



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Assessment of the
**WA West Coast Deep Sea Crustacean Managed
Fishery**

April 2013

© Commonwealth of Australia 2013

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth, available from the Department of Sustainability, Environment, Water, Population and Communities. Requests and inquiries concerning reproduction and rights should be addressed to:

Assistant Secretary
Marine Biodiversity and Biosecurity Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
Canberra ACT 2601

Disclaimer

This document is an assessment carried out by the Department of Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities 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 Sustainability, Environment, Water, Population and Communities or the Australian Government.

While reasonable efforts have been made to ensure that the contents of this report are factually correct, the Australian Government does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this report. You should not rely solely on the information presented in the report when making a commercial or other decision.

Contents

Table 1:	Summary of the Western Australian West Coast Deep Sea Crustacean Managed Fishery	1
-----------------	---	----------

Table 1 contains a brief overview of the operation of the fishery, including: the gear used, species targeted, byproduct species, bycatch species, annual catch, management regime and ecosystem impacts.

Table 2:	Progress in implementation of conditions and recommendations made in the 2010 assessment of the Western Australian West Coast Deep Sea Crustacean Managed Fishery	5
-----------------	--	----------

Table 2 contains an update on the progress that has been made by the Western Australian Department of Fisheries in implementing the conditions and recommendations made in the 2010 assessment.

Table 3:	The Department of Sustainability, Environment, Water, Population and Communities' assessment of the Western Australian West Coast Deep Sea Crustacean Managed Fishery against the requirements of the EPBC Act related to decisions made under Part 13 and Part 13A.....	9
-----------------	---	----------

Table 3 contains the department's assessment of the fishery's management arrangements against all the relevant parts of the *Environment Protection and Biodiversity Conservation Act 1999* that the delegate must consider before making a decision.

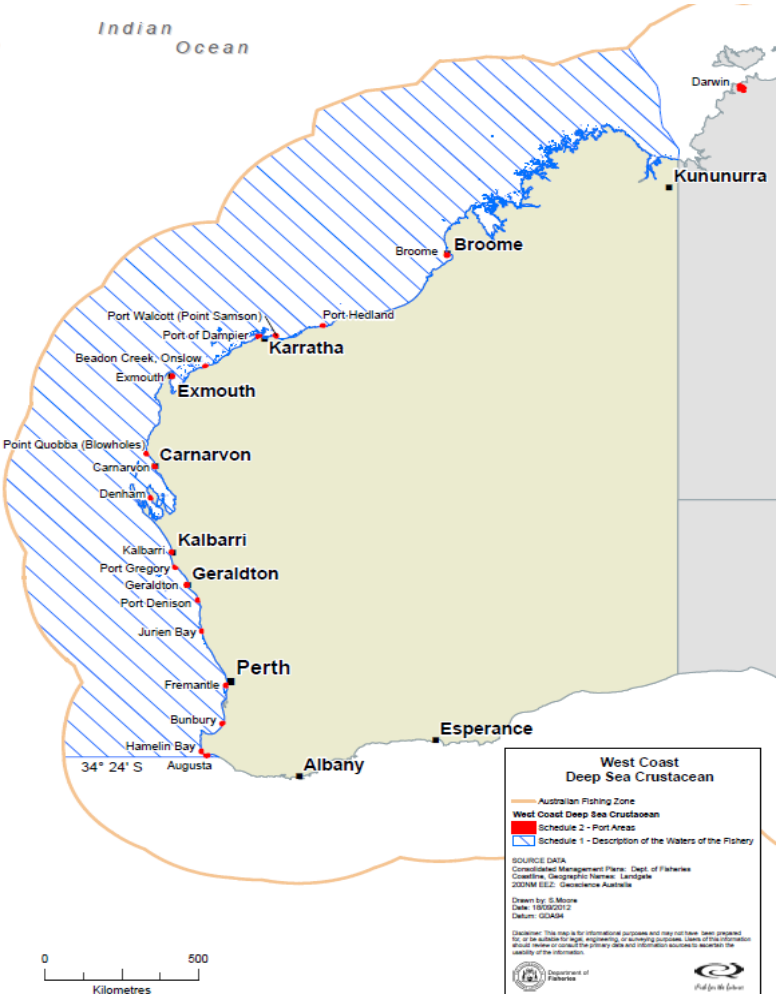
The Department of Sustainability, Environment, Water, Population and Communities' final recommendations to the Western Australian Department of Fisheries for the Western Australian West Coast Deep Sea Crustacean Managed Fishery	18
--	-----------

This section contains the department's assessment of the fishery's performance against the Australian Government's 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition' and outlines the reasons the department recommends that the fishery be included in the list of exempt native specimens.

Table 4:	The Western Australian West Coast Deep Sea Crustacean Managed Fishery Assessment – Summary of Issues, Conditions and Recommendations, April 2013.....	19
-----------------	--	-----------

Table 4 contains a description of the issues identified by the department with the current management regime for the fishery and outlines the proposed recommendations that would form part of the delegate's decision to include product derived from the fishery in the list of exempt native specimens.

Table 1: Summary of the Western Australian West Coast Deep Sea Crustacean Managed Fishery (WA WCDSCMF)

<p>Key public documents relevant to the fishery</p>	<ul style="list-style-type: none"> • Western Australia (WA) <i>Fish Resources Management Act 1994</i> (FRM Act) • Fish Resources Management Regulations 1995 (FRM Regulations) • <i>West Coast Deep Sea Crustacean Fishery Management Plan 2012</i> • WA Department of Fisheries' 'State of the Fisheries and Aquatic Resources Reports' from 2009/10 to 2011/12 • WA Department of Fisheries' application to the Department of Sustainability, Environment, Water, Population and Communities on the WA West Coast Deep Sea Crustacean Managed Fishery • <i>Marine bioregional plan for the North-west Marine Region 2012</i> • <i>Marine bioregional plan for the South-west Marine Region 2012</i>
<p>Area</p>	<p>The area of the WCDSCMF encompasses Commonwealth and state waters north of Cape Leeuwin and west of the Northern Territory waters (Figure 1). The fishery mostly operates in Commonwealth waters in depths of 500-800 metres (m).</p> <p>The fishery's operations are undertaken in parts of the North-west and South-west Marine Regions.</p> 

Target Species	<p>The WA WCDSCMF primarily targets crystal (snow) crabs (<i>Chaceon albus</i>), giant (King) crabs (<i>Pseudocarcinus gigas</i>) and champagne crabs (<i>Hypothalassia acerba</i>).</p> <p><i>Chaceon albus</i> are widely distributed at depths between 300 - 1600 m on the Australian and New Zealand continental shelf. In WA their known distribution extends from Exmouth to the WA/South Australian (SA) border. <i>Chaceon albus</i> spawn all year round and are likely to be very slow growing.</p> <p><i>Pseudocarcinus gigas</i> are found in depths between 120 – 370 m in waters ranging from southern WA, SA and through to New South Wales waters. <i>Pseudocarcinus gigas</i> prefers cooler waters and those found in WA are believed to be at the very northern margin of their distribution. Like other deep sea crabs, <i>Pseudocarcinus gigas</i> are slow growing and long lived.</p> <p><i>Hypothalassia acerba</i> occur at depths of around 200 m and are found in temperate waters. The distribution of <i>Hypothalassia acerba</i> ranges from near Esperance to north of the Abrolhos Islands.</p>
Fishery status	<p>The target species have all been assessed by the WA Department of Fisheries as having 'adequate' spawning stocks. This assessment indicates that annual variations in recruitment to parental biomass are due to environmental impacts, rather than fishing pressure, and that parental biomass is sufficient for ongoing successful spawning.</p>
Byproduct Species	<p>No byproduct has been recorded.</p>
Gear	<p>Standard plastic pots with size specifications (782 millimetres (mm) length x 565 mm width x 470 mm height) and a compulsory escape gap are used in the fishery. Each permit allows the use of 700 pots. The baited pots operate in long lines with between 50 – 150 pots attached to a main line.</p>
Season	<p>The fishery operates year round, with no closed season.</p>
Commercial harvest	<p>140 tonnes (t) of crystal crabs was taken in 2011, equal to the prescribed total annual catch (TAC) for crystal crabs. In addition 5.4 t of champagne crabs were taken. The TAC for the combined take of champagne and giant crabs is 14t. Each license in the fishery is limited to 20 t of crystal crabs and 2 t for both giant and champagne crabs</p> <p>No giant crabs were landed in 2011.</p>
Value of commercial harvest	<p>\$2.9 million (2011).</p>
Take by other sectors	<p>No recreational or Indigenous take has been recorded.</p>
Commercial licences issued	<p>There are currently 7 licenses held in the fishery.</p>

Management arrangements	<p>The fishery is managed under the <i>West Coast Deep Sea Crustacean Fishery Management Plan 2012</i> (Management Plan), the Western Australian <i>Fish Resources Management Act 1994</i>, and Fish Resources Management Regulations 1995.</p> <p>The fishery is managed through the following measures:</p> <ul style="list-style-type: none"> – limited entry – gear restrictions to mitigate ‘ghost fishing’ and bycatch – legal minimum sizes for crystal crabs (120 mm carapace width), champagne crabs (92 mm carapace length) and giant crabs (140 mm carapace length) – quota management: crystal crabs (140 t); champagne and giant crabs (14 t combined), and – prohibition of take of egg-bearing female crabs, to protect the breeding population. <p>The fishery operates within the North-west and South-west marine regions.</p>
Export	<p>Majority of product exported live to Asia.</p>
Bycatch	<p>Bycatch species in the fishery include other crustaceans, squid and occasional small sharks and finfish. All bycatch must be reported and to date has generally been considered minimal. In addition to low bycatch of non-target species, the pots used in the fishery are designed to ensure that they do not ‘ghost fish’, i.e. pots that are not retrieved due to loss of the float do not continue trapping interminably as all pots have two rectangular escape gaps with each gap being no less than 294 millimetres in length by 54 millimetres in height.</p> <p>Bycatch is recorded in logbooks on a monthly basis. A risk assessment for identified non-retained/bycatch was completed in 2003 and all species were given a negligible risk rating.</p>
Interaction with Protected Species¹	<p>There have been no reported interactions with protected species. The gear used in the fishery has limited capacity to interact with protected species and the design of the pots minimises the risk of ‘ghost fishing’ should a pot be lost.</p>
Ecosystem Impacts	<p>The Marine Bioregional Plans for the North-west and South-west Marine Regions have identified the extraction of living resources, physical habitat modification and pollution from oil and chemicals as pressures operating within the North-west and South-west marine bioregional planning areas. Bycatch is also a recognised pressure of potential concern.</p>

¹ ‘Protected species’ means all species listed under Part 13 of the EPBC Act, including whales and other cetaceans and threatened, marine and migratory species.

	<p>According to the WA 2011 State of the Fisheries Report the impacts of the fishery to the physical ecosystem are classified as low as crab potting is considered to have a low impact on the soft mud habitat found in the fishery. In addition, target stocks are being managed within prescribed management limits and very little bycatch is taken due to the design of the pots used in the fishery.</p>
--	--

Table 2: Progress in implementation of conditions and recommendations made in the previous assessment of the Western Australian West Coast Deep Sea Crustacean Managed Fishery (WA WCDSCMF)

Condition	Progress	Recommended Action
<p>1. Operation of the Western Australia (WA) West Coast Deep Sea Crustacean Interim Managed Fishery (WCDSCIMF) will be carried out in accordance with the <i>West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007</i> in force under <i>WA Fish Resources Management Act 1994</i> (FRM Act) and the <i>WA Fish Resources Management Regulations 1995</i> (FRM Regulations).</p>	<p>On 1 January 2013, the WA WCDSCMF transitioned from an interim fishery to a fully managed fishery. The fishery is now managed through the <i>West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012</i>. Other than minor administrative changes, the new West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012 is similar to the previous management plan.</p> <p>The department considers that the fishery has operated in accordance with the relevant legislation.</p>	<p>The Department of Sustainability, Environment, Water, Population and Communities (the department) considers that this condition has been met.</p> <p>The department recommends that this action be continued (see Recommendation 1, Table 4).</p>
<p>2. The Department of Fisheries Western Australia (DFWA) to advise the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended change to the WCDSCIMF management arrangements that could affect the assessment of the fishery against the criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) decisions are based.</p>	<p>The WA Department of Fisheries advised the department that the fishery would be transitioning from an interim managed fishery to a fully managed fishery. The department evaluated the changes to the management plan and determined that the amendments were minor and therefore would not affect the assessment of the fishery against criteria on which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions were based.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that this action be continued (see Recommendation 2, Table 4).</p>

Condition	Progress	Recommended Action
<p>3. DFWA to produce and present reports to DEWHA annually as per Appendix B to the Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition.</p>	<p>The WA WCDSCMF is included in the WA Department of Fisheries publication, the 'Annual State of the Fisheries and Aquatic Resources', which is provided annually to the department. The report includes all available information on the fishery.</p>	<p>The department considers that this condition has been met.</p> <p>The department recommends that this action be continued (see Recommendation 3, Table 4).</p>

Recommendation	Progress	Recommended Action
<p>1. DFWA to use the results of any relevant research or information, to inform the management of the fishery and to make changes to management arrangements where appropriate.</p>	<p>The WA Department of Fisheries has advised the department that data from both the research logbook program and commercial monitoring trips are used to inform management of the fishery.</p>	<p>The department considers that this recommendation has been met.</p>
<p>2. DFWA to continue to develop performance indicators for the WCDSCIMF including, but not limited to:</p> <ul style="list-style-type: none"> (a) biological indicators (length, weight, sex ratio) (b) incorporating spatial distribution of catch and effort. 	<p>The department has been advised that a draft Resource Assessment Document that details the application of proposed performance measures is currently being reviewed by the WA Department of Fisheries. The draft performance measures include consideration of the spatial distribution of the WA WCDSCMF fleet. In addition, the WA Department of Fisheries has committed to conducting a workshop to assess the applicability of emerging techniques to assist in aging crustaceans, particularly crystal crabs.</p>	<p>The department considers that this recommendation has been partially met.</p> <p>The department recommends that this action be continued (see Recommendation 4, Table 4).</p>

Recommendation	Progress	Recommended Action
<p>3. DFWA to finalise the Ecologically Sustainable Development report for the WCDSCIMF, including a review of risk levels for target species, byproduct, bycatch (including protected species) and impacts on the environment. DFWA to implement appropriate measures to ensure identified risks are addressed and minimised.</p>	<p>The WA Department of Fisheries has informed the department that a revised Ecologically Sustainable Development (ESD) report for the fishery has not been completed.</p> <p>The WA Department of Fisheries has advised that the WA WCDSCMF is undergoing a third party certification process through the Marine Stewardship Council (MSC) in which, should a full assessment be pursued, an Ecological Risk Assessment (ERA) would be undertaken. This ERA would supersede a reviewed ESD report and provide an independent, externally reviewed assessment of the fishery's effect on the ecosystem.</p> <p>The WA Department of Fisheries has advised that even if an ERA is not undertaken through the MSC process, the WA Department of Fisheries would complete an ERA separately, consistent with its general aim to have risk-based assessments in place for all fisheries.</p> <p>The department has been advised that the MSC pre assessment process is likely to begin at the end of April 2013.</p>	<p>The department considers that this recommendation has not been met.</p> <p>The department recommends that this action be continued (see Recommendation 5, Table 4).</p>

Table 3: The Department of Sustainability, Environment, Water, Population and Communities' assessment of the Western Australian West Coast Deep Sea Crustacean Managed Fishery (WA WCDSCMF) against the requirements of the EPBC Act related to decisions made under Part 13 and Part 13A.

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

Part 13

<p>Division 1 Listed threatened species Section 208A Minister may accredit plans or regimes</p>	<p>The department's assessment of the WA WCDSCMF</p>
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <p>i. made by a State or self-governing Territory; and</p> <p>ii. in force under a law of the State or self-governing Territory;</p> <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the survival or recovery in nature of the species.</p>	<p>The WA WCDSCMF will be managed under the <i>West Coast Deep Sea Crustacean Management Plan 2012</i> in force under the <i>WA Fisheries Resources Management Act 1994</i>.</p> <p>The management regime for the WA WCDSCMF was accredited under Part 13 of the EPBC Act in March 2013. The management arrangements for the WA WCDSCMF have not significantly changed since this accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as fishers are still required to take all reasonable steps to ensure that listed threatened species are not killed or injured as a result of the fishing.</p> <p>Information provided by the WA Department of Fisheries indicates that there have been no interactions with listed threatened species in Commonwealth waters and the likelihood of interactions with listed threatened species is low. Therefore, the department considers the current operation of the WA WCDSCMF is not likely to adversely affect the survival or recovery in nature of any threatened species.</p>

Part 13 (cont.)

Division 2 Migratory species Section 222A Minister may accredit plans or regimes	The department's assessment of the WA WCDSCMF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none">i. made by a State or self-governing Territory; andii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed migratory species or a population of that species.</p>	<p>The WA WCDSCMF will be managed under the <i>West Coast Deep Sea Crustacean Management Plan 2012</i> in force under the <i>WA Fisheries Resources Management Act 1994</i>.</p> <p>The management regime for the WA WCDSCMF was recently accredited under Part 13 of the EPBC Act in March 2013. The management arrangements for the WA WCDSCMF have not significantly changed since this accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as fishers are still required to take all reasonable steps to ensure that listed migratory species are not killed or injured as a result of the fishing.</p> <p>Information provided by the WA Department of Fisheries indicates that there have been no interactions with listed migratory species in Commonwealth waters and the likelihood of interactions with listed migratory species is low. Therefore, the department considers the current operation of the WA WCDSCMF is not likely to adversely affect the conservation status of any listed migratory species.</p>

Part 13 (cont.)

Division 3 Whales and other cetaceans Section 245 Minister may accredit plans or regimes	The department's assessment of the WA WCDSCMF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none">i. made by a State or self-governing Territory; andii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a species of cetacean or a population of that species.</p>	<p>The WA WCDSCMF will be managed under the <i>West Coast Deep Sea Crustacean Management Plan 2012</i> in force under the <i>WA Fisheries Resources Management Act 1994</i>.</p> <p>The management regime for the WA WCDSCMF was recently accredited under Part 13 of the EPBC Act in March 2013. The management arrangements for the WA WCDSCMF have not significantly changed since this accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as fishers are still required to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing.</p> <p>Information provided by the WA Department of Fisheries indicates that there have been no interactions with whales and other cetaceans in Commonwealth waters and the likelihood of interactions with whales and other cetaceans is low. Therefore, the department considers the current operation of the WA WCDSCMF is not likely to adversely affect the conservation status of a species of cetacean or a population of that species.</p>

Part 13 (cont.)

Division 4 Listed marine species Section 265 Minister may accredit plans or regimes	The department's assessment of the WA WCDSCMF
<p>(1) Minister may, by instrument in writing, accredit for the purposes of this Division:</p> <p>(c) a plan of management, or a policy, regime or any other arrangement, for a fishery that is:</p> <ul style="list-style-type: none">i. made by a State or self-governing Territory; andii. in force under a law of the State or self-governing Territory; <p>if satisfied that:</p> <p>(f) the plan, regime or policy requires persons engaged in fishing under the plan, regime or policy to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing; and</p> <p>(g) the fishery to which the plan, regime or policy relates does not, or is not likely to, adversely affect the conservation status of a listed marine species or a population of that species.</p>	<p>The WA WCDSCMF will be managed under the <i>West Coast Deep Sea Crustacean Management Plan 2012</i> in force under the <i>WA Fisheries Resources Management Act 1994</i>.</p> <p>The management regime for the WA WCDSCMF was recently accredited under Part 13 of the EPBC Act in March 2013. The management arrangements for the WA WCDSCMF have not significantly changed since this accreditation was granted. Consequently, a new Part 13 declaration is not needed at this time as fishers are still required to take all reasonable steps to ensure that listed marine species are not killed or injured as a result of the fishing.</p> <p>Information provided by the WA Department of Fisheries indicates that there have been no interactions with listed marine species in Commonwealth waters and the likelihood of interactions with listed marine species is low. Therefore, the department considers the current operation of the WA WCDSCMF is not likely to adversely affect the survival or recovery in nature of any listed marine species.</p>

Part 13 (cont.)

Section 303AA Conditions relating to accreditation of plans, regimes and policies	The department's assessment of the WA WCDSCMF
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	The department considers that the management regime for the WA WCDSCMF continues to be accredited under sections 208A, 222A, 245 and 265.
(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	The department considers that no conditions are required for the accreditation of the management regime for the WA WCDSCMF under Part 13.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	

Part 13A

Section 303BA Objects of Part 13A

(1) The objects of this Part are as follows:

- (a) to ensure that Australia complies with its obligations under CITES² 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.

² Convention on International Trade in Endangered Species of Wild Fauna and Flora

Part 13A

Section 303DC Minister may amend list	The department's assessment of the WA WCDSCMF
<p>(1) Minister may, by instrument published in the Gazette, amend the list referred to in section 303DB (list of exempt native specimens) by:</p> <ul style="list-style-type: none"> (a) including items in the list; (b) deleting items from the list; or (c) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; or (d) varying of revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (e) correcting an inaccuracy or updating the name of a species. 	<p>The department recommends that product derived from the WA WCDSCMF be included in the list of exempt native specimens until 3 May 2018.</p>
<p>(1A) In deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.</p>	<p>No assessment of the WA WCDSCMF has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) The above does not limit the matters that may be taken into account in deciding whether to amend the list referred to in section 303DB (list of exempt native specimens) to include a specimen derived from a commercial fishery.</p>	<p>It is not possible to list exhaustively the factors that you may take into account in amending the list of exempt native specimens. The objects of Part 13A, which are set out above this table, provide general guidance in determining factors that might be taken into account. A matter that is relevant to determining whether an amendment to the list is consistent with those objects is likely to be a relevant factor.</p> <p>The department considers that the amendment of the list of exempt native specimens to include product taken in the WA WCDSCMF until 3 May 2018 would be consistent with the provisions of Part 13A (listed above) 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

	<ul style="list-style-type: none"> ▪ 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 WA WCDSCMF is unlikely to be unsustainable and threaten biodiversity within the next 5 years, and ▪ the Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish or crabs as a class of animal in relation to the welfare of live specimens.
<p>(3) Before amending the list referred to in section 303DB (list of exempt native specimens), the Minister:</p> <p>(a) must consult such other Minister or Ministers as the Minister considers appropriate; and</p> <p>(b) must consult such other Minister or Ministers of each State and self-governing Territory as the Minister considers appropriate; and</p> <p>(c) may consult such other persons and organisations as the Minister considers appropriate.</p>	<p>The department considers that the consultation requirements have been met. The application from the WA Department of Fisheries was released for public comment from 18 March 2013 to 17 April 2013. The public comment period sought comment on:</p> <ul style="list-style-type: none"> ▪ the proposal to amend the list of exempt native specimens to include product derived from the WA WCDSCMF, and ▪ the WA Department of Fisheries' application for the WA WCDSCMF. <p>No comments were received.</p>
<p>(5) A copy of an instrument made under section 303DC is to be made available for inspection on the Internet.</p>	<p>The instrument for the WA WCDSCMF made under section 303DC will be gazetted and made available on the department's website.</p>

Part 16

Section 391 Minister must consider precautionary principle in making decisions	The department's assessment of the WA WCDSCMF
(1) The Minister must take account of the precautionary principle in making a decision under section 303DC and/or section 303FN, to the extent he or she can do so consistently with the other provisions of this Act.	Having regard to the precautionary management measures in place in the fishery, summarised in Table 1, the department considers that the precautionary principle has been accounted for in the preparation of advice in relation to a decision under section 303DC.
(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.	

Part 12

Section 176 Bioregional Plans	The department's assessment of the WA WCDSCMF
(5) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.	The Marine Bioregional Plans for the North-west and South-west Marine Regions have been considered in the preparation of advice in relation to decisions under section 303DC. Extraction of living resources, physical habitat modification and pollution from oil and chemicals have been identified as pressures operating within the North-west and South-west marine bioregional planning areas. Bycatch is also a recognised pressure of potential concern. However, the department considers that the impacts of this fishery on the physical ecosystem are minimal due to the low impact harvesting method used in the fishery (pots), catch of target stocks is within prescribed management limits and very little bycatch is taken in the fishery.

The Department of Sustainability, Environment, Water, Population and Communities' final recommendations to the Western Australian Department of Fisheries for the Western Australian West Coast Deep Sea Crustacean Managed Fishery

The material submitted by the Western Australian (WA) Department of Fisheries indicates that the WA West Coast Deep Sea Crustacean Managed Fishery (WCDSCMF) operates in accordance with the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.

Stock Status

According to the WA *State of the Fisheries and Aquatic Resources Report 2011*, the target stocks in this fishery have been assessed to be 'adequate'. This assessment indicates that annual variations in recruitment to the parental biomass are due to environmental impacts, rather than fishing pressure.

On 1 January 2013 the WA WCDSCMF transitioned from an interim fishery to a fully managed fishery. The department considers that overall, the management regime for the WA WCDSCMF aims to ensure that fishing is conducted in a manner that does not lead to overfishing. Management measures in place in the fishery include:

- limited entry
- gear restrictions
- legal minimum sizes
- quota management, and
- prohibition of take of egg-bearing female crabs, to protect the breeding population.

The department considers that the range of management measures is sufficient to ensure that the fishery is conducted in a manner that does not lead to over-fishing and that stocks are not currently overfished.

Ecosystem Impacts

Taking into account the management measures for target stocks in the fishery, the limited bycatch and low impact fishing methods used, the department considers that fishing operations under the *West Coast Deep Sea Crustacean Management Plan 2012* will be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

The department considers that product taken in the fishery should be included in the list of exempt native specimens under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* for a period of five years. To contain and minimise the risks in the longer term the recommendations listed in Table 4 have been made. Unless a specific time frame is provided, each recommendation should be addressed during the five year period.

**Table 4: Western Australian West Coast Deep Sea Crustacean Managed Fishery Assessment – Summary of Issues and Recommendations
April, 2013**

Issue	Recommendation
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of Sustainability, Environment, Water, Population and Communities (the department) needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, protected species or the ecosystem.</p>	<p>Recommendation 1:</p> <p>Operation of the fishery will be carried out in accordance with the <i>West Coast Deep Sea Crustacean Management Plan 2012</i> in force under the <i>Western Australian Fish Resources Management Act 1994</i>.</p> <p>Recommendation 2:</p> <p>The WA Department of Fisheries to advise the department of any intended material change to the fishery's legislated management regime and management arrangements that could affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.</p>
<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the department annually in order for the performance of the fishery and progress in implementing the recommendations in this report and other managerial commitments to be monitored and assessed throughout the life of the declaration.</p> <p>Annual reports should include: a description of the fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with protected species, impacts of the fishery on the ecosystem in which it operates and information outlining progress in implementing recommendations resulting from the previous accreditation of the fishery (for a complete description of annual reporting requirements, see Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition' available from the department's website at http://www.environment.gov.au/coasts/fisheries/publications/guidelines.html).</p>	<p>Recommendation 3:</p> <p>The WA Department of Fisheries to produce and present reports to the department annually as per Appendix B of the 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'.</p>

Issue	Recommendation
<p><u>Performance indicators</u></p> <p>In the 2010 assessment of the fishery a recommendation was made for the WA Department of Fisheries to develop performance indicators including, but not limited to, catch and effort. The development of these performance indicators should improve the monitoring capability for the fishery by making it easier to identify high grading, effort creep and localised depletion, should these occur.</p> <p>The department is advised that a draft document reviewing information on performance indicators and measurements is under consideration by the WA Department of Fisheries. As deep sea crabs are long lived and slow growing, the department considers that finalisation of this draft document is an important element in ensuring that the target stock is managed sustainably.</p>	<p>Recommendation 4:</p> <p>The WA Department of Fisheries to finalise performance indicators for the fishery and implement the proposed performance measures.</p>
<p><u>Ecological risk assessment</u></p> <p>An Ecologically Sustainable Development (ESD) report, was prepared for this fishery in 2004. This report provided a comprehensive overview of the fishery and described operational objectives, performance measures, management responses and information requirements used to assess the performance of the fishery. WA's annual 'State of the Fisheries and Aquatic Resources Report' describes the performance of this fishery against performance measures outlined in the ESD report.</p> <p>In 2004 the WA Department of Fisheries committed to reviewing the ESD report every five years with more regular review of key management components as appropriate. While this five year review was not undertaken, the annual 'State of the Fisheries and Aquatic Resources Report' now includes an assessment of the ecosystem effects of fishing and reports non-retained species interactions. It also includes an up to date cumulative risk status for each of the ecological resource assets within each of WA's six marine bioregions.</p> <p>The WA Department of Fisheries has advised that the WA WCDSCMF is undergoing a third party certification process through the Marine Stewardship Council (MSC) in which, should a full assessment be pursued, an Ecological Risk Assessment (ERA) would be undertaken. This ERA would supersede a reviewed ESD report and provide an</p>	<p>Recommendation 5:</p> <p>That an Ecological Risk Assessment be undertaken for the fishery, either through the Marine Stewardship Council accreditation process or by the WA Department of Fisheries. The ERA should include:</p> <ul style="list-style-type: none"> • a review of risk levels and updating or developing new objectives, performance measures, management responses and information requirements as appropriate, and • consideration of target species, byproduct, bycatch (including protected species) and impacts on the marine environment.

Issue	Recommendation
<p>independent, externally reviewed assessment of the fishery's effect on the ecosystem. The WA Department of Fisheries has advised that even if an ERA is not undertaken through the MSC process, the WA Department of Fisheries would complete an ERA separately, consistent with aiming to have risk-based assessments in place for all fisheries.</p> <p>The department considers ERAs to be essential tools in identifying risks to target, bycatch, byproduct and protected species and risks to the ecosystem and ecological communities. The department recommends that an ERA be undertaken for the WA WCDSCMF, with regular reporting of progress in the annual 'State of the Fisheries and Aquatic Resources Reports'.</p>	

