



Australian Government

Department of the Environment and Energy

**Assessment of the
Northern Territory Offshore Net and Line
Fishery**

March 2019

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Disclaimer

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

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EXECUTIVE SUMMARY OF THE ASSESSMENT OF THE NORTHERN TERRITORY OFFSHORE NET AND LINE FISHERY

On 15 January 2019, the Northern Territory Department of Primary Industry and Resources (NT DPIR) submitted an application for the Northern Territory Offshore Net and Line Fishery (the fishery) to the Department of the Environment and Energy (the Department) for assessment under the EPBC Act as an approved wildlife trade operation (WTO), against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* (the Guidelines). A public comment period was open from 18 January to 15 February 2019.

The fishery

The fishery is a quota managed fishery, operating in Northern Territory (NT) waters from the low water mark to the boundary of the Australian Fishing Zone. The area of the fishery is approximately 542,000 km². Most fishing is done in the coastal zone within 12 nautical miles of the coast and immediately offshore in the Gulf of Carpentaria. The fishery is managed primarily via output (catch based) and input (gear based) controls. Primary gear includes pelagic net and demersal line.

Changes to fishery management arrangements, implemented in late 2018, include:

- Operation of the fishery using Individual Transferable Quotas;
- Landing all sharks with fins naturally attached unless an exemption has been granted;
- Electronic logbook reporting for species-specific interactions (including discards);
- Introduction of an AFMA-monitored random port inspection compliance program;
- Risk-based monitoring program in place to validate logbooks; and
- Specific harvest triggers for Great and Scalloped Hammerheads.

Target stocks

The fishery targets Australian Blacktip Sharks (*Carcharhinus tilstoni*), Common Blacktip Sharks (*C. limbatus*), Spottail Sharks (*C. sorrah*). The stock of these species has been classified as sustainable in waters off the North and West coasts of the Northern Territory, but have an undefined stock status in the Gulf of Carpentaria ([FRDC, 2018a](#)).

The fishery also targets Grey Mackerel (*Scomberomorus semifasciatus*), stocks of which have been classified as sustainable in waters off the North and West coasts of the Northern Territory, and in the Gulf of Carpentaria ([FRDC, 2018b](#)).

Protected species and threatened ecological communities

The fishery is known to interact with protected species including turtles, sawfish, dolphins, river sharks and mobulid rays, however the NT DPIR's 2009 ecological risk assessment did not find any species to be at high risk from the fishery.

Fishers are required to report all interactions with protected species in their fishery logbooks. The ongoing harvest of hammerhead shark species listed on Appendix II of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) is considered within the levels set by the 2014 non-detriment finding of the CITES Scientific Authority. Due to the selective fishing methods, the fishery has a low risk of causing damage to ecosystems.

Conclusion

Following assessment against the Guidelines, the fishery has been found to meet the requirements of the EPBC Act. This assessment has concluded the harvest of CITES-listed hammerheads from this fishery not to be detrimental to the species. The Department recommends that the fishery be granted export approval for three years until 27 March 2022,

by declaring the fishery an approved wildlife trade operation and amending the list of exempt native specimens under the EPBC Act. The Department also recommends reaccrediting the fishery's management regime under Part 13 of the EPBC Act.

Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade operation declaration for the fishery.

SECTION 1: ASSESSMENT SUMMARY OF THE NORTHERN TERRITORY OFFSHORE NET AND LINE FISHERY AGAINST THE ‘GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)’, CONSISTENT WITH THE EPBC ACT

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime	9 of 9			The Department considers that overall the management regime for the fishery aims to ensure that fishing is conducted in a manner that does not lead to overfishing. It is important that NT DPIR consider recent amendments to the marine debris threat abatement plan, and incorporate any changes as required.
Principle 1 (target stocks)	10 of 11			There is generally robust management of target stocks. Suitable management arrangements are in place for conservation-dependent stocks.
Principle 2 (bycatch and TEPS)	10 of 12	2 of 12		Generally, bycatch and interactions with threatened, endangered and protected species (TEPS) are considered to be negligible. A number of risks and uncertainties have been identified in relation to bycatch and species identification, including sharks. Accurate reporting will also assist in managing the incidental capture of shark species listed on Appendix II of CITES.
Principle 2 (ecosystem impacts)	5 of 5			Based on the available information and the fishery’s management arrangements, the Department considers that the fishing operations will be managed in a manner that minimises impacts on the structure, productivity, function and biological diversity of the ecosystem.
EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 12	Meets requirements subject to conditions specified at Section 4 of this report.			
Part 13	Meets requirements Due to the fishing method employed, interactions with EBPC Act–protected species are considered to be negligible.			
Part 13A	Meets requirements subject to conditions specified at Section 4 of this report. The fishery is consistent with the Objects of Part 13A. Declaration of the fishery as a Wildlife Trade Operation for three years, until 27 March 2022 is recommended, subject to conditions detailed in Section 4 of this report.			
Part 16	Meets requirements Appropriate precautionary measures are in place to prevent serious or irreversible environmental damage being caused by this fishery.			

Notes:

Assessment history:

Information on previous assessments for the Northern Territory Offshore Net and Line Fishery is available on the Department's website at <http://www.environment.gov.au/marine/fisheries/nt/offshore-net-line>.

1st assessment finalised September 2005 (under the Northern Territory Shark Fishery

<http://www.environment.gov.au/marine/fisheries/nt/shark>) – 6 recommendations.

2nd assessment finalised November 2007 – 4 conditions and 9 recommendations.

3rd assessment finalised September 2012 – 3 conditions and 5 recommendations

4th assessment finalised September 2016 – The list of exempt native specimens (LENS) was amended until 28 April 2017.

Fishery annual reporting:

Northern Territory Annual Fishery Status Reports 2011

Northern Territory Annual Fishery Status Reports 2012

Status of Key Northern Territory Fish Stocks Report 2013

Status of Key Northern Territory Fish Stocks Report 2014

Offshore Net and Line Fishery status report 2009

Stock status

Assessments undertaken by the Fisheries Research and Development Corporation (FRDC):

<http://www.fish.gov.au/Jurisdiction/Northern-Territory>

Reported through the State of the Fisheries and Aquatic Resources reports; see pages 25–26 of the [Status of Key Northern Territory Fish Stocks Report 2015 Fishery Report No. 118](#). **Fish Stocks Report 2015**

Enforcing legislation

The fishery is managed in accordance with provisions in the following Northern Territory legislation and regulations available at <https://legislation.nt.gov.au/en> (sourced March 2019):

[Northern Territory of Australia Fisheries Act 1988](#)

[Northern Territory of Australia Fisheries Regulations 1993](#)

Management arrangements (includes harvest strategy)

Northern Territory Offshore Net and Line Fishery management arrangements 2018 –

<https://dpir.nt.gov.au/fisheries/fisheries-strategies,-projects-and-research/management-arrangements-onlf>.

Fisheries Research and Development Corporation:

The blacktip shark identification study ([Johnson et al. 2017](#)).

SECTION 2: DETAILED ANALYSIS OF THE NORTHERN TERRITORY OFFSHORE NET AND LINE FISHERY AGAINST THE ‘GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)’

Guidelines criteria	Comment
THE MANAGEMENT REGIME	
The management regime does not have to be a formal statutory fishery management plan as such, 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 fishery is managed under the Northern Territory of Australia Fisheries Act 1988 (NT Fisheries Act) and the Northern Territory of Australia Fisheries Regulations 1993 (NT Fisheries Regulations), which apply throughout Northern Territory waters and are considered to be effective.</p> <p>An overview of the fishery’s management arrangements is available in annual reports and recent management changes in 2018 can be found on the Northern Territory Government website https://dpir.nt.gov.au/fisheries/fisheries-strategies-projects-and-research/proposed-management-arrangements-for-the-northern-territory-offshore-net-and-line-fishery (last updated 2018).</p> <p>Catch summaries are available on the NT DPIR website (https://dpir.nt.gov.au/ data/assets/pdf file/0007/434878/FR118.pdf).</p>
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	<p>Meets</p> <p>Management arrangements are developed in consultation with a range of stakeholders. Consultation involves publication of discussion papers, public consultation and regular meeting of the Offshore Net and Line Advisory Group (ONLAG).</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</p> <p>The ONLAG includes stakeholders from commercial, recreational and charter fishing, members from the Aboriginal traditional sector, conservationists, research, seafood marketing and other government sectors. The group provides advice on operational aspects of the fishery and assists with the development of management options.</p>
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	<p>Meets</p> <p>The management framework for the fishery contain objectives and performance criteria which trigger management responses and by which effectiveness of management is measured. These are detailed in the <i>NT Fisheries Act</i> and the NT Fisheries Regulations.</p>

<p>Be capable of controlling the level of harvest in the fishery using input and/or output controls.</p>	<p>Meets</p> <p>The level of take for commercial fishing in the fishery is managed primarily through output controls (primarily quota) and reporting. There are total allowable commercial catch (TACC) limits for the target and byproduct species in the fishery. TACC is managed using an Individual Transferable Quota (ITQ). Licences operating in the fishery each hold an allocation of quota that totals the TACC. Quota is reconciled using the Catch Disposal Record completed at the time of unloading.</p> <p>Input controls include licence restrictions, effort limits, gear and area restrictions.</p> <p>Annual fishing effort is monitored by a satellite-based vessel monitoring system (VMS).</p> <p>The level of recreational and charter harvest is primarily managed through a mix of input and output controls including bag limits, possession limits and minimum legal length.</p>
<p>Contain the means of enforcing critical aspects of the management arrangements.</p>	<p>Meets</p> <p>Management arrangements are contained in the NT Fisheries Regulations 1993 and in fishing licence conditions.</p> <p>NT DPIR-appointed fisheries inspectors and the Northern Territory Police enforce on-land and at-sea compliance, and undertake inspections of vessels, gear, licences and catches.</p> <p>A current compliance and enforcement priority for the fishery will be quota species caught over quota catch. A number of changes have been introduced to help address this issue, including:</p> <ul style="list-style-type: none"> • improved traceability through statutory logbooks • reconciliation of over-catches <p>Offences and penalties are prescribed in the <i>NT Fisheries Act</i>.</p>
<p>Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.</p>	<p>Meets</p> <p>A number of mechanisms are in place to assess the effectiveness of management measures. Some measures are mandated by fisheries legislation, including annual reporting requirements.</p> <p>NT DPIR facilitates regular stock assessments for key species and species groups. The status of target and non-target species stocks and impacts of fishing on the marine environment, are available on the NT DPIR website (https://dpir.nt.gov.au/data/assets/pdf_file/0007/434878/FR118.pdf).</p> <p>A formal review of the harvest strategy for this fishery will be undertaken within five years to align with the Management Strategy Evaluation (MSE) of the management framework.</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>Meets</p> <p>A range of management actions are in place to assess, monitor and manage the impacts of fishing on the wider marine ecosystem.</p> <p>On-board observers are randomly assigned vessels where they monitor fishing activities and record information such as protected species interactions and bycatch (discards). Satellite VMS tracking helps to ensure that fishing activities are spread across the fishery to avoid localised depletion. Independent on-board observers also provide records of impacts such as gear loss, discards and protected species interactions.</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</p> <p>The fishery is compliant with the Commonwealth's Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans. Commonwealth and Northern Territory legislation (the <i>Marine Pollution Act 1999</i>) is in place to implement MARPOL Annex V. Additionally, all commercial fishing vessels in the Northern Territory are subject to Fisheries Regulations which clearly prohibit abandonment or unattended use of fishing gear. The NT DPIR also provides nearly one million dollars per annum to selected Northern Territory coastal Indigenous ranger groups for tasks including ghost net removal.</p> <p>Fishery-specific Codes of Practices (COP) and the Environmental Management System (EMS) developed by the Offshore Net and Line Licensee Committee outline best practice approaches to the handling of waste, and detail marine pollution mitigation measures.</p> <p>The fishery's EMS sets the objective of minimising interactions with wildlife and protected species, and outlines best practice procedures for releasing both sawfish and turtles. The EMS also includes identification guides for protected species. These measures ensure the fishery is compliant with the objectives of both the Recovery Plan for Marine Turtles in Australia and the Sawfish and River Sharks Multispecies Recovery Plan.</p> <p>The fishery is compliant with the North Marine Parks Network policy (https://parksaustralia.gov.au/marine/parks/north/). Specific data agreements exist between the Department and Marine Parks Australia for the transparent operation of NT vessels in the North Marine Parks Network.</p>
<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.</p>	
<p>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.</p>	
<p>Information requirements</p>	
<p>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>	<p>Meets</p> <p>NT DPIR requires Commercial fishing logbooks that record detailed daily catch, effort and spatial data to be submitted after the completion of each fishing trip by all commercial fishers in the fishery.</p> <p>Currently, electronic logbooks are being implemented in the fishery and it is expected that these will be used under this harvest strategy to promote efficient transfer of this information. The main statistic produced for the harvest strategy will be Catch Per Unit Effort (CPUE) which will be used to assess the triggers against this performance indicator associated with target, secondary and tertiary species. Total catch statistics will be used to base any harvest increases/decreases that are associated with trigger breaches.</p> <p>A satellite-based vessel monitoring system (VMS) was brought into the fishery in 2019.</p> <p>Changes to observer coverage have been implemented, with additional observer trips being applied on a risk basis or as required. To address increased risk to sustainability with increasing harvest levels, there is fishery-wide observer monitoring initiated by harvest rules developed for each species (or species groups).</p>
<p>Assessment</p>	

<p>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>	<p>Meets</p> <p>NT DPIR facilitates independent assessments for quota-managed species and other key stocks. Assessments include consideration of all sources of mortality, including recreational and charter catches. The TACCs for these species have been set in accordance with the fishery's harvest strategy.</p> <p>Stock status assessments are undertaken annually using protocols adopted by all jurisdictions in the Status of Australian Fish Stocks Report. Outcomes are reported on the NT DPIR website and the Status of Australian Fish Stocks website.</p> <p>Monitoring the health of stocks in the fishery is ongoing using catch and effort information from each fishing sector, abundance surveys conducted before and after the implementation of the spatial closures, as well as biomass estimates of reef fish using acoustic sonar techniques on habitats inside the spatial closures.</p> <p>The Department recognises that in some cases it may not be possible to determine stock status. However, in all cases stocks must be managed to ensure they remain sustainable, not overfished or subject to overfishing. While significant effort is invested in assessing and managing many of the target species, management of byproduct species could benefit from further development.</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</p> <p>The general distribution and spatial structure is well known for most key species harvested in the fishery. However, some species stocks such as the blacktip shark species complex (Australian blacktip shark (<i>Carcharhinus tilstoni</i>) and common blacktip shark (<i>C. limbatus</i>)) are primarily managed as a single species complex, although research indicates there may be two separate biological stocks.</p> <p>DPIR continues to actively participate in cross-jurisdictional projects that provide greater information on species interactions in this fishery. The blacktip shark identification study, undertaken in conjunction with the ONLF Fisherman's Association (Johnson et al. 2017) was developed to assist industry to implement training and accurate species specific reporting of <i>C. limbatus</i> and <i>C. tilstoni</i>. It should be noted that despite <i>C. limbatus</i> and <i>C. tilstoni</i> being presently reported as a species complex, there is existing information which allows catches of each species to be quantified. The Johnson et al. 2017 study found that there was a ratio of 5.5:1 of <i>C. tilstoni</i> to <i>C. limbatus</i> caught in the fishery. Observer work in this fishery, using the methods outlined in Johnson et al. 2017, have further supported the ratio of five <i>C. tilstoni</i> being caught for every <i>C. limbatus</i> in this fishery.</p> <p>Fishery status reports and the Status of Australian Fish Stocks reports provide information on the distribution and spatial structure for many key species taken in the fishery.</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>Meets</p> <p>The fishery is comprised of commercial, recreational and charter sectors, as well as an Indigenous fishing sector.</p> <p>Information on the commercial catch is collected through logbooks and on-board observers. Target, by-product and certain discards are reported. All estimates of removals were considered in setting TACCs.</p> <p>Information on the recreational sector is collected through periodic surveys with a survey being conducted in 2018–9.</p> <p>There are no recent or reliable estimates of Indigenous catch of species, but a recreational and Indigenous fishing survey in 2000–2001 (Henry and Lyle, 2003) suggested Indigenous harvest was likely to be low relative to other sectors.</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>Meets</p> <p>Fisheries independent stock monitoring of target species, along with catch and effort data (logbook and on-board observer data), inform annual resource assessment reviews and TACC setting.</p> <p>Not all stocks of species caught are assessed. NT DPIR uses other methods, such as analysing stock status of key species with similar biological characteristics and catch trend data (via logbooks and on-board observers), to detect and respond to concerns.</p> <p>Total allowable catch limits have been set for some species, while others are managed through other output and input controls.</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>Meets</p> <p>Robust reference points are in place. TACC limits are applied to a limited number of species in the fishery and are allocated as Individual Transferable Quota (ITQ). These TACC limits are informed by stock assessments. Management triggers, based on a proportion of the TACC limits being reached, are in place for grey mackerel, sharks and other byproduct species, in particular hammerhead sharks.</p> <p>The harvest strategy includes include target and limit reference points that will trigger management actions, including limits beyond which the stocks should not be taken. The appropriateness of the harvest strategy will be formally reviewed by the relevant Management Advisory Committee every five years to ensure the strategy remains contemporary and incorporates the best available knowledge</p>
<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets</p> <p>Harvesting is adequately managed through a mixture of output controls (catch based) and input controls (gear based).</p> <p>The primary management approach is to assign quotas to key target species. Quota management is directly linked to the fishery harvest strategy. A range of precautionary management triggers are built into the harvest strategy. Performance measures are also in place for key species stocks, including some non-quota species.</p> <p>Total allowable commercial catch limits (TACC) for target species:</p> <ul style="list-style-type: none"> • Grey Mackerel - 535 tonnes. • Blacktip Sharks (Australian blacktip shark (<i>Carcharhinus tilstoni</i>) and common blacktip shark (<i>C. limbatus</i>)) - 435 tonnes. • Spot-tail Sharks (<i>C. sorrah</i>) - 122 tonnes <p>TACC limits are individually allocated as Individual Transferable Quota (ITQ).</p> <p>These TACCs act as triggers, whereby a species can no longer be fished if a trigger is reached. NT DPIR agreements also contain measures such as catch limits per trip for some species that are also targeted by other jurisdictions, such as Black Jewfish and Golden Snapper, both of which are classified as overfished in the Darwin region.</p>

<p>1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p>Meets Combined Shark species are byproduct species that the fishery harvests and are managed under the quota system. Operators are required to record the numbers of byproduct species caught or discarded. Key combined shark byproduct are reported to NT DPIR via monthly catch and effort logbooks and catch disposal records, which are submitted within one day of unloading.</p> <p>Combined Shark species include: Hammerheads, Pigeye, Tiger, Bull, Sandbar, Spinner, Dusky, Winghead, Grey Reef and Lemon Sharks.</p> <p>A TACC limit of 246 t which, with the exception of the hammerhead sharks complex, is not applied to any particular species or species group.</p> <p>Hammerheads Given the recent listing of Hammerheads on the Convention on International Trade in Endangered Species (CITES) Appendix II, precautionary management measures are required for the two relevant hammerhead species caught in the fishery (Great and Scalloped Hammerhead). A 50 t TACC harvest limit is in place for Great and Scalloped Hammerhead in the fishery. This limit is the jurisdiction's allocated share of the national harvest limits that would not be detrimental to the survival of these species, as determined by the Threatened Species Scientific Committee. The measures will ensure the catch of hammerheads is maintained at acceptable levels, while not actively encouraging discards. Hammerhead shark harvests by the ONLF in recent years have been relatively low, largely due to the limited use of longline gear in the fishery.</p> <p>Combined Finfish Group are byproduct species taken in the fishery and may include: Spanish Mackerel, Albacore Tuna, Batfish, Black Jewfish, Golden Snapper, Cods, Trevally and Queenfish.</p> <p>A TACC of 60 t for this group was introduced in 2018, the combined fin-fish group includes incidental catch of Spanish Mackerel. This TACC has been set at a level that does not inhibit fishery development or encourage discarding through insufficient holdings.</p> <p>The harvest strategy, while focusing mainly on key target species, also includes management arrangements for other species, including byproduct species through a tiered monitoring and management approach. With appropriate data collection, data monitoring and enforcement, these measures should ensure all stocks remain sustainable.</p>
<p>(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)</p>	
<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>Meets Given the fishing method, logbook reporting, and harvest strategy, the management response has a high chance of achieving the objective of maintaining ecologically viable stock levels.</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>N/A Not required, as target species are not considered overfished.</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>N/A Not required, as target species are not considered overfished.</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>Meets Reliable information appropriate for the scale of the fishery for abundance and composition of all bycatch is recorded primarily in commercial fishing logbooks and verified by on-board observers. There is mandatory reporting of all threatened, endangered and protected species (TEPS) interactions in the fishery in commercial fishing logbooks. Information from observer coverage is used to assess the type and amount of bycatch and TEPS interacted with during fishing operations, including information collected such as size and age of target species, bycatch quantity and composition and TEPS interactions and habitat distribution.</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>Meets Under the harvest strategy all combined bycatch species currently have a review trigger of 10 per cent of the total annual catch for the fishery. Fisheries will periodically review the fishery's catch composition to ensure the bycatch triggers are maintained at an appropriate level.</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>Meets Bycatch is recorded primarily in commercial fishing logbooks and by on-board observers. Due to the fishing method employed, bycatch is considered minimal. Bycatch mitigation measures currently in place include halting fishing activities, reviews of TACC and ITQs, restrictions on gear type, increasing on-board observers (or electronic monitoring), VMS and compliance action.</p>
<p>2.1.4 An indicator group of bycatch species is monitored.</p>	<p>Meets Species identified as high risk during risk assessments are regularly monitored. Operators are required to record target species discards and protected species bycatch. Operators are required to report bycatch for these species in catch logs. To reduce unnecessary discarding and encourage better utilisation of sharks, it is intended to maintain an individual vessel's bycatch to less than 20 per cent of the total fisheries estimated bycatch in any one year. Fishing zones are closed if bycatch trigger limits are reached. Bycatch trends may be identified through logbook reports and monitoring (e.g. on-board observers or electronic monitoring).</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>Meets The fisheries harvest strategy includes associated management triggers for indicator species. All combined bycatch species currently have a review trigger of 10 per cent of the total annual catch for the fishery.</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>Meets The management arrangements have a medium to high chance of achieving the objective to conduct the fishery in a manner that does not threaten bycatch species. the management measures and the fishing methods used assist in reducing the impacts of fishing to bycatch species.</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>Meets All operators are required to report any interactions with TEPS in their fishery logbooks and there are no threatened ecological communities in the area of the fishery. The use of NT DPIR's observer program, electronic monitoring, as well as the introduction of VMS help validate logbook records and ensure an accurate record of all interactions. NT DPIR has a compliance program which is capable of investigating and responding to any alleged misreporting.</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>Meets A robust harvest strategy was developed using measurable performance indicators against which reference points can be set (target, trigger and limit) and pre-determined management actions linked to each reference point is the essence of an effective harvest strategy. Most risks identified to endangered, threatened or protected species were identified as low, or suitable management practices are in place.</p>
<p>2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.</p>	<p>Not applicable There are no threatened ecological communities in the area of the fishery.</p>
<p>Management responses</p>	
<p>2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p>	<p>Partially meets Bycatch mitigation measures in place include restrictions on net type, length, holding and attendance rules. pelagic net and longline sectors have minimum holdings apply. Interactions with protected species are required to be reported by fishers to the NT DPIR within a month after cessation of each fishing trip. This provides NT DPIR with the opportunity to monitor and respond to emerging risks to protected species. EPBC Act listed species that are known to interact with the fishery include turtles, sawfish and, manta rays. The NT DPIR has advised that the results from its fishery observer program indicate that interactions with marine turtles are uncommon and, because of the short gear set times used, the majority are released alive. Hammerhead sharks are also targeted in the fishery, subject to strict management measures. Hammerhead sharks are CITES-listed and the Scalloped Hammerhead Shark is listed in the Conservation Dependent threatened species category of the EPBC Act.</p>
<p>2.2.5 There are measures in place to avoid impact on threatened ecological communities.</p>	<p>Not applicable There are no EPBC listed threatened ecological communities within the area of the fishery.</p>

<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>	<p>Meets</p> <p>The management arrangements are likely to have a high chance of achieving the objective of ensuring that fishing is conducted in a manner that avoids mortality of, or injuries to TEPS, and avoids or minimises impacts on threatened ecological communities.</p>
<p>Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>	
<p>Information requirements</p>	
<p>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>	<p>Meets</p> <p>The nature of the fishing gear used in the fishery (net and longline) means that minimal contact with the seabed and associated habitat occurs. Impacts on seabed communities and ecosystem structures are therefore likely to be negligible.</p> <p>The removal of high order predators (such as sharks and mackerel) can potentially impact food webs and species assemblages. While these impacts have not been quantified for the fishery, management of the fishery aims to ensure that sustainable populations of target species are maintained.</p> <p>The Marine Bioregional Plan for the North Marine Region 2012 has identified key ecological features in the area of the fishery. However, due to the low impact harvesting methods used in the fishery (pelagic net and line), impacts to the physical ecosystem are likely to be low.</p> <p>While the Department recognises there is bycatch of EPBC Act protected species, the management arrangements in place in the fishery and the conditions proposed in Section 4 of this assessment report, should ensure that any impacts on bycatch species are minimised.</p>
<p>Assessment</p>	
<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>Partially meets</p> <p>While an ecological risk assessment of the impacts of the fishery on the ecosystem and the environment generally has not been undertaken for this fishery since 2009, a harvest strategy has been implemented in the fishery in 2018. To enable the harvest strategy decision rules, flexibility provisions will be built in to the Regulations, which will enable NT DPIR to impose species, temporal or spatial amendments at any time to enact decision rules through Gazette notice and/or conditions applied to licences.</p> <p>Reference points and the management actions for the primary and secondary biological performance indicators for each of the biological operational objectives are set out in table below. The management actions/decision rules in this harvest strategy have been designed to provide clear guidance for setting the level of effort, and how it is managed in the fishery.</p> <p>TACC setting risk assessments for the fishery concluded that:</p> <ul style="list-style-type: none"> • No species are at high risk from fishing in the fishery; • The western NT and Gulf of Carpentaria Grey Mackerel populations are at moderate and low risk from fishing, respectively; and • All other species considered (target, byproduct and bycatch, including protected species) are at low or negligible risk from fishing. <p>When developing the harvest strategy, the results of the risk assessment for target, byproduct and bycatch species, together with:</p> <ul style="list-style-type: none"> • the relatively low number of operators and effort limits, and • the relatively passive and selective fishing methods used <p>suggests that the fishery is likely to have a relatively low impact on the ecosystem.</p>
<p>Management responses</p>	

<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>Meets The current suite of management arrangements are likely to be sufficient to minimise impacts on the ecosystem more broadly. The implementation of appropriate risk mitigation strategies through a harvest strategy should help management responses and actions.</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>Meets Overall, impacts on the ecosystem are generally considered to be low. However, an updated ecological risk assessment is recommended. The implementation of appropriate risk mitigation strategies through a harvest strategy should help management responses and actions.</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>Meets The management arrangements appear to have a high chance of achieving the objective of ensuring that the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>

SECTION 3: ASSESSMENT OF THE NORTHERN TERRITORY OFFSHORE NET AND LINE FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

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

Part 12 – Identifying and monitoring biodiversity and making bioregional plans

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	<p>Meets</p> <p>The Marine Bioregional Plan for the North Marine Region 2012 (the Plan) has been considered in the preparation of advice in relation to section 303DC and section 303FN (part 13A) as the fishery operates within the region.</p> <p>The Plan identifies the following key ecological features in the area of the fishery: the carbonate bank and terrace system of the Van Diemen Rise, the Gulf of Carpentaria Basin, and the Gulf of Carpentaria coastal zone. The Gulf of Carpentaria Basin and the Gulf of Carpentaria coastal zone are regional priorities in the Plan.</p> <p>'Extraction of living resources' and 'physical habitat modification' have been identified as pressures of potential concern to these key ecological features. Physical habitat modification is listed as a priority for conservation effort within the Region as it is considered to be 'of concern' in relation to protected species such as cetaceans, marine turtles, dugongs, sawfish, river sharks, sea snakes, seahorses and pipefishes, and seabirds.</p> <p>Bycatch by commercial fishing was also identified as a pressure of potential concern operating on the three key ecological features, with bycatch of marine turtles and dugong also listed as a regional concern. Improving data collection and data validation in the fishery has been identified in previous assessments and continues to be important for managing these risks.</p> <p>The conditions proposed in Section 4 of this report seek to address these issues by requiring NT DPIR to review data collection, monitoring and management of target as well as non-target species, including protected species, more training in target species identification and reporting, and recommend the fishery undergo an ecological risk assessment.</p>

Part 13 – Species and communities

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
<p>s. 208A (1) (a-e) , s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?</p>	<p>Yes The fishery is managed under the Northern Territory of Australia Fisheries Act 1988 (NT Fisheries Act) and the Northern Territory of Australia Fisheries Regulations 1993 (NT Fisheries Regulations) and arrangements established under this legislation.</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>Yes Commercial fishers are required to report all interactions with protected species to NT DPIR within a month after cessation of each fishing trip. This allows NT DPIR to monitor and respond to emerging issues.</p>
<p>(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?</p>	<p>No The fishery is unlikely to adversely affect the survival or recovery in nature of the species. Existing management measures, coupled with the conditions proposed in section 4 of this assessment report are expected to manage risks to these species during the course of the proposed approval.</p>
Division 2 Migratory species, Section 222A 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 migratory species are not killed or injured as a result of the fishing?</p>	<p>Yes Measures outlined for listed threatened species (Division 1 (f) in this section of the report) also apply to listed migratory species. Given the available information, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of members of listed migratory species.</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>No The existing management measures, coupled with the conditions proposed in section 4 of this assessment report are expected to manage risks to these species during the course of the proposed approval.</p>
Division 3 Whales and other cetaceans, Section 245 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 cetaceans are not killed or injured as a result of the fishing?</p>	<p>Yes Measures outlined for listed threatened species (Division 1 (f) in this section of the report) also apply to whales and other cetaceans. Given the available information, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of whales and other cetaceans.</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>No The existing management measures, coupled with the conditions proposed in section 4 of this assessment report are expected to manage risks to these species during the course of the proposed approval.</p>

Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	Comment
(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?	Yes Measures outlined for listed threatened species (Division 1 (f) in this section of the report) also apply to listed marine species. Given the available information, the Department considers that all reasonable steps are being taken to prevent the killing or injuring of listed marine species.
(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	No The existing management measures, coupled with the conditions proposed in section 4 of this assessment report are expected to manage risks to these species during the course of the proposed approval.
Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment
(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.	
(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only: (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	The Department recommends accreditation of the fishery's management regime under sections 208A, 222A, 245 and 265. No additional conditions are considered necessary at this time.
(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.	Not applicable.

Part 13A – International movement of wildlife specimens

Section 303BA Objects of Part 13A	
(1) The objects of this Part are as follows: (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention; (b) to protect wildlife that may be adversely affected by trade; (c) to promote the conservation of biodiversity in Australia and other countries; (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way; (e) to promote the humane treatment of wildlife; (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.	

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>Approval recommended</p> <p>The Department's assessment has considered the fishery's impact on Great Hammerhead (<i>Sphyrna mokarran</i>) and Scalloped Hammerhead (<i>S. lewini</i>) sharks, which are listed under CITES Appendix II, and which are targeted in the fishery. Scalloped Hammerhead shark is also listed in the Conservation Dependent threatened species category of the EPBC Act and is subject to strict management measures.</p> <p>In 2014, Australia's CITES Scientific Authority determined that Australia's national take of hammerhead sharks would not be detrimental to the survival of the species if catch was restricted to historical levels.</p> <p>Given the management arrangements in place to monitor and control the level of harvest of CITES species in the Offshore Net and Line Fishery, and the conditions proposed in section 4 of this assessment report, the Department considers that the fishery will not be detrimental to the survival of any taxon to which the CITES specimen belongs during the term of the proposed approval.</p>
<p>(ii) the recovery in nature of any taxon to which the specimen belongs; or</p>	<p>The CITES specimens harvested from the fishery are not considered to be overfished in the Northern Territory and management arrangements, including total allowable catch limits, are designed to ensure their ecologically sustainable harvest. A recently developed harvest strategy include measures to alert on TACC levels being reached and to recover stocks if they fall below defined reference points.</p>
<p>(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and</p>	<p>The potential for the fishery to impact unacceptably and unsustainably on any relevant ecosystem during the period of the proposed approval is considered low.</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>(iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject;</p> <p>(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</p> <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<p>Applicable</p> <p>The Department recommends that specimens that are or are derived from fish or invertebrates taken in the fishery as defined in the management regime in force under the <i>Fisheries Act 1988</i> (NT) and <i>Fisheries Regulation 1993</i> (NT):</p> <ul style="list-style-type: none"> • not including 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 subject to the following conditions:</p> <ul style="list-style-type: none"> ○ the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and ○ the specimens are covered by the declaration of an approved wildlife trade operation under section 303FN of the EPBC Act in relation to the fishery.

(1A)	In deciding to amend the LENS, the Minister must rely primarily on outcomes an assessment under Part 10, Divisions 1 or 2	Not applicable The fishery is not managed by the Commonwealth.
(1C)	The above does not limit matters that may be considered when deciding to amend LENS.	Meets The Department considers that it has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.
(3)	Before amending the LENS, the Minister must consult: (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.	Meets The submission from NT DPIR was made available on the Department's website from 18 January 2019 until 15 February 2019 . Two submissions were received and considered in this assessment. The Department also considered advice from NT DPIR on these submissions.
Section 303FN Approved wildlife trade operation		Comment
(2)	The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified wildlife trade operation is an approved wildlife trade operation for the purposes of this section.	
(3)	The Minister must not declare an operation as an approved wildlife trade operation unless the Minister is satisfied that: (a) the operation is consistent with the objects of Part 13A of the Act; and	Meets The fishery is consistent with Objects of 13A – see above assessment against the Guidelines (Section 2).
	(b) the operation will not be detrimental to: (i) the survival of a taxon to which the operation relates; or (ii) the conservation status of a taxon to which the operation relates; and (ba) the operation will not be likely to threaten any relevant ecosystem including (but not limited to) any habitat or biodiversity; and	Meets The fishery will not be detrimental to the survival or conservation status of a taxon to which it relates, nor will it threaten any relevant ecosystem, within the period of the new export declaration, given the management measures currently in place.
	(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	Not applicable The Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) do not specify fish or crustacea as a class of animal in relation to the welfare of live specimens.
	(d) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.	Not applicable No other conditions are specified in relation to commercial fisheries in the EPBC Regulations.
(4)	In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have regard to: (a) the significance of the impact of the operation on an ecosystem (for example, an impact on habitat or biodiversity); and	Meets The fishery will not have a significant impact on any relevant ecosystem within the period of the new export declaration, given the management measures in place and conditions specified in Section 4 of this assessment report.

<p>(b) the effectiveness of the management arrangements for the operation (including monitoring procedures).</p>	<p>Meets The management arrangements that will be employed for the fishery as outlined in the assessment against the Guidelines and the conditions outlined in section 4, are likely to be effective.</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 Species within the fishery will be protected, conserved and managed in accordance with the <i>NT Fisheries Act 1988</i> and the NT Fisheries Regulations 1993, which apply throughout Northern Territory waters and is considered 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 The fishery is a commercial fishery.</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>Meets A public notice, which set out the proposal to declare the Northern Territory Offshore Net and Line fishery an approved wildlife trade operation and included the application from Northern Territory Department of Primary Industry and Resources, was released for public comment from 18 January 2019 till 15 February 2019, a total of 20 business days.</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 The Department's assessment considered two public comments, and NT DPIR's responses to these comments.</p>
<p style="text-align: center;">Section 303FT Additional provisions relating to declarations</p>	<p style="text-align: center;">Comments</p>
<p>(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.</p>	<p>Meets A declaration for the fishery will be made under section 303FN.</p>
<p>(4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only:</p> <p>(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>Meets 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 Guidelines.

In such a case, the instrument of declaration is to specify the period, circumstances or condition.	The wildlife trade operation instrument for the Northern Territory Offshore Net and Line Fishery specifies the standard and any additional conditions applied.
(8) A condition may relate to reporting or monitoring.	Meets 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.
(11) A copy of an instrument under section 303FN, or this section is to be made available for inspection on the internet.	Meets The wildlife trade operation instrument for the Northern Territory Offshore Net and Line Fishery made under sections 303FN and the conditions under section 303FT will be registered as a notifiable instrument and made available through the Department's website.

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.	Meets Given the controlled catch and effort in the fishery, the selective fishing method, the annual monitoring of harvest against historic catch and effort data and the fishery-specific harvest strategy, precautionary measures are in place to prevent serious or irreversible environmental damage being caused by this fishery. The precautionary principle is identified in the <i>Northern Territory Fisheries Act 1988</i> and the EPBC Act.
(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.	

SECTION 4: NORTHERN TERRITORY OFFSHORE NET AND LINE FISHERY – SUMMARY OF ISSUES REQUIRING CONDITIONS, MARCH 2019

Issue	Condition
<p><u>General Management</u></p> <p>Export decisions relate to the arrangements in force at the time of the decision. To ensure that these decisions remain valid and export approval continues uninterrupted, the Department of the Environment and Energy (the Department) needs to be advised of any changes that are made to the management regime and make an assessment that the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on byproduct, bycatch, <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) protected species or the ecosystem.</p>	<p>Condition 1:</p> <p>Operation of the Northern Territory Offshore Net and Line Fishery will be carried out in accordance with the Northern Territory Department of Primary Industry and Resources fisheries management arrangements in force under the <i>Northern Territory of Australia Fisheries Act 1988</i> and Northern Territory of Australia Fisheries Regulations 1993.</p> <p>Condition 2:</p> <p>The Northern Territory Department of Primary Industry and Resources to inform the Department of any intended material changes to the Northern Territory Offshore Net and Line Fishery management arrangements that may affect the assessment against which EPBC Act decisions are made.</p>
<p><u>Annual Reporting</u></p> <p>It is important that reports be produced and presented to the Department annually in order for the performance of the fishery and progress in implementing the conditions in this report, and other managerial commitments to be monitored and assessed throughout the life of the declaration. 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 fishery, management arrangements in place, research and monitoring outcomes, recent catch data for all sectors of the fishery, status of target stock, interactions with EPBC Act protected species, impacts of the fishery on the ecosystem in which it operates and progress in implementing the Department's conditions. 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>Condition 3:</p> <p>The Northern Territory Department of Primary Industry and Resources to produce and present reports to the Department annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i>.</p>
<p><u>Reliable fisheries data collection, validation and monitoring</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. Where appropriate this reporting should be undertaken at a species-level.</p> <p>The Department recognises that work has commenced under the Northern Territory Government's changes to the management regime for the Northern Territory Offshore Net and Line Fishery (ONLF), which will ensure sufficient information is collected to monitor and assess the fishery's impact on target and non-target species, including protected species, with a high degree of confidence through continuing observer coverage, and the new introduced electronic monitoring (e-monitoring).</p> <p>In the ONLF e-monitoring requirements are triggered by the operational practices of individual operators. This differentiates ONLF's e-monitoring program from others that are fishery wide logbook validation programs. The Northern Territory Department of Primary</p>	<p>Condition 4:</p> <p>The Northern Territory Department of Primary Industry and Resources to:</p> <ol style="list-style-type: none"> a. provide the Department of the Environment and Energy a review of the current e-monitoring auditing protocols b. ensure that these protocols are appropriate for managing the level of take by individual operators who trigger e-monitoring requirements; and c. provided this review within 12 months after introduction of the e-monitoring auditing protocols. <p>This is to ensure that individual operators' catch is being sufficiently monitored and audited, and is appropriate for managing the level of take in the fishery under the new</p>

Issue	Condition
<p>Industry and Resources (NT DPIR) are yet to establish protocols for the auditing of e-monitoring data, and is proposing a more adaptable approach to auditing e-monitoring footage and data that better meets the objectives of the ONLF program.</p> <p>Concerns have been raised that the protocols for the review of electronic monitoring data are yet to be established, and that auditing rates should be no less than 10 per cent of total fishing effort, and that NT DPIR establish and make public best practice protocols for the auditing of e-monitoring data.</p> <p>The Department considers that accurate identification, data collection, reporting and reviewing of collected data is important to ensure there is appropriate monitoring of catch limits to assess, monitor and manage fishery impacts on all retained and discarded species, as well as interactions with protected species.</p>	<p>management regime. Performance against this condition must be included in annual reports specified at Condition 3.</p>
<p>Management of Hammerhead sharks</p> <p>Hammerhead sharks (Scalloped, Great and Smooth) were listed under CITES Appendix II in September 2014, following concerns about global depletion. Subsequent to this CITES listing, the Scalloped Hammerhead Shark was assessed and considered eligible for an Endangered listing and Conservation Dependent listing under the EPBC Act. Australia's Threatened Species Scientific Committee (TSSC) recommended the species be listed in the Conservation Dependent category, and the Ministerial decision to list this species as Conservation Dependent came into effect in March 2018. As part of the Conservation Dependent listing under the EPBC Act, the TSSC made a number of recommendations to the Commonwealth Environment Minister. The recommendations, that are relevant to Northern Territory fisheries and in particular ONLF, include:</p> <ul style="list-style-type: none"> • The Department continue to monitor the development of catch validation approaches in both the Northern Territory and Queensland and in the context of the catch data. In particular, the Committee regards the revision of all fisheries management regimes relevant to this assessment to provide for the landing of hammerhead sharks with fins naturally attached (consistent with many shark fisheries in Australia), as essential if this species is to remain listed in the Conservation Dependent category. • The Department update the TSSC with any new data of hammerhead stock status and management arrangements from the Northern Territory Government for the TSSC's scheduled review of hammerhead stock status and management arrangements. • In reviewing the catch data for Scalloped Hammerhead (<i>Sphyrna lewini</i>) and Great Hammerhead (<i>Sphyrna mokarran</i>), to provide the available catch data for Winghead Shark (<i>Eusphyra blochii</i>) to the TSSC for consideration. The TSSC advised that particular attention will be given to catch levels of Winghead Shark relative to Scalloped and Great Hammerhead sharks, and the level of confidence in data attained from the various mechanisms proposed to strengthen data validation. • The Department to report annually to the TSSC on the performance of the suite of management arrangements outlined in the listing advice which are to be implemented 	<p>Condition 5:</p> <p>The Northern Territory Department of Primary Industry and Resources to continue to improve the species-based management of hammerhead sharks in the Offshore Net and Line Fishery through:</p> <ol style="list-style-type: none"> a. Continuing to support fishers to identify accurately and record sharks at the species level to improve catch composition reporting (in particular of the hammerhead shark complex), and to ensure that catch levels of individual shark species are ecologically sustainable; and b. Reviewing and providing catch data for Scalloped Hammerhead (<i>Sphyrna lewini</i>), Great Hammerhead (<i>Sphyrna mokarran</i>) and Winghead Sharks (<i>Eusphyra blochii</i>) to the Department of Environment and Energy for Australia's Threatened Species Scientific Committee's consideration. The data should be in a form that facilitates a comparison of catch levels between the three species, and provide advice on the level of confidence in the various data collected by the Northern Territory Department of Primary Industry and Resources. <p>Provide annual reports to the Department (as per Condition 3) on the performance of management arrangements, including actions undertaken as part of this condition, and which comprise the 'plan of management' for the purposes of subparagraph 179(6)(b)(ii) of the EPBC Act for Scalloped Hammerhead Sharks.</p>

Issue	Condition
<p>for Scalloped Hammerhead Shark as a 'plan of management' for the purposes of satisfying the requirements of subparagraph 179(6)(b)(ii) of the EPBC Act.</p> <p>To enable the Department to report on the recovery of Scalloped Hammerhead sharks to the TSSC, NT DPIR are required to report on progress and performance of management arrangements and actions undertaken in response to TSSC recommendations, as outlined in the listing advice for Scalloped Hammerhead sharks http://www.environment.gov.au/biodiversity/threatened/species/pubs/85267-listing-advice-15032018.pdf</p>	

Issue	Recommendation
<p><u>Management of sharks including Blacktip sharks</u></p> <p>The Department considers it important that all shark catch be landed in a form that facilitates accurate identification to species level.</p> <p>While the Department acknowledges new legislation introduced that all sharks are now landed with fins naturally attached unless an exemption has been granted subject to strict conditional approval, there has been some concerns raised that more training is required for the reporting of sharks at correct species level (in particular the black tip family) requires more development.</p>	<p>Recommendation 1:</p> <p>The Northern Territory Department of Primary Industry and Resources to, in conjunction with other relevant jurisdictions, continue to improve the species based management of sharks in the Offshore Net and Line Fishery through:</p> <ul style="list-style-type: none"> a. Continuing to support fishers to accurately identify and record sharks at the species level; b. Improving catch composition knowledge; and c. Improving knowledge of species biology and ecology. <p>Reporting of sharks, in particular of the Blacktip and Hammerhead shark complex, should be sufficient to ensure that catch levels of individual shark species remain ecologically sustainable.</p>
<p><u>Measuring Fishery Performance</u></p> <p>Understanding bycatch composition is important in identifying threats to potentially vulnerable species within the fishery. An ERA should include this data analysis on composition and volumes to help identify risks and to ensure the fishery is ecologically sustainable. The Department recognises NT DPIR's risk based assessment in the development in the Harvest Strategy, and notes that ongoing performance measures have been developed for the fishery. The Department recommends that NT DPIR work with fishers to accurately record bycatch to species level and report publicly on the data collected.</p>	<p>Recommendation 2:</p> <p>The Northern Territory Department of Resources to:</p> <ul style="list-style-type: none"> a) Initiate a program to review and update the ecological risk assessment for the Offshore Net and Line Fishery on a regular basis; and b) Publish the results of future ecological risk assessments.

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