



Australian Government

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

**Assessment of the
Western Australian West Coast Demersal Gillnet
and Demersal Longline Interim Managed
Fishery and the Southern Demersal Gillnet and
Demersal Longline Managed Fishery**

August 2021

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This report should be attributed as '*Assessment of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery August 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 fisheries 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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CONTENTS

EXECUTIVE SUMMARY 1

Section 1: Assessment Summary3

Section 2: Summary of Issues Requiring Conditions4

 Assessment history: 10

 Fishery reporting: 10

 Key links:..... 10

Section 3: Detailed Analysis Against the Guidelines 11

Section 4: Assessment Against the EPBC Act23

 Part 13 – Species and communities 23

 Part 13A – International movement of wildlife specimens 26

 Part 16 – Precautionary principle and other considerations in making decisions..... 32

References34

EXECUTIVE SUMMARY

On 29 April 2021, the Western Australian Department of Primary Industries and Regional Development (DPIRD), submitted an application for assessment of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery (the fisheries) under protected species and wildlife trade provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department of Agriculture, Water and the Environment (the department) sought public comments on the application and considered the comments received when assessing the fisheries against the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'. One public comment was received.

The fisheries

Demersal gillnets and demersal longlines (power-hauled reels) are used to target various shark species. Management of the commercial fishery is based (primarily) through input controls. The controls include: mesh, net height and hook size restrictions and maximum net length and transferable time/gear effort units (monitored with a satellite-based vessel monitoring systems).

Target stocks

The fisheries target four shark species whiskery shark (*Furgaleus macki*), gummy shark (*Mustelus antarcticus*), dusky shark (*Carcharhinus obscurus*) and sandbar shark (*Carcharhinus plumbeus*). Overall stock status for target (indicator) sharks in the south and west of Western Australia has been assessed as 'sustainable-recovering'. This status is assessed annually through the Status of the Fisheries reporting process.

There are numerous commercially important byproduct species retained in the fisheries, which include CITES listed hammerhead sharks and teleosts species that have been assessed as overfished by other fisheries operating the same area. The current management of the fisheries do not include any specific management provisions for any species other than the four target shark species.

Protected species (including CITES-listed species) and ecosystems

Protected species interactions in the fisheries have included Australian Sea Lions, various shark species, dolphins, Manta Rays, seabirds, sawfish, seals and marine turtles. Conservation of Australian Sea Lions (ASL) is identified as a regional priority in the 'Marine Bioregional Plan for the South-west Marine Region 2012'.

In 2018 DPIRD implemented a network of ASL gillnet exclusion zones in the fisheries, based on recent modelling data of ASL colonies, foraging areas when compared to effort in fishers' logbooks. There is ongoing monitoring and research to establish the effectiveness of these exclusion zones.

While there have been no reported interactions with ASL in the recent operation of the fisheries there is no independent observer coverage to validate logbook reporting. Research also suggests that the majority of fatal ASL interactions result in the individual falling out of nets prior to landing creating uncertainty regarding the observability of ASL interactions.

The harvest of CITES listed Hammerhead shark species is not subject to species specific reporting. Their catch composition has been reconstructed from historic observer coverage and is believed to be mostly Smooth Hammerhead (*Sphyrna zygaena*). However, without species specific reporting or independent observer coverage there is a degree of uncertainty regarding information. Under the assumption that this harvest is largely Smooth Hammerhead shark, reported harvest levels are consistent with the finding of the 2014 non-detriment finding for CITES listed shark species.

Impacts on the ecosystem have been assessed by the fisheries as 'low'. However, discarded bycatch is not reported by fishers. This is an important component of assessing the total impact of the fisheries on the ecosystem.

Conclusion

Following assessment against the Guidelines at Section 3, the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery has been found to meet the requirements of the EPBC Act subject to the conditions outlined in Section 2.

These conditions will deliver:

- improved data collection and validation for retained and non-retained catch as well as interactions with protected species such as endangered Australian Sea Lions
- landing of sharks in a form that facilitates accurate species identification and supports accurate reporting and compliance with management controls
- ecological risk assessment and ecological risk mitigation.

On this basis, the department considers that declaration of the harvest operations of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery, as an approved wildlife trade operation for three years until 19 August 2024, is appropriate. Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade operation declaration for the fisheries.

SECTION 1: ASSESSMENT SUMMARY

Guidelines assessment	Meets	Partly meets	Does not meet	Details
Management regime	3 of 9	5 of 9	1 of 9	Management arrangements are well documented, publicly available, and transparent. There is an 'operational' harvest strategy in place for four target species. While the management regime is effective for target species, there is no formal management strategy for byproduct, bycatch, protected species or the ecosystem.
Principle 1 (target stocks)	3 of 11	8 of 11	0 of 11	Data collection systems for target stock appear to be operating effectively and regular stock assessments indicate that stocks are being sustainably managed. Byproduct species are not managed under the current 'operational' harvest strategy, despite some species being considered overfished or depleted in overlapping fisheries. Hammerhead sharks are byproduct species and are currently not reported to species level despite being listed on CITES and one species under the EPBC act.
Principle 2 (bycatch and TEPS) * 2 criteria were not applicable to this assessment	0 of 12*	8 of 12*	2 of 12*	The fisheries are known to interact with protected species, albeit in relatively low numbers. There is no requirement for the fisheries to report bycatch that is discarded. Reconstruction of bycatch rates are based on very old observer coverage and there is no systematic management or monitoring of bycatch.
Principle 2 (ecosystem impacts)	0 of 5	3 of 5	2 of 5	There is inadequate data collection or monitoring to detect impacts to the ecosystem. There are no management responses in place should an impact be detected. Risk assessment of ecosystem impacts is currently based on retained catch with no monitoring of discarded catch. Further risk assessment and risk management may be necessary. The draft ERA is to be finalised and published by December 2021. The ERA, once completed is expected to consider ecosystem impacts and guide further ecological risk mitigation.
EPBC requirements	Meets	Partly meets	Does not meet	Details
Part 12		Partly meets		The operation of the fisheries is broadly consistent with the marine bioregional plan for the south-west marine region. However, the effectiveness of gillnet exclusion zones and impacts to the ecosystem require ongoing monitoring and management.
Part 13		Partly meets		Fishers are required to report interactions with protected species, but there is no independent observer coverage to verify these reports. Reported interactions are relatively low and unlikely to adversely impact the conservation status of these groups.
Part 13A		Partly meets		The management of the fisheries was assessed and found to broadly meet the criteria of Part 13A. There are some concerns regarding the lack of species-specific reporting of CITES listed hammer head Sharks and lack of measurement and monitoring of potential impacts to the ecosystem.
Part 16		Partly meets		While there is relatively robust management of the target stock, there are concerns regarding the management of byproduct species, the reporting of bycatch, and the lack of independent monitoring of TEP species in the fisheries.

SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

Part 13A conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery	
Issue	Condition
<p><u>General Management</u></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). To ensure that the decision(s) remain valid and export approval continues uninterrupted, the Department of Agriculture, Water and the Environment (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(s). 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>Condition 1:</p> <p>Operation of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery must be carried out in accordance with the management arrangements specified in the <i>Fish Resources Management Act 1994</i> (WA), <i>Fish Resources Management Regulations 1995</i> (WA), the <i>Aquatic Resources Management Act 2016</i> (WA), the Southern Demersal Gillnet and Demersal Longline Fishery Management Plan 2018 and West Coast Demersal Gillnet and Demersal Longline Interim Fishery Management Plan 1997.</p> <p>Condition 2:</p> <p>The Western Australian Department of Primary Industries and Regional Development must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.</p> <p>Condition 3:</p> <p>The Western Australian Department of Primary Industries and Regional Development 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><u>Annual reporting</u></p> <p>It is important that the Western Australian Department of Primary Industries and Regional Development produce and present reports to the Department annually so the performance of the fisheries, and progress in implementing the conditions described in this report and other managerial commitments, can be monitored and assessed throughout the life of the export approval.</p> <p>Annual reports should follow Appendix B to the '<i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>' and include: a description of the fisheries; management arrangements in place; research and monitoring outcomes; recent catch data for all sectors of the fisheries; status of target stock; interactions with EPBC Act protected species; impacts of the fisheries on the ecosystem in which it operates; and progress in</p>	<p>Condition 4:</p> <p>The Western Australian Department of Primary Industries and Regional Development 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>

Part 13A conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery

Issue	Condition
<p>implementing the Department’s conditions described in the previous assessment for the fisheries. Electronic copies of the guidelines are available from the department’s website at http://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries.</p>	
<p><u>Logbook data collection</u></p> <p>Accurate identification and reporting of all retained and discarded catch is crucial to ensure impacts of fishing on all species can be monitored and managed sustainably. This reporting should be undertaken at a species-level. There is currently no requirement for operators in the fisheries to report discarded catch. Without this information it is not possible to assess the potential full impact of the fisheries on stocks. This is also an issue of importance to the understanding of the impact of these fisheries on CITES listed shark species taken in the fisheries (see following issue).</p> <p>The department notes that DPIRD is currently trialling an electronic logbook system in selected fisheries with the capacity for more refined reporting of discarded catch and protected species interactions. This system should be implemented in these fisheries as a priority.</p>	<p>Condition 5:</p> <p>By December 2022, the Western Australian Department of Primary Industries and Regional Development must ensure that all catch in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery is reported to species level. This includes landed and discarded catch. Where species-level reporting is not possible, catches of these species must be managed in a precautionary manner.</p>
<p><u>Management, Monitoring and reporting of shark species</u></p> <p>Australia has a high diversity of shark species which are vulnerable to fisheries impacts due to their slow growth, late maturation, and relatively low reproductive outputs. All shark catch, including bycatch and discards, should be identified to a level that allows impacts on individual species to be monitored and managed.</p> <p>The fisheries do not record harvest of hammerhead sharks to species level. While catch composition can only be inferred from historic observer coverage, given the high level of conservation concern for these species (listing under Appendix II of CITES, scalloped hammerhead listed as Conservation Dependent) it is important that the full impact of the fisheries on these species is better understood.</p> <p>In 2014 a Non-Detriment Finding (NDF) was determined that allowed harvest and trade of these species subject to harvest limits and recommendations. The NDF recommended that these fisheries implement logbook reporting to species level for hammerhead sharks along with the reporting of discards, and trip limits for some species.</p>	<p>Condition 6:</p> <p>By December 2022, the Western Australian Department of Primary Industries and Regional Development must ensure that all sharks retained by the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery are landed in a form that facilitates ready and reliable identification. This must include a prohibition on removal of fins and other morphological features that are necessary to identify species at the point of landing.</p> <p>Condition 7:</p> <p>The Western Australian Department of Primary Industries and Regional Development to develop and implement an independent data collection and validation program in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery by February 2024. This may involve the use of electronic monitoring, onboard observers or other means. The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks.</p>

Part 13A conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery

Issue	Condition
<p>The fisheries have recorded an average of 44 tonnes per annum of Smooth Hammerhead Shark catch for the last five years.</p> <p>Species-level reported, where possible, and accounting for all sources of mortality, including discarded catch, is important for the management of all species. While observer coverage exists for the fisheries, there does not appear to be any current program of independent observer coverage, or any observer data since 1999. Given the risk of impacts to hammerhead shark species and the high risk of interaction with other EPBC act listed species (discussed in subsequent conditions), validation of logbook data by independent observers should be a high priority in the fisheries.</p> <p>As a further measure allowing validation of the harvest, in line with developments in similar fisheries, shark catch should be landed in a form that facilitates accurate identification to species level. While the department acknowledges that some measures have been taken to assist with this identification, the department remains concerned that allowing the removal of fins from the trunks of sharks in Western Australia affects capacity to identify species or verify the accuracy of catch records.</p> <p><u>Other CITES listed elasmobranch species</u></p> <p>Shortfin and Longfin Mako Sharks, Guitarfish and Wedgefish were listed on Appendix II of CITES. DPIRD has indicated that they wish to pursue an NDF for these species. In correspondence relating to the listing of these species DPIRD has indicated that small amounts of Shortfin Mako and Whitespotted Shovelnose/Giant Guitarfish (wedgefish) are taken by these fisheries. Determining an NDF for these species would require that the species are identified accurately and recorded in logbooks to species level including discarded catch, as well as measures mentioned above that would assist in the verification and validation of these records.</p>	
<p><u>Harvest strategy, ecological risk assessment, and bycatch action plan</u></p> <p>The fisheries are working under an 'operational' harvest strategy called a Resource Assessment Report, while DPIRD continue to develop a formal Harvest Strategy. Condition 4 of the 2018 WTO assessment of these fisheries called for a Harvest Strategy to be developed by DPIRD 'with a view to being implemented by early 2020'. It is a priority of the department that a formal Harvest Strategy for these fisheries is implemented as soon as possible given that the intent of this condition has not been met in full.</p>	<p>Condition 8:</p> <p>By December 2021 the Western Australian Department of Primary Industries and Regional Development must publish an ecological risk assessment of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery, which considers the impacts of the fisheries on all target and non-target species, habitats and other ecological processes.</p>

Part 13A conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery

Issue	Condition
<p>An ERA for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery has been drafted. This assessment involved various stakeholders and seeks to develop appropriate management actions related to environmental and ecological impacts of the fisheries. The ERA for the fisheries is expected to be finalised and released in 2021.</p> <p>Following the implementation of specific management arrangements for shark fishing and the closure of the Northern Shark Fishery in 2007, effort in the fisheries declined. DPIRD has continued to assess the recovery status of breeding stocks with an aim to achieve 'acceptable' stock status for all TDGDLF indicator species. While Whiskery shark and Gummy sharks have been assessed as 'adequate', Sandbar shark and Dusky shark are still recovering. Any increases to the levels of take, or the reopening of the separate Western Australian Northern Shark Fishery, may result in these key indicator species declining.</p>	
<p><u>Management for overfished species</u></p> <p>Two byproduct species, Dhufish (<i>Glaucosoma hebraicum</i>) and Blue Morwong (<i>Nemadactylus valenciennesi</i>) are overfished in the area of the Western Australian Temperate Demersal Gillnet and Demersal Longline Fishery. Management changes are required to support the recovery of these stocks. School Sharks are also a recovering stock, though are taken in relatively small quantities (approximately eight tonnes per annum) from the fisheries.</p> <p>The department is aware of plans put in place that aim to rebuild overfished stocks by other jurisdictions that share these species of fish stocks (such as the Australian Fisheries Management Authority who also catch School Shark).</p> <p>Given the importance of ensuring stocks are sustainably fished, the department considers it important that appropriate management measures are in place, and that they are continually reviewed to ensure the rebuilding objectives are met.</p> <p>An annual evaluation of the effectiveness of the recovery plans and resulting management strategies, and the status of the overfished and conservation dependent stocks should be provided to the department.</p>	<p>Condition 9:</p> <p>The Western Australian Department of Primary Industries and Regional Development must develop, review and implement ecological risk mitigation measures to address any significant risks identified in the ecological risk assessment for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery.</p>

Part 13A conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery

Issue	Condition
<p>In lieu of recovery plans being implemented for School Shark, DPIRD should consider implementing measures to reduce impacts of fishing on depleted species, to support stocks to recover to sustainable levels.</p> <p><u>The ecological risk assessment being developed by DPIRD is expected to highlight a range of species where additional management will be required. It is important that this assessment be completed as soon as possible and actions taken to mitigate significant risks.</u></p>	

Part 13 conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery

Issue	Condition
<p>Reliable fisheries data collection, validation and monitoring</p> <p>Accurate identification and reporting of retained and discarded catch is crucial to ensure the impacts of fishing can be assessed, monitored and managed sustainably.</p> <p>There is currently no requirement for fishers to report the volume or composition of discarded catch. This is a critical aspect of understanding to full impact of fishing pressure on species. There has been no independent observer program to validate logbook reporting, monitor discards or protected species interactions since 1999.</p> <p>There is some positive progress being made toward the trialling electronic monitoring programs in Western Australian managed fisheries. However, there is no indication when this may be extended to these fisheries.</p> <p>The department considers that accurate identification, data collection and reporting is important to ensure there is appropriate data to assess, monitor and manage fishery impacts on all retained and discarded species, as well as interactions with protected species.</p>	<p>Condition A:</p> <p>The Western Australian Department of Primary Industries and Regional Development to develop and implement an independent data collection and validation program in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery by February 2024. This may involve the use of electronic monitoring, onboard observers or other means. The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks.</p>
<p>Ecological Risk Assessment and Management</p> <p>Many fisheries have developed evidence-based, precautionary management frameworks to help manage risk and uncertainty, and achieve long-term sustainability and profitability by drawing on available information. Ecological risk assessments are commonly used to identify and prioritise management of risks in fisheries.</p>	<p>Condition B:</p> <p>By December 2021 the Western Australian Department of Primary Industries and Regional Development must publish an ecological risk assessment of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery,</p>

Part 13 conditions - Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery

Issue	Condition
<p>An ecological risk assessment has been drafted and is expected to be finalised and published for the Western Australian Temperate Demersal Gillnet and Demersal Longline Fishery by December 2021.</p> <p>Once assessed, ecological risks are expected to be addressed through a harvest strategy and other processes for the fisheries. It is crucial that all 'real' and 'potential' risks be managed in a precautionary way throughout the process, based on best available information. Precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders, and performance monitored and reported annually to the Department of Agriculture Water and the Environment.</p>	<p>which considers the impacts of the fisheries on all target and non-target species, habitats and other ecological processes.</p> <p>Condition C:</p> <p>The Western Australian Department of Primary Industries and Regional Development must develop, review and implement ecological risk mitigation measures to address any significant risks identified in the ecological risk assessment for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery.</p>

Assessment history:

Information on previous assessments for the Western Australia's West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery is available on the Department's website at <https://www.environment.gov.au/marine/fisheries/wa/temperate-demersal-gillnet-longline>

1st assessment finalised – February 2006. WTO with nine conditions and two recommendations.

2nd assessment finalised – April 2009. WTO with five conditions and seven recommendations.

3rd assessment finalised – August 2012. WTO with four conditions, five recommendations, and one Part 13 condition (three parts: A, B, C).

4th assessment finalised – August 2015. WTO with three conditions, one Part 13 condition (three parts: A, B, C) and five recommendations.

5th assessment finalised August 2018 – WTO with six conditions, one Part 13 condition (two parts: A and B).

Fishery reporting:

- [Status reports of the fisheries and aquatic resources of Western Australia 2019/20](#)
- [Status reports of the fisheries and aquatic resources of Western Australia 2016/17.](#)
- [Status reports of the fisheries and aquatic resources of Western Australia 2015/16](#)

Key links:

Fishery information:

Fishery information page on agency website – <http://www.fish.wa.gov.au/Fishing-and-Aquaculture/Commercial-Fishing/Commercial-Fishing-Management/Pages/Major-Commercial-Fisheries.aspx>.

Management plan:

[Joint Authority Southern Demersal Gillnet and Demersal Longline Limited Entry Fishery Notice 1992.](#)
[West Coast Demersal gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997.](#)

Enforcing legislation:

Western Australian *Fish Resources Management Act 1994* (FRMA, will be replaced by the *Aquatic Resources Management Act* once enacted).

Western Australian *Fish Resources Management Regulations 1995* (FRMR).

Western Australian FRMA Section 43 Order — *Prohibition on Commercial Fishing for Demersal Scalefish (Pilbara Area) Order 1997* and *Notice Prohibition on Line Fishing (Metal in Lines and Traces) Order 2008*.

Stock assessments

[Resource Assessment Report Temperate Demersal Elasmobranch Resource of Western Australia](#) (Fisheries Research Report No. 294, November 2018). (This report also includes an 'operational' harvest strategy).

SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

Guidelines criteria	Comment
THE MANAGEMENT REGIME	
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:	
Be documented, publicly available and transparent.	<p>Meets</p> <p>The Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery governing legislation and general information describing the management regime, are available online on the Western Australian Department of Primary Industries and Regional Development (DPIRD) Fisheries website (the link is accessible in Section 2: Notes).</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	<p>Partly Meets – A new management regime is being implemented that has been developed through consultative process.</p> <p>The fisheries are currently being managed under an ‘operational’ harvest strategy outlined in the Resource Assessment Report for the Temperate Demersal Elasmobranch Resource of Western Australia. This report was developed by DPIRD. However, it is unclear whether this management regime was developed in consultation with interested and affected parties and the general public.</p> <p>DPIRD has recently drafted an Ecological Risk Assessment (ERA) for the fisheries. This process included a wide range of stakeholders, including industry, fisheries scientists, and NGOs. The ERA has not been published or implemented but is intended to inform a revised Harvest Strategy, which will include a much broader scope of Ecosystem Based Fisheries Management criteria, including management of all retained species, bycatch, and protected species as well as potential fisheries impacts to habitats and ecosystems within the fisheries.</p>
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.	<p>Meets – Range of expertise and public interests involved.</p> <p>The DPIRD stock assessments are publicly released on an annual basis in the Status of the Fisheries reports and are also tabled in parliament. Proposed changes to the management of the fisheries such as the development of an ERA and Harvest Strategy will likely improve the extent to which expertise and community interests are captured in the management of the fisheries.</p>
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	<p>Partly Meets - Has strategic objectives and performance measures for certain target species only.</p> <p>The ‘operational’ harvest strategy of the fisheries has clear objectives and performance measures for select target stocks (Whiskery, Gummy, Dusky and Sandbar Sharks) which outline targets for biomass levels and caps on fishing effort. Under this management document there are no specific management measures in place for byproduct, bycatch, protected species or ecosystem indicators.</p> <p>DPIRD has recently undertaken an ERA for the fisheries which is intended to complement a revised harvest strategy. The revised harvest strategy is expected to include a much broader scope of Ecosystem Based Fisheries Management criteria, including consideration of all retained species, bycatch, protected species as well as potential fisheries impacts to habitats and ecosystems within the fisheries.</p>

<p>Be capable of controlling the level of harvest in the fishery using input and/or output controls.</p>	<p>Partly Meets – Effective controls in place for target stock, difficult to manage harvest of non-target species.</p> <p>Input controls are used for management of the fisheries. Principally there is cap on total fishing effort, so that overall fishing effort does not exceeded the levels for the 2001-2002 fishing season. Controls also include: transferable time/gear effort units; mesh and hook size restrictions; net height ('drop') and maximum net length. In addition, a satellite-based Vessel Monitoring System (VMS) monitors all boats.</p> <p>The fishing method in place in these fisheries (gill nets) are relatively indiscriminate. While there are considerable challenges in managing harvest of byproduct and bycatch species with this fishing method, there is currently no management strategy targeted at addressing this issue.</p> <p>The combination of an ERA and an updated harvest strategy may lead to stronger management of byproduct, bycatch and discard species.</p>
<p>Contain the means of enforcing critical aspects of the management arrangements.</p>	<p>Partly Meets – Effort limits and spatial management is enforceable, but no independent observer coverage for data validation.</p> <p>Fishers are required to submit statutory catch and effort logbooks. However, much of the management of the fisheries relies on voluntary compliance. DPIRD indicates a compliance risk assessment is reviewed every 1-2 year, though compliance rates for these fisheries do not appear to have been published. VMS is in place on all boats operating in the fleet which enables boat location, course, and speed to be monitored. This system allows for the monitoring and enforcement of areas closed to fishing, such as gillnet exclusion zones.</p> <p>There has been no independent observer coverage in the fisheries since 1999. And it is unclear to what extent voluntary compliance has been effective in managing take and interaction with byproduct, bycatch and protected species.</p>
<p>Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.</p>	<p>Partly Meets – Some review processes in place in the management of the fisheries.</p> <p>Aspects of the fisheries are reviewed annually in the Status of the Fisheries reports. These reports include analysis of reported catch of target stocks, bycatch as well as protected species, habitat and ecosystem impacts. It is unclear how this process links with the boarder management of the fisheries as the current 'operational' harvest strategy only considers target stocks.</p> <p>The implementation of the recently conducted ERA and the development of an updated Harvest Strategy are likely to offer a much clearer avenue for results of the Status of the Fisheries reports to lead into the management of the fisheries.</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>Does not meet – No reporting of discarded catch and no independent observer coverage.</p> <p>There is currently no requirement for operators of the fisheries to report discards. Understanding all harvest of the fisheries, not just the retained catch, is critical to understanding the potential impacts of the fisheries on the wider marine ecosystem. While there has been work done to reconstruct all harvests from the fisheries, this work has been based on historic observer coverage that ended in 1999. This creates significant uncertainty regarding the full impact of the fisheries.</p> <p>The lack of recent independent observer coverage also creates uncertainty around interactions with protected species. Reports of interactions and the life status these individuals is reliant on voluntary compliance. Furthermore, the baseline understanding of aspects of the broader marine ecosystem are not understood well enough to allow for meaningful assessment of fishery impacts. This is the case for fishery impacts to Australian Sea Lions where the baseline population is unknown creating uncertainty about whether fishery impacts can be assessed.</p> <p>While development of the ERA and harvest strategy will likely help in the assessment, monitoring and management of impacts on the wider marine ecosystem, neither the ERA or harvest strategy are in place at the time of this assessment.</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>Meets – Compliant with all relevant plans</p> <p>The fisheries operate in both state and Commonwealth areas. Fishing in Commonwealth waters is managed by the Western Australian Government in accordance with Western Australian legislation under an Offshore Constitutional Settlement between the Australian Government and the Western Australian Government.</p> <p>The fisheries are compliant with the national Recovery Plan for the Grey Nurse Shark, the national Recovery plan for the White Shark, and the national Recovery Plan for Australian Sea Lion. The fisheries are also compliant with the Threat abatement plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations, and the Threat abatement plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans.</p>

PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, 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.	<p>Partly Meets – Management requires up-to-date logbooks. However, there has no current observer coverage and discard data is not collected.</p> <p>The fishers are required to submit daily trip, catch and effort data, which includes reporting of target species and some important byproduct and protected species. VMS systems collect data on boat location to validate areas closed to harvest.</p> <p>There is no requirement for fishers to report the volume or composition of discarded catch. This is a critical aspect of understanding to full impact of fishing pressure on species. There is also no independent observer program to validate logbook reporting, monitor discards or protected species interaction. Volume and composition of discards have been modelled off historic catch data from 1994-1999 however there has been no independent monitoring since 1999.</p> <p>There is some positive progress being made toward the trialling electronic monitoring programs in Western Australian managed fisheries. However, there is no indication when this may be extended to these fisheries.</p>
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.	<p>Meets – Annual stock assessment for target species in the fisheries</p> <p>Target shark species (which constitute around 80 per cent of the total retained catch for the fisheries) are assessed every year, with the overall stock status for sharks in the south and west assessed as ‘sustainable-recovering’ in 2019-2020. Aspects of the fisheries are reviewed annually in the Status of the Fisheries reports. These report on the harvest of target stocks, as well as bycatch, interactions with protected species and impacts to habitat and the ecosystem.</p> <p>Key target species such as Dusky and Sandbar Sharks may be significantly impacted by any potential increased fishing effort, including through potential recommencement of fishing in the separate Western Australian Northern Shark Fishery. Monitoring and assessment of the key target species needs to continue, with performance indicators for stocks evaluated on an annual basis.</p> <p>The results of the ERA have not been released but are expected to identify risks to non-target species, habitats and ecosystems within the area of the fisheries. Specific management measures to address these risks are expected to be included in a revised Harvest Strategy which will be developed for the fisheries.</p> <p>ERA reports typically specify review timeframes to ensure they continue to reflect the changing risk profiles for fisheries. The ERA currently being finalised by DPIRD is expected to include these review schedules.</p>

<p>1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p>Meets – Spatial structure is known for target stocks.</p> <p>The Resource Assessment Report: Temperate Demersal Elasmobranch Resource of Western Australia includes an assessment of the stock structure of Whiskery, Gummy, Dusky and Sandbar Sharks which are the main shark species targeted in the fisheries. This document also contains the ‘operational’ harvest strategy for the fisheries, which outlines management goals and responses to maintain or recover these species to a target biomass level and consider the distribution and spatial structure of stocks.</p> <p>Any increased effort in the fisheries may result in the target stocks declining. There is no current scope for fishing effort to be increased from 2001-2002 fishing levels.</p> <p>There is currently no assessment or specific management of byproduct species. However, it is expected that the harvest strategy, currently being developed by DPIRD, will better inform management arrangements for all species impacted by the fisheries.</p>
<p>1.1.4 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>Partly Meets – Estimates exist for retained portion of harvest.</p> <p>There are reliable estimates of removal of fished stock that are retained. Commercial landings are reported in fisheries logbooks. However there is no requirement for fishers to report the discarded portion of their catch. There is no recent independent observer coverage to validate reported catch or to estimate discards. Work has been done to reconstruct discards for the recent operation of the fisheries but this is based on an observer program that ended in 1999.</p> <p>Information on recreational harvest is available and based on surveys of boat based recreational fishers. Surveys for land based anglers would improve the estimates of recreational harvest.</p> <p>No estimates of Indigenous catch are available. However, DPIRD has indicated that anecdotal evidence suggests the Indigenous catch is negligible, especially when compared to commercial catch.</p>
<p>1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.</p>	<p>Partly Meets – Sound estimates of productivity of target species, limited information on byproduct and bycatch species.</p> <p>DPIRD conducts regular assessments of four key target species (gummy, dusky, whiskery and sandbar sharks) which make up 80 per cent of the total catch in the fisheries. These assessments are published in the Status of the Fisheries reports and inform the management of the fisheries ensuring harvest levels are maintained at sustainable levels and facilitate stock recovery at appropriate levels.</p> <p>There are no estimates of productivity of many of the commercially important byproduct species or bycatch species. There is also no requirement that fishers report the discarded portion of their catch potentially leading to underestimates of the volume of the resource being harvested.</p>
<p>Management responses</p>	

<p>1.1.6 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>Partly meets –Reference points in place for key target species, improvement needed for byproduct species. The fisheries currently operate under a ‘operational’ harvest strategy that includes a single biological reference point for Whiskery, Gummy, Sandbar and Dusky Sharks. The management objective is to maintain the biomass 40 per cent of the unfished biomass for these species. An effort limit has also been set at the reference limit of the 2001-2002 fishing season.</p> <p>An ERA for the fisheries has been drafted but not yet published or implemented. The ERA when completed is expected to include an assessment for byproduct species. The current ‘operational’ harvest strategy does not set reference points linked to management actions for byproduct species. An updated Harvest Strategy may implement reference points for byproduct species but is yet to be developed.</p>
<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets – There are management strategies in place to control the level of take. Harvest strategies being developed will strengthen current arrangements.</p> <p>The fisheries have an effort cap set at the reference period of the 2001-2002 fishing season. Other input controls used in the fisheries include:</p> <ul style="list-style-type: none"> • licence restrictions • boat size/engine capacity • net mesh and length size • fishery area and time limits. <p>There are also additional management measures in place to protect endangered Australian Sea Lions, including gillnet exclusion zones around breeding colonies.</p>

1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.

Partly meets – Harvest strategy for target stocks only. There are recovery plans in place for some scalefish species.

There are a number of commercially valuable species taken as byproduct in the fisheries including:

Shark species caught as byproduct:

- Hammerhead Sharks (Family Sphyrnidae)
- Spinner Shark (*Carcharinus brevipinna*)
- Wobbegong Sharks (Family Orectolobidae)
- Common Sawshark (*Pristiophorus cirratus*)
- Ray species (order Batoidea).

Scalefish species caught as byproduct:

- Queen Snapper (*Nemadactylus valenciennesi*)
- Blue Groper (*Achaoerodus gouldii*)
- Pink Snapper (*Pagrus auratus*)
- Dhufish (*Glaucosoma hebraicum*)
- Samsonfish (*Seriola hippus*)
- Mulloway (*Argyrosomus hololepidotus*)
- Red fish (*Centroberyx* spp.).

Several commercially valuable byproduct species have poorly understood distribution and stock structure (hammerhead) or are believed to have overlapping stocks with other fisheries which are depleted (school sharks).

Hammerhead sharks are not reported to species level but historic observer coverage (from 1994-1999) found that the majority of sharks caught in the fisheries were Smooth Hammerhead (*Sphyrna zygaena*). There is no assessment for this stock, but DPIRD has indicated that relatively stable catch rate of these group suggests a stable population, despite documented substantial declines in other jurisdictions. The fisheries also take Great Hammerhead (*Sphyrna mokarran*) and Scalloped Hammerhead (*Sphyrna lewini*) which is listed as Conservation Depended under the EPBC Act. All three species of hammerhead are listed on Appendix II of CITES which require the harvest be conducted in a manner that does not threaten the survival of the species in the wild. While the harvest of smooth hammerhead sharks is below the recommended limit of the [2014 Non-Detriment Finding](#), it is concerning that there is no recent data on catch composition or a requirement that this group be reported to species level.

The ERA being developed for the fisheries is expected to highlight a number of risks to byproduct species. The current 'operational' harvest strategy does not contain management measure to address risk for byproduct species. This highlights the need to expediate the implementation of a revised Harvest Strategy.

Dhufish and Blue Morwong are managed as part of the [West Coast Demersal Scalefish Resource](#) and a resource recovery plan is already in place.

(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)

<p>1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partly Meets – Likely to achieve objective for target stocks but improvements needed for byproduct and bycatch species. There are clear management objects to maintain and rebuild biomass key target species to appropriate levels. For these stocks there is regular monitoring and reporting. Under current management there very few measures in place to manage byproduct species, some of which have poorly understood biology and stock status.</p>
<p>If overfished, go to Objective 2: If not overfished, go to PRINCIPLE 2:</p>	
<p>Objective 2 - 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>Management responses</p>	
<p>1.2.1 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>Partly meets – Precautionary recovery strategy in place for certain species, concerns around overfisher byproduct species. There is a recovery strategy in place for Dusky and Sandbar sharks in the fisheries that will remain in place until the stocks are recovered to the 40 per cent unfished biomass reference, the management target for these species in the fisheries. A number of byproduct species are overfished or depleted. It is unclear what management measure will be put in place to allow for the recovery of these stocks. The ERA is yet to be published and implemented and the Harvest Strategy for the fisheries is still being developed. These documents may give specific details on how the fisheries will manage the recovery of these stocks.</p>
<p>1.2.2 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>Partly meets – Adequate management responses have been implemented for target stock but not byproduct species. The most recent assessment of Dusky Sharks and Sandbar Sharks found that the harvest of these species was 'sustainable-recovering'. There are no specific management responses in place for overfished and depleted byproduct species. As noted, the development and implementation of the revised Harvest Strategy linked to the recently conducted ERA may lead to positive management changes for these species.</p>
<p>PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.</p>	
<p>Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.</p>	
<p>Information requirements</p>	
<p>2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.</p>	<p>Does not meet – No reporting of discarded portion of catch, reliance on very old fisheries data to reconstruct bycatch component. There is currently no requirement for fishers to report bycatch in their logbooks. There has been work conducted to reconstruct volume and composition for bycatch but this has been based on observer coverage from 1994-1999. It should be a priority for the fisheries to implement logbook reporting of discarded bycatch and implement and observer program to help with data validation.</p>
<p>Assessment</p>	

<p>2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.</p>	<p>Partly meets – Risk analysis of bycatch vulnerability has been conducted. State of the Fishery reports include information on the risk of the fisheries to bycatch species but it is unclear how this assessment is determined given that the discarded portion of catch is not reported in fishers logbooks. An ERA is being conducted for the fisheries, but it has not been published or implemented. It is unclear how the ERA will link to management of the fisheries without a Harvest Strategy. A Harvest Strategy is being developed but is not in place at the time of this assessment.</p>
<p>Management responses</p>	
<p>2.1.3 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>	<p>Partly meets – Management responses are in place for some bycatch species Gillnet exclusion areas have been put in place around Australian Sea Lion (ASL) colonies to reduce the risk of capture and mortality. Research and monitoring of the effectiveness of this measure is ongoing. The fisheries primarily use gillnets which are a relatively indiscriminate method of fishing. It is important that all efforts should be made to monitor and understand the impacts of these fisheries on bycatch species, as it may be difficult to reduce capture and mortality beyond a certain point. It is highly concerning that there is no requirement to report discarded catch in logbooks.</p>
<p>2.1.4 An indicator group of bycatch species is monitored.</p>	<p>Partly meets – Some modelled information on bycatch is available but is based on very old data (<1999). Fishers are required to report interactions with protected species, there is no further requirement to report discarded bycatch. These rates of bycatch are inferred from fisheries effort. Historically observed bycatch rates and compositions are linked to effort data in that time period providing reconstructed bycatch data for the recent operations of the fisheries. There is no monitoring of bycatch species based on actual current rates for bycatch. Implemented logbook reporting of bycatch should be a high priority for the fisheries.</p>
<p>2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.</p>	<p>Does not meet- No decision rule under current management There is no bycatch indicator species group or management response to changing rates of bycatch. There is minimal reporting of actual rates of bycatch. The implementation of the recently conducted ERA when linked to a revised Harvest Strategy may introduce new management measures for bycatch.</p>
<p>2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partly Meets – improvements to bycatch reporting and monitoring required. Logbook reporting for the fisheries does not require reporting of discards and therefore will not accurately record rate of bycatch. Reconstructed rates and composition of bycatch are based on very old observer covers. There are no specific indicator groups being monitored or management triggers in place to respond to the changes in levels of bycatch.</p>
<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.</p>	
<p>Information requirements</p>	

<p>2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.</p>	<p>Partly meets – Logbooks record interactions with protected species but there is no observer coverage to validate these records.</p> <p>Recording and monitoring of protected species interactions is conducted through statutory daily catch returns. Numbers of interactions as well as the survival status are reported publicly in the Status of the Fisheries reports. There is currently no formal observer program to validate logbook reporting. During a historic observer coverage from 1994-1999 rate of interaction with protected were low. However, implementation of an observer program of electronic monitoring should be a priority for the fisheries.</p> <p>There are ongoing concerns regarding the ability of logbook reporting or observer coverage to record interaction with Australian Sea Lions ASL. A 2010 study in South Australian found 10 of 12 observed ASL bycatch mortalities dropped out of the gillnet before reaching the deck (Goldsworthy 2010). This research highlights the need to undertake further research to better understand the impacts of the fisheries on ASL and to evaluate the effectiveness of gillnet exclusion zones around ASL colonies. Of particular concern is the lack of a robust understanding of the baseline populations of ASL in the area of the fisheries against which fishery impacts could be monitored.</p> <p>There is also no species-specific reporting of hammerhead sharks. The fisheries harvest the EPBC Act listed Scalloped Hammerhead (<i>Sphyrna lewini</i>). While reconstructed harvest data from past observer programs have indicated that it is a small component of hammerhead shark harvest, there should still be a requirement to report this species in logbook returns.</p> <p>There are no EPBC Act listed threatened ecological communities in the area of the fisheries.</p>
<p>Assessments</p>	
<p>2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.</p>	<p>Partly meets – Partial assessment of the impacts of the fisheries</p> <p>Rates of protected interaction are reported in the Status of the Fisheries reports with an assessment as to the risk posed by these levels of interactions. Given the knowledge gaps for some species and the lack of clearly reference levels that define acceptable levels of interactions, it is unclear on what basis these assessments are made. As previously noted, there are concerns surrounding the lack of observer coverage to validate the levels of interactions or survival status reported in logbooks.</p> <p>In 2018 gill net exclusion zones were introduced around know ASL colonies. There is ongoing work to assess the effectiveness of these exclusion zones. However, the department notes concern regarding the observability of fatal ASL interactions and the uncertainty around population baselines estimates for this species.</p> <p>The ERA for the fisheries is expected to include a detailed assessment of fishery impacts to target stocks, byproduct, bycatch and protected species as well as habitat and ecosystem components.</p> <p>The ERA is yet to be published and implemented. An updated harvest strategy is being developed that will include management measure to address risks identified in the ERA.</p>
<p>2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.</p>	<p>Not applicable</p> <p>There are no EPBC Act listed threatened ecological communities in the area of the fisheries.</p>

Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	<p>Partly meets – Mitigation strategy in place to avoid interactions with some protected species. Gillnet exclusion areas have been put in place around Australian Sea Lion (ASL) colonies to reduce the risk of capture and mortality. There is ongoing work to assess the effectiveness of these exclusions zones. However, the department notes concerns regarding the observability of fatal ASL interactions and the uncertainty around population baselines estimates for this species.</p> <p>The fisheries primarily use gillnets which are a relatively indiscriminate method of fishing. It is important that all efforts should be made to monitor and understand the impacts of these fisheries on protected species as it may be difficult to reduce capture and mortality beyond a certain point. It is concerning that there is no independent observer program or electronic monitoring to validate protected interactions reported in logbooks.</p> <p>The implementation of the recently conducted ERA when linked to a revised Harvest Strategy may introduce improved management measure for protected species.</p>
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	<p>Not applicable</p> <p>There are no EPBC Act listed threatened ecological communities in the area of the fisheries.</p>
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<p>Partly meets</p> <p>The department notes the positive progress made by the fisheries in the implementation of gillnet exclusions zones arounds ASL colonies and the work being undertaken understand the effectiveness of these zones. There is still uncertainty regarding the baseline population of ASL and the observability of the interactions.</p> <p>There are also concerns regarding the lack of an independent observer program to validate logbook reports of protected interactions. The current 'operational' harvest strategy does not outline how management of the fisheries should respond to changes in the levels of protected interactions. However, the implementation of an ERA and revised Harvest Strategy should help improve management of protected species in the fisheries.</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.	<p>Does not meet – No current data collection on key aspects of the fisheries' potential impact on the ecosystem and environment.</p> <p>The potential impacts of the fisheries on the ecosystem and environment are regularly reported in the Status of the Fisheries however there is no clear methodology on how this is assessed (references for the methodology of this assessment is the Resource Assent Report, which does not include any discussion of assessment of impacts to the ecosystem or environment).</p> <p>As stated previously, there are concerns that there is no requirement for fishers to report discarded catch, a vital component of understanding the impact of the fisheries on the environment and ecosystem.</p> <p>An ERA is being undertaken for the fisheries and is expected to assess risks to ecosystem structure and the broader environment. It is important that any risk assessment consider impacts of all catch (target and non-target) on the ecosystem structure and broader environment. Information on discarded bycatch from the fisheries is not currently collected.</p>

Assessment	
<p>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.</p> <ol style="list-style-type: none"> 1. Impacts on ecological communities <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities 2. Impacts on food chains <ul style="list-style-type: none"> • Structure • Productivity/flows 3. Impacts on the physical environment <ul style="list-style-type: none"> • Physical habitat • Water quality 	<p>Partly meets – Negligible data being collected, bycatch impacts reconstructed from historic observer coverage. There does not appear to be any ongoing data collection and only limited assessment of ecosystem impacts. Management of ecosystem impacts is centred around managing the biomass of four key target species and reducing impacts on protected species. There is no reporting of discarded catch.</p> <p>Work has been undertaken to reconstruct discarded catch composition and volume for the recent of operation of the fishery, based on an observer program that operated from 1994-1999.</p> <p>Recording bycatch and information relating to the potential impact of the fisheries on the broader environment should be made a management priority.</p> <p>The ERA, once completed is expected to consider impacts to the physical environment and water quality and guide further ecological risk mitigation.</p>
Management responses	
<p>2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>	<p>Does not meet – No specified actions.</p> <p>There are no mechanisms in place to monitor, detect or respond to ecosystem impacts. A revised harvest strategy may include management responses aimed at ensuring there is no significant impacts to ecosystems. However, this document has not yet been developed.</p>
<p>2.3.4 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>Partly meets – No precautionary management of ecosystem indicators. Ecosystem impacts are inferred from changes in catch rates of target stocks. There is minimal data collected to inform assessment of ecosystem impacts and no ecosystem indicators have been identified.</p> <p>The fisheries are managed under an ‘operational’ harvest strategy which only has measures in place to manage the four key target species. There is a management assumption that ecosystem impacts would occur proportionally to the harvest rate, and by having management measures in place to maintain target stocks at a stable level, ecosystem impacts will be minimised.</p> <p>A revised harvest strategy is being developed but has not yet been implemented. This Harvest Strategy may include decision rules and ecosystem indicators to manage significant impacts. The ERA, once completed is expected to consider impacts to the physical environment and water quality and guide further ecological risk mitigation.</p>
<p>2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partly meets – Low to Moderate chance</p> <p>While there are significant shortcomings in the assessment and management ecosystem impacts, there is regular reporting and consideration given to ecosystem impacts in the Status of the Fisheries reports. Once implemented, an ERA and Harvest Strategy will likely improve the management of ecosystem impacts.</p>

SECTION 4: ASSESSMENT AGAINST 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 considered in the formulation of advice on the fisheries 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
<p>(5) Minister must have regard to relevant bioregional plans</p>	<p>Partly meets</p> <p>The Marine Bioregional Plan for the South-West Marine Region 2012 identified 23 conservation values of regional priority, including Australian Sea Lions, White Shark, School Shark, seabirds, and eight Key Ecological Features. These Key Ecological Features support highly diverse marine life and provide important habitat for a range of commercially important species.</p> <p>There is no evidence to suggest any systematic change to species diversity or richness is being caused by the fisheries. Given the management measures in place in the fisheries, the conservation values identified in these marine regions are not expected to be compromised. However, the risks and uncertainties identified in this assessment require ongoing monitoring, assessment, and management to ensure that fishing effort does not have a material impact on the food chain or trophic structure in the area of the fisheries.</p> <p>The conservation of Australian Sea Lions is identified as a regional priority in the Marine Bioregional Plan for the South-West Marine Region 2012. The potential risk to Australian Sea Lions from fishing has been identified as the key protected species issue in Western Australia. In June 2018, DPIRD implemented a network of gillnet exclusion zones to assist in reducing the risk of interactions with foraging Australian Sea Lions. There is ongoing work to monitor the effectiveness of these changes.</p>

Part 13 – Species and communities

Accreditable plan, regime or policy (Divisions 1, 2, 3 and 4)	Comment
<p>s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e)</p> <p>Does the fishery have an accreditable plan of management, regime or policy?</p>	<p>Meets</p> <p>There is an accreditable management regime. The regime was last accredited under Part 13 in August 2018.</p>
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment

<p>(f) Will the plan, regime or policy require fishers 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?</p>	<p>Partly meets Fishers are required to report all protected species interactions. Gillnet exclusion zones have recently been implemented to minimise the fisheries' impact on foraging Australian Sea Lions.</p> <p>Interactions occur with various other listed threatened species, including Grey Nurse Sharks, White Sharks, Sawfish and marine Turtles. Interactions with these species are recorded in logbooks and reported publicly, along with the life status of each individual following the interaction. There is no independent observer program in place to verify logbook reported interactions with threatened species. Reported rates of interactions are low under the existing arrangements.</p> <p>Given there is some uncertainty regarding interactions with threatened species and the effectiveness of gillnet exclusion zones, ongoing monitoring, assessment and management of fishery impacts are required.</p>
<p>(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?</p>	<p>Partly meets There is uncertainty regarding the impact of the fisheries on Australian Sea Lions. In 2018, gillnet exclusions zones were established around colonies and there is ongoing work to establish their effectiveness. The lack of independent observer coverage to validate reported interaction along with the difficulty in observing fatal interactions with gill nets is of particular concern. There is also no reliable baseline estimate of the population of Australian Sea Lions against which fishery impacts could be monitored. Ongoing monitoring, assessment and management of fishery impacts are required.</p>
<p>Division 2 Migratory species, Section 222A Minister may accredit plans or regimes</p>	<p style="text-align: center;">Comment</p>
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?</p>	<p>Partly meets The management arrangements related to listed migratory species have not significantly changed since the last assessment and continue to require persons engaged in fishing under the management regime to take all reasonable steps to ensure listed migratory species are not killed or injured as a result of fishing.</p> <p>The fisheries interact with various listed migratory species, including White Sharks, seabirds and marine turtles. Interactions with these species are recorded in logbooks and reported publicly, along with the life status of each individual following the interaction. Current evidence suggests that these interactions are minimal under the existing arrangements.</p> <p>There is no independent observer program in place to verify logbook reported interactions with listed migratory species. Reported rates of interactions are low under the existing arrangements. Given there is some uncertainty regarding interactions with listed migratory species, ongoing monitoring, assessment and management of fishery impacts are required.</p>

<p>(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?</p>	<p>Meets Given the current measures in place in these fisheries, it is unlikely that the conservation status of a listed migratory species or a population of that species will be adversely affected.</p>
<p>Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes</p>	<p>Comment</p>
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?</p>	<p>Partly meets The management arrangements that relate to cetaceans have not significantly changed since the last assessment and continue to require persons engaged in fishing under the management regime to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of fishing.</p> <p>The Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery have occasional interactions with dolphins. These interactions are recorded in logbooks and reported publicly, along with the life status of each dolphin following the interaction. Reported rates of interactions are low under the existing arrangements.</p> <p>There is no independent observer program in place to verify logbook reported interactions with listed cetaceans. Reported rates of interactions are low under the existing arrangements. Given there is some uncertainty regarding interactions with cetaceans, ongoing monitoring, assessment and management of fishery impacts are required.</p>
<p>(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?</p>	<p>Meets The fisheries are unlikely to adversely affect the conservation status of a species of cetacean or a population of that species. Rates of interaction are low and ongoing monitoring and planned revision of the Harvest Strategy will likely further reduce the risk of adverse affects on cetaceans.</p>
<p>Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes</p>	<p>Comment</p>
<p>(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?</p>	<p>Partly meets Under the fisheries' current management arrangements, fishers are not permitted to take protected marine species, and all interactions with protected species must be reported. There is no independent observer program in place to verify logbook reported interactions with listed marine species. Reported rates of interactions are low under the existing arrangements. Given there is some uncertainty regarding interactions with listed marine species, ongoing monitoring, assessment and management of fishery impacts are required.</p>
<p>(g) And, is the fishery likely to adversely affect the conservation status of a</p>	<p>Meets The fisheries are unlikely to adversely affect the conservation status of listed marine species, or a population of those species.</p>

listed marine species or a population of that species?	
Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment
<p>(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.</p> <p>(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only:</p> <p>(a) during a particular period; or</p> <p>(b) while certain circumstances exist; or</p> <p>(c) while a certain condition is complied with.</p> <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	<p>Recommend accreditation under sections 208A, 222A, 245 and 265.</p> <p>The Department considers that accreditation of the fisheries should be subject to the following Part 13 condition:</p> <p>The department considers that accreditation of the fisheries should be subject to the following Part 13 conditions:</p> <p><u>Condition A:</u> The Western Australian Department of Primary Industries and Regional Development to develop and implement an independent data collection and validation program by February 2024. This may involve the use of electronic monitoring, onboard observers or other means.</p> <p>The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks.</p> <p><u>Condition B:</u> By December 2021, the Western Australian Department of Primary Industries and Regional Development must publish an ecological risk assessment of the Western Australian Temperate Demersal Gillnet and Demersal Longline Fishery, which considers the impacts of the fisheries on all target and non-target species, habitats and other ecological processes.</p> <p><u>Condition C:</u> The Western Australian Department of Primary Industries and Regional Development must develop, review and implement ecological risk mitigation measures to address significant risk identified in the ecological risk assessment for the Western Australian Temperate Demersal Gillnet and Demersal Longline Fishery.</p>

Part 13A – International movement of wildlife specimens

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <p>(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;</p> <p>(b) to protect wildlife that may be adversely affected by trade;</p> <p>(c) to promote the conservation of biodiversity in Australia and other countries;</p> <p>(d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;</p> <p>(e) to promote the humane treatment of wildlife;</p> <p>(f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and</p> <p>(h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.</p>	<p>The management arrangements for the fisheries have been assessed and found to be consistent with the general guidance provided in the objects of Part 13A as:</p> <ul style="list-style-type: none"> the harvest of any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species is sustainable and consistent with Australia's obligations there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way the operation of the fisheries is unlikely to be unsustainable and threaten biodiversity within the next three years, and <p>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.</p>

Section 303 CG Minister may issue permits (CITES species)	Comment
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <p>(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to:</p> <p>(i) the survival of any taxon to which the specimen belongs; or</p>	<p>As a party to the Convention, Australia must apply all CITES provisions of the EPBC Act to imports and exports of these species. Under these provisions, export of CITES specimens may only occur where a permit supported by a non-detriment finding (NDF), has been issued by the CITES Scientific Authority of the country of export.</p> <p>The fisheries catch a number of hammerhead shark species listed under the Convention, including Scalloped, Great and Smooth Hammerhead sharks. An NDF is in place for Hammerhead sharks.</p> <p>While the fisheries do not currently report hammerhead sharks to species level, catch data has been reconstructed from an historic observer program. A condition on the WTO declaration for the fisheries includes annual reporting requirements that will allow the department to monitor CITES specimens harvested in the fisheries, at the species-level.</p> <p>Given the existing management arrangements in place to monitor and control the harvest of CITES listed species and the NDF for Hammerhead Sharks, the department considers that fishing activity will not be detrimental to the survival of any taxon to which the CITES specimen belongs.</p>
<p>(ii) the recovery in nature of any taxon to which the specimen belongs; or</p>	<p>Smooth Hammerhead and Scalloped Hammerhead Sharks harvested in the fisheries are not considered to be overfished in Western Australia. The fisheries do not target these two species. However, they are often retained as valuable byproduct species. Harvest of these species has been relatively stable in the fisheries and overall fishing effort is capped.</p> <p>A revised Harvest Strategy is expected to include specific management arrangements for key byproduct species, including Hammerhead Sharks.</p>
<p>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and</p>	<p>While there are concerns regarding the measurement, monitoring and assessment of fishery impacts on the ecosystem, it is unlikely that given the stable effort in the fisheries and the cap on total fishing effort that there will be significant impacts on the ecosystem.</p>
Section 303DC Minister may amend list (non CITES species)	Comment
<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <p>(a) doing any of the following:</p> <p>(i) including items in the list;</p> <p>(ii) deleting items from the list;</p>	<p>The department recommends that specimens derived from species harvested in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery, but not including:</p>

<ul style="list-style-type: none"> (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 <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<ul style="list-style-type: none"> • specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or • specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia’s CITES List), <p>be included in the List of Exempt Native Specimens while the fisheries are subject to a declaration as an approved wildlife trade operation.</p>
<p>(1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2</p>	<p>Not applicable Although there is no strategic assessment under Part 10 of the EPBC Act, the department considers that 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 these fisheries.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets 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 these fisheries.</p>
<p>(3) Before amending the LENS, the Minister must consult:</p> <ul style="list-style-type: none"> (a) other Minister or Ministers as appropriate; and (b) other Minister or Ministers of each State and self-governing Territory as appropriate; and (c) other persons and organisations as appropriate. 	<p>The submission from DPIRD was made available on the department’s website from 8 May 2021 until 10 June 2021.</p> <p>A public comment submission raised concerns regarding:</p> <ul style="list-style-type: none"> • The impact of fishing on Australian Sea Lions (ASLs) <ul style="list-style-type: none"> ○ Ongoing lack of independent monitoring ○ The failure to have a population baseline from which to measure the recovery of ASLs from fishing impacts. ○ DPIRD is yet to conduct a formal review of the effectiveness of the current gillnet closures. • Impacts of the fisheries on Hammerhead Sharks <ul style="list-style-type: none"> ○ Failure to implement recommendations from Hammerhead Shark NDF ○ Failure to formally implement a Harvest Strategy by 2020 as per Condition 4(b) of the previous WTO ○ This is still no requirement for fishers to report both landings and discards of Hammerhead Sharks (or any sharks) to species-level. ○ No provisions to have fins naturally attached for any shark species

	<ul style="list-style-type: none"> • The impact of fishing on dolphins and seabirds <ul style="list-style-type: none"> ○ Lack of information on dolphin and seabird bycatch. ○ Need for better bycatch data validation for all TEP bycatch ○ Are there any mitigation methods being used for interaction with Dolphins and Seabirds? <p>The department's assessment has considered the public comments received on the submission and addressed these through conditions outlined in Section 2 of this report.</p>
Section 303FN Approved wildlife trade operation	Comment
(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>Yes</p> <p>The instrument to declare the fishery as an approved wildlife trade operation under section 303FN will be registered on the Federal Register of Legislation 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 satisfied that:</p> <p>(a) the operation is consistent with the objects of Part 13A of the Act; and</p> <p>(b) the operation will not be detrimental to:</p> <p style="margin-left: 20px;">(i) the survival of a taxon to which the operation relates; or</p> <p style="margin-left: 20px;">(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>Meets</p> <p>The Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery are eligible for declaration as an approved wildlife trade operation.</p> <p>The operation of the fisheries are consistent with Objects of 13A – see above assessment against the Guidelines (Section 2).</p> <p>The Operation of the fisheries is unlikely to 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 effort, spatial closures and gillnet exclusion zones, size limits for appropriate species, gear restrictions, and vessel monitoring.</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>Not applicable</p> <p>The Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) do not specify Crustacea or fish as a classes of animal in relation to the welfare of live specimens.</p>

<p>(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.</p>	<p>Not applicable 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 regard to:</p> <p>(a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and</p>	<p>Partially meets</p> <p>There are concerns regarding the lack measurement, monitoring and assessment of fishery impacts on the ecosystem. However, given the stable effort in the fisheries and cap on total fishing effort, there are unlikely to be significant impacts on the ecosystem in general.</p> <p>The Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery are unlikely to have a significant impact on any relevant ecosystem within the period of the new export declaration, given the management measures currently in place.</p> <p>There are some concerns regarding the measurement, monitoring and assessment of ecosystem impacts which will require ongoing attention.</p>
<p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>Partially meets</p> <p>The fisheries have effective management in place for target species. Improvements should be made to the management and monitoring of byproduct, bycatch and threatened species interactions, as outlined in the Section 3 assessment against the Guidelines (above).</p>
<p>(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to:</p> <p>(a) whether legislation relating to the protection, conservation or management of the specimens to which the operation relates is in force in the State or Territory concerned; and</p> <p>(b) whether the legislation applies throughout the State or Territory concerned; and</p> <p>(c) whether, in the opinion of the Minister, the legislation is effective.</p>	<p>Meets</p> <p>The fisheries will be managed under the <i>Western Australian Fish Resources Management Act 1994 (WA)</i>, the <i>Aquatic Resources Management Act 2016 (WA)</i> and the <i>Western Australian Fish Resources Management Regulations 1995</i>.</p> <p>The <i>Western Australian Fish Resources Management Act 1994</i> applies throughout Western Australian waters.</p> <p>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>Meets</p> <p>The Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery are commercial fisheries.</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>Not applicable</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 declare that a commercial fishery is an approved wildlife trade operation.</p>
<p style="text-align: center;">Section 303FR Public consultation</p>	<p style="text-align: center;">Comment</p>
<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>Meets</p> <p>The submission from DPIRD was made available on the Department’s website from 8 May 2021 until 10 June 2021.</p> <p>A combined submission from the Australian Marine Conservation Society and Humane Society International was received. Concerns raised included:</p> <ul style="list-style-type: none"> • The impact of fishing on Australian Sea Lions (ASLs) <ul style="list-style-type: none"> ○ Ongoing lack of independent monitoring ○ The failure to have a population baseline from which to measure the recovery of ASLs from fishing impacts. ○ DPIRD is yet to conduct a formal review of the effectiveness of the current gillnet closures. • Impacts of the fisheries on Hammerhead Sharks <ul style="list-style-type: none"> ○ Failure to implement recommendations from Hammerhead Shark NDF ○ Failure to formally implement a Harvest Strategy by 2020 as per Condition 4(b) of the previous WTO ○ This is still no requirement for fishers to report both landings and discards of Hammerhead Sharks (or any sharks) to species-level. ○ No provisions to have fins naturally attached for any shark species • The impact of fishing on dolphins and seabirds <ul style="list-style-type: none"> ○ Lack of information on dolphin and seabird bycatch. ○ Need for better bycatch data validation for all TEP bycatch

	<ul style="list-style-type: none"> ○ Are there any mitigation methods being used for interaction with Dolphins and Seabirds? <p>The department's assessment has considered the public comments received on the submission and addressed these through conditions outlined in Section 2 of this report.</p>
Section 303FT Additional provisions relating to declarations	Comments
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery will be made under section 303FN.
<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> <ul style="list-style-type: none"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of declaration is to specify the period, circumstances or condition.</p>	<p>The standard conditions applied to commercial fishery wildlife trade operations include:</p> <ul style="list-style-type: none"> • operation in accordance with the management regime • notifying the Department of changes to the management regime, and • annual reporting in accordance with the requirements of the Australian Government Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition. <p>The wildlife trade operation instrument for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and Southern Demersal Gillnet and Demersal Longline Managed Fishery specifies the standard and any additional conditions applied.</p>
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the <i>Gazette</i> , revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	Not applicable

Part 16 – Precautionary principle and other considerations in making decisions

Section 391 Minister must consider precautionary principle in making decisions	Comment
(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.	Partially meet

<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>There is sufficiently robust management of target stock in the fisheries, fishing effort is relatively stable and is capped at a threshold limit, and there are some spatial closures to protect high risk threatened species.</p> <p>There are currently limited management arrangement in place for byproduct species and no requirement for fishers to report bycatch that is discarded.</p> <p>Efforts have been made to reconstruct bycatch rates using historic observer data. However, there is still some uncertainty regarding the assessment and management of the fisheries full impact on the environment.</p> <p>The management regime, when supported by the conditions proposed in Section 2 of this report are expected to be sufficient to prevent serious or irreversible environmental damage being caused by these fisheries.</p>
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