(b) to protect wildlife that may be adversely affected by trade;</li> <li>(c) to promote the conservation of biodiversity in Australia and other countries;</li> <li>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;</li> <li>(e) to promote the humane treatment of wildlife;</li> <li>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</li> <li>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.</li> </ul>	<p>The management arrangements for the South Australian Beach-cast Marine Algae Fishery have been assessed as consistent with the general guidance provided in the objects of Part 13A as:</p> <ul style="list-style-type: none"> <li>• the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species</li> <li>• there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way</li> <li>• the operation of the SA Beach-cast Marine Algae Fishery is unlikely to be unsustainable and threaten biodiversity within the next three years, and</li> <li>• the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.</li> </ul>

Section 303 CG Minister may issue permits (CITES species)	Comment
(3) The Minister must not issue a permit unless the Minister is satisfied that: (a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to: (i) the survival of any taxon to which the specimen belongs; or	<b>Not applicable</b> – The fishery does not harvest species listed under CITES.
(ii) the recovery in nature of any taxon to which the specimen belongs; or	<b>Not applicable</b> – The fishery does not harvest species listed under CITES.
(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and	<b>Not applicable</b> – The fishery does not harvest species listed under CITES.
Section 303DC Minister may amend list (non CITES species)	Comment
(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by: (a) doing any of the following: (i) including items in the list; (ii) deleting items from the list; (iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (b) correcting an inaccuracy or updating the name of a species.	The Department recommends that specimens taken in the South Australian Beach-cast Marine Algae Fishery, as defined in the <i>Fisheries Management Act 2007</i> (SA), Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013 (SA), Fisheries Management (Miscellaneous Fishery) Regulations 2015 (SA), Fisheries Management (General) Regulations 2017 (SA), but not including: (a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or (b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or (c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or (d) specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List) be included in the List of Exempt Native Specimens while the South Australian Beach-cast Marine Algae Fishery is subject to a declaration as an approved Wildlife Trade Operation.
(1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes from an assessment under Part 10, Divisions 1 or 2	<b>Not applicable</b> The fishery is not managed by the Commonwealth.

<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p><b>Meets</b></p> <p>Although there is no strategic assessment under Part 10 of the EPBC Act, the Department considers its assessment has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.</p>
<p>(3) Before amending the LENS, the Minister must consult:</p> <p>(a) other Minister or Ministers as appropriate; and</p> <p>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and</p> <p>(c) other persons and organisations as appropriate.</p>	<p><b>Meets</b></p> <p>The submission from the the Department of Primary Industries and Regions, South Australia, was made available on the Department’s website from 15 July 2021 - 16 August 2021. Seven comments were received.</p>
Section 303FN Approved wildlife trade operation	Comment
<p>(2) The Minister may, by instrument published in the Gazette, declare that a specified wildlife trade operation is an approved wildlife trade operation for the purposes of this section.</p>	<p><b>Yes</b>, the instrument to declare the fishery as an approved wildlife trade operation under section 303FN will be registered on the Federal Register of Legislation (FRL) and a link to the instrument made available through the Department’s website.</p> <p>Under subsection 56(1) of the <i>Legislation Act 2003</i> (CTH), registration on the FRL meets the requirements for gazettal.</p>
<p>(3) The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is <b>satisfied</b> that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p>(i) the survival of a taxon to which the operation relates; or</p> <p>(ii) the conservation status of a taxon to which the operation relates; and</p> <p>(ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and</p>	<p><b>Meets</b></p> <p>The operation of the fishery is consistent with Objects of 13A – see assessment against the Guidelines (Section 3).</p> <p>The fishery will not be detrimental to the survival or conservation status of a taxon to which it relates, nor will it threaten any relevant ecosystem, within the period of the new export declaration, given the management measures currently in place, which include limited entry, areal closures, gear restrictions.</p>
<p>(c) if the operation relates to the taking of live specimens that belong to a taxon specified in the regulations – the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and</p>	<p><b>Not applicable</b></p> <p>The EPBC Regulations 2000 do not specify the harvested specimens as a class of animal in relation to the welfare of live specimens. The target species are dislodged from the substrate by natural events, and harvested in a dead or dying state.</p>

<p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p><b>Not applicable</b> No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.</p>
<p>(4) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have <b>regard</b> to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p>	<p><b>Meets</b> The South Australian Beach-cast Marine Algae Fishery will not have a significant impact on any relevant ecosystem within the next three years, given the management measures currently in place, which include the arrangements described above at s303FN 3(b).</p>
<p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p><b>Meets</b> The management arrangements that will be employed for the South Australian Beach-cast Marine Algae Fishery, as outlined in in the assessment against the Guidelines (above), are likely to be effective.</p> <p>However, it is important that the Department of Primary Industries and Regions, South Australia implements the conditions specified in Section 2 of this assessment.</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have <b>regard</b> to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p><b>Meets</b> Operation of the South Australian Beach-cast Marine Algae Fishery must be carried out in accordance with the management arrangements specified in:</p> <ul style="list-style-type: none"> <li>• <i>Fisheries Management Act 2007</i></li> <li>• Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013 (SA)</li> <li>• Fisheries Management (Miscellaneous Fishery) Regulations 2015 (SA)</li> <li>• Fisheries Management (General) Regulations 2017 (SA).</li> </ul> <p>The <i>Fisheries Management Act 2007</i> applies throughout SA waters. The Department considers that the legislation is likely to be effective.</p>
<p>(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, and only if, the operation is an operation for the taking of specimens and:</p> <p>(a) the operation is a commercial fishery.</p>	<p><b>Meets</b> The South Australian Beach-cast Marine Algae Fishery is a commercial fishery.</p>

<p>(10A) In deciding whether to declare that a commercial fishery is an approved wildlife trade operation for the purposes of this section, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p> <p>(10B) Subsection (10A) does not limit the matters that may be taken into account in deciding whether to declare that a fishery is an approved wildlife trade operation for the purposes of this section.</p>	<p><b>Not applicable</b></p> <p>There has been no request or agreement to assess the fishery under Part 10 Division 1, and the fishery is not managed by the Commonwealth, so Part 10 Division 2 does not apply.</p> <p>No assessment of the South Australian Beach-cast Marine Algae Fishery has been carried out under Part 10 of the EPBC Act, as it is not a Commonwealth managed fishery.</p>
Section 303FR Public consultation	Comment
<p>(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice:</p> <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>(2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet.</p> <p>(3) In making a decision about whether to make a declaration under section 303FN, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.</p>	<p><b>Meets</b></p> <p>A public notice, setting out the proposal to declare the South Australian Beach-cast Marine Algae Fishery as an approved Wildlife Trade Operation, and which included the application from the Department of Primary Industries and Regions, South Australia, was released for public comment on 15 July 2021. The opportunity for public comment was open until 15 July 2021 - 16 August 2021 (a minimum of 20 business-days).</p> <p>Seven public comments were received. These raised concerns over the adequacy of the current permit conditions in minimising interactions with protected bird species; the monitoring and reporting of such interactions; the need to consider new and emerging research; and the need for additional research to better understand the full impact of the harvesting operations.</p> <p>The Department's assessment has considered the public comments received on the submission and addressed the issue through conditions outlined in Section 2 of this assessment.</p>
Section 303FT Additional provisions relating to declarations	Comments
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>A declaration for the South Australian Beach-cast Marine Algae Fishery will be made under section 303FN.</p>
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p>	<p>The standard conditions applied to a commercial fishery Wildlife Trade Operation include:</p>

<p>(a) during a particular period; or  (b) while certain circumstances exist; or  (c) while a certain condition is complied with.</p> <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<ul style="list-style-type: none"> <li>• operation in accordance with the management regime</li> <li>• notifying the Department of changes to the management regime, and</li> <li>• annual reporting in accordance with the requirements of the Australian Government <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i>.</li> </ul> <p>The Wildlife Trade Operation instrument for the South Australian Beach-cast Marine Algae Fishery specifies the standard and any additional conditions applied.</p>
<p>(8) A condition may relate to reporting or monitoring.</p>	<p>One of the standard conditions relates to reporting.</p>
<p>(9) The Minister must, by instrument published in the <i>Gazette</i>, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.</p>	<p>Not applicable</p>

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

Section 391 Minister must consider precautionary principle in making decisions	Comment
<p>(1) Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.</p> <p>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.</p>	<p><b>Meets</b></p> <p>Given the various management arrangements implemented in the fishery, including limited entry, closures, and gear restrictions, suitable precautionary measures are considered to be in place to prevent serious or irreversible environmental damage being caused by this fishery.</p> <p>The assessment has identified a range of issues that require attention by the Department of Primary Industries and Regions, South Australia. The conditions proposed for inclusion 13A approvals are designed to address these issues and represent a precautionary approach to the management of environmental uncertainty and risk.</p> <p>The management regime, when supported by these conditions, should be enough to prevent serious or irreversible environmental damage being caused by this fishery.</p>



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