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## **WWF Australia Submission**

### **Southern and Eastern Scalefish and Shark Fishery Wildlife Trade Operation Re-assessment 2006**

**October 2006**

## Introduction

WWF welcomes the opportunity to comment on the Re-assessment of the Southern and Eastern Scalefish and Shark Fishery (SESSF). Our submission includes general comments about the nature of and process for re-assessment, specific comments on the text of AFMA's report and, in particular, comments on AFMA's progress in meeting the recommendations accompanying the declaration of the Wildlife Trade Operation (WTO).

The lack of a clear and established process for assessing Strategic and Wildlife Trade Operation Assessments has compromised the review of the SESSF. WWF believes that the AFMA response is superficial and provides an unsatisfactory basis on which to determine if the conditions of the WTO have been met and therefore, whether the fishery is now managed in accordance with the *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines). Further, WWF notes that a recent independent assessment of the status of the stocks is not available since the BRS has failed to publish a stock status report since 2004, meaning that the latest assessment available is based on 2003 information. This adds to the difficulty in providing informed comments on the extent that the Fishery's performance against the Guidelines has improved over the last three years.

## General Comments

### 1. Process

WWF notes with concern that the Department of the Environment and Heritage (DEH) has not formalized a clear process for the second round of fishery assessments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) within the time frame of the first WTOs. WWF also notes that the first WTO (the Commonwealth Bass Strait Central Zone Scallop Fishery) expired in March 2006, having been issued in March 2003. WWF considers that the process for re-assessment should have been finalized prior to the 2006 deadline and it is unacceptable that some six months later the process is still not clearly established.

Further, WWF is concerned that an undertaking as large and as groundbreaking as the first round of Strategic and Wildlife Trade assessments has not been subject to an open and comprehensive evaluation. Such an evaluation would be consistent with good business practice and would inform the development of the process for re-assessment.

### 2. Nature of the re-assessment

WWF considers that this is an assessment under the provisions of Part 13A of the EPBC Act. That assessment leads to one of two outcomes:

- listing of species taken in the fishery as Exempt Native Specimens (s303DB) for up to 5 years: or
- declaring the fishery an approved WTO (s303FN) with conditions for up to 3 years (DEH, 2004).

Section 303DC(1A) of the EPBC Act requires that:

*In deciding whether to amend the list referred to in section 303DB to include a specimen derived from a commercial fishery, the Minister must rely primarily on the outcomes of any assessment in relation to the fishery carried out for the purposes of Division 1 or 2 of Part 10.*

Section 303FN (10A) of the EPBC Act requires that:

*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.*

Part 10 of the EPBC Act relates to Strategic Assessments. According to DEH (DEH, 2004) assessments of commercial fisheries under Part 10 of the Act, are made against the Guidelines. WWF assumes therefore that for the purposes of this re-assessment the 2003 assessment of the SESSF against the Guidelines is the assessment to be relied on primarily in making a new decision under section 303DC(1A) or 303FN(10A). In addition, as indicated in advice from DEH (R. Ferguson, DEH *in litt.* To L. Hitch, WWF, 4 October 2006) progress made by the SESSF toward meeting the recommendations made as part of the Minister's 2003 assessment decision will provide the basis for how the SESSF is meeting the overall Guidelines.

WWF also notes DEH's intention to assess how the fishery is meeting the Part 13 protected species provisions, even though this is not directly linked to the WTO. DEH notes that it will take other publicly available information on the SESSF into account in making its assessment of the SESSF. In preparing its submission WWF has relied heavily on the AFMA report and AFMA's most recent TAC recommendations for 2007 (AFMA, 2006).

### **3. Approach to the Re-assessment**

WWF considers that the current formulation of the EPBC Act provides for a high level of transparency and accountability. In particular, the current Act provides mechanisms whereby the general public and interest groups can be assured that fisheries are being managed sustainably, and that where deficiencies are identified they will be addressed within the time frames specified by DEH.

If these time frames are not complied with, the public's confidence in the system is eroded and the impact of the assessment provisions for fisheries are compromised.

In this respect WWF notes that section 303FT(9) of the EPBC Act requires that:

*The Minister must, by instrument published in the Gazette, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.*

The conditions of the WTO require that AFMA provide a report annually to DEH that includes:

*A statement on the extent to which the performance criteria of the Southern and Eastern Scalefish and Shark Management Plan were met in the year; and information sufficient to allow assessment of the progress of AFMA in implementing the recommendations...*

However, the conditions do not require that AFMA's progress against the recommendations is judged to be satisfactory. As long as the report is made and sufficient information is provided to make an assessment, the condition has been met. So, even if AFMA's progress against the recommendation was unsatisfactory this would not invoke a revocation of the WTO by the Minister.

Given this, WWF believes that it is imperative that this re-assessment of the fishery should ensure that the recommendations have in fact been implemented. Failure to do so should invoke a strong response from DEH.

The content of the AFMA report would suggest that AFMA has failed to prioritise the recommendations of DEH into the management of the fishery. Further, there is no indication of

regular audit or review by DEH during this period to ensure that its recommendations were implemented within the nominated time frames.

That is not to say that WWF does not support the direction that management of the SESSF has taken in recent years. WWF believes that many of the management initiatives adopted in the SESSF have been key drivers for improved fisheries management across Commonwealth fisheries. However, there remain a number of key issues that need to be addressed in the SESSF and WWF is concerned that the EPBC Act assessment processes have not been administered rigorously enough to ensure that sustainability concerns are addressed.

On a number of occasions, information in the AFMA report refers to an agreement or a Memorandum of Understanding between DEH and AFMA, presumably in relation to implementation of the recommendations. If there have been revised agreements or understandings reached between DEH and AFMA over the course of the last three years in regards to the implementation of Recommendations, then these should be provided with the re-assessment so that stakeholders have the opportunity to consider the basis for these.

## **Specific comments**

### **Part 1 – Key Management Changes in the SESSF**

#### *General comment*

Overall, WWF found this section superficial. Limited supporting information was provided and the rationale behind various decisions was generally lacking. Under these circumstances it is difficult to form an opinion as to the sustainability of the various changes that have occurred or are proposed, and how these changes correlate with the Guidelines. The lack of a clear reporting and evaluation structure and the cursory nature of the information provided in the AFMA report means that external stakeholders must have an intimate understanding of management in this fishery over the past three years in order to provide meaningful comments on the report, as demonstrated by the series of questions below.

#### *Specific questions/comments*

Page 6 Para. 1: Reliance on AFMA's claims of reducing TACs should be considered in light of the most recent advice AFMA Board decisions on TACs (see AFMA, 2006a). WWF notes that the TAC for Eastern Gemfish and Orange roughly apart from the Cascade have not yet been announced.

Page 6: AFMA claims that the SESSF Plan is a "step towards implementing an ecosystem-based approach to management in the region." but fails to elaborate on how, or the extent to which this has occurred.

Page 6: WWF notes that the attempt to prevent increased effort on non-quota species by allocating quota for an increased number of species fails to provide comprehensive coverage of the non-quota species (see Table 2 of AFMA's report).

Page 6: WWF questions whether the use of the 'deepwater sharks baskets' is sufficiently precautionary for the 18 species included in the basket. There is no indication if the outcomes of the ecological risk assessment (ERA) in relation to relative vulnerability of these species have been taken into account.

Page 7: WWF notes that in recommending 2007 TACs to the AFMA Board, AFMA management has incorporated 'new principles' (see AFMA, 2006, p. 7-9) regarding acceptable variability in TACs across years, the frequency with which TACs for long-lived species should be changed and the minimum variability in a recommended biological catch level that should induce a change in a TAC. WWF is concerned that the development of these principles outside the harvest strategy

framework has the potential to compromise the integrity of that framework. There is also no certainty for stakeholders as to how these principles can be changed on an annual basis to effectively minimise TAC reductions.

Page 7: Ribaldo: Given that average bycatch equates to around 18t (AFMA, 2006) there would seem little justification in raising the TAC from 100t to 165t. The additional quota appears to provide an opportunity to target ribaldo by autolongline, potentially negating the objective of including this species in the quota system in 2005.

Page 7: Elephantfish: did the ERA provide any specific advice on the relative vulnerability of the species covered by the elephantfish family quota? AFMA (2006) indicates that chimaera species will be removed from this grouping in 2007. What is the rationale for this and what sustainability considerations have been taken into account in the decision?

Page 8. WWF notes that in 2006 the AFMA Board (AFMA Board, 2006) amended a previous decision to grant statutory fishing rights for deepwater shark and oreo species and agreed that AFMA consult with commercial operators on the proposal to manage oreo species as a bycatch of orange roughy fishing and on future management of deepwater sharks. These species will be managed as non-quota species TACs until management arrangements have been determined. What are the implications of these decisions on sustainability of these species?

Page 9. Table 2: The data for “2007- projected” are no longer relevant as the 2007 TACs have been announced.

Page 10: Knifejaw and leatherjacket: How vulnerable are these species? What are the ERA results? Are there decisions rules in place to determine the nature and the timing of responses to the results of the FIS survey, noting that the survey will not commence until 2008? Does AFMA intend to implement precautionary measures should catches continue to increase in the meantime? Again, the need for this will depend on the ERA findings.

Page 10: Table 2: What is the explanation for the 29%, 17% and 22% fall in catch of barracouta, gurnards and latches, and stargazer respectively? With respect to the 61% reduction in squid catch, AFMA notes that this is due to natural variability and partly due to changes in mesh size. Does AFMA perceive any risk that the reduction in the catch of these four species reflects reductions in abundance due to fishing?

Page 10: How does AFMA propose to enforce the provisions for zero discarding of quota species? How does it propose to monitor progress against a reduction of 50% in total discards? Does it have baseline data against which to measure this?

Page 11: What are the relative impacts on bycatch/discards of the shift in effort from dropline, traps, gillnet, trawl to autolongline? Are the autolongline hooks being set in the same areas as the effort it replaced?

Page 12: Trawl effort in the GABTS: Whether the TACs act to constrain effort depends on how restrictive they in relation to current catch levels.

Page 12: Midwater trawling in the small-pelagic fishery has encountered issues with respect to interactions with dolphins and seals. Is there any indication that these issues will arise in response to a potential expansion of mid-water trawl in the GABTS?

Page 13/14: St Helens Hill closure: Did the response to industry objections, i.e. to reduce the size of the closure, compromise the effectiveness of the closure in rebuilding the stock? What was the impact of reducing the size of the closure on the expected rate of rebuilding?

Page 14: Did the 2004 area closure for autolongline achieve its objective of reducing the take of breeding school shark? What is the rationale for the 6 area closures? That is, what are the objectives and are they being achieved?

Page 14: Voluntary closures for ling: What does AFMA perceive as the benefits of a voluntary over a regulated closure? How does AFMA incorporate the risk of a failure in industry monitoring into its decision making on the longer-term need for regulation?

Page 15: What are the implications/benefits to sustainability against the Guidelines that will arise from the proposed MPAs in the South East Marine Region? Without this information it is not possible to judge whether these closures are even relevant to this assessment.

Page 20: What action is AFMA taking to maximize the impact of management on a whole of stock basis? For example, what initiatives are planned to ensure that State commercial and or recreational take of AFMA-managed species are brought under complementary management measures?

Page 23: The Ministerial Direction requires that the 2007 TACs be assessed against the Commonwealth Harvest Strategy Policy (CHSP). WWF notes the recent announcement by the Minister for Fisheries, Forestry and Conservation (Senator Abetz, 10 October 2006) of an extension to the 2007 deadline for implementation of the Commonwealth HSP. Given that a Direction is a legal instrument, WWF is unclear about the legal standing of an amendment by press release to the timeframes established by the Direction of December 2005. WWF welcomed the development of a Commonwealth HSP however its utility in ensuring more precautionary management approaches in fisheries such as the SESSF is being compromised by the delay in its finalization. In particular, WWF notes that the risk criterion specified in the initial setting of the Policy, requiring a <20% chance of a stock falling below a limit reference point, has not been implemented in the SESSF harvest strategy framework (AFMA, 2006b).

Page 23: Reference points for non-quota species: On what basis were these species selected? Was the ERA used to determine the species for which reference points should be established? Is there a process or criteria in place to identify additional species for which reference points should be established?

Page 23: Where a reference point is triggered does AFMA intend to take precautionary action until the outcomes of the assessment are known? WWF notes that the commitment to undertake an assessment within 12 months imposes no obligation on AFMA to implement an appropriate management response, if required, within a specified time frame.

## Part 2 – Report on WTO Recommendations

### *General comment*

WWF has provided comments in response to AFMA’s response to each recommendation. Again, WWF found that the lack of information constrained the development of an informed view of the effectiveness of AFMA’s actions in response to the recommendations. Overall WWF notes that many of the time frames have not been complied with. WWF seeks urgent action to ensure that all recommendations are fully complied with.

### *Specific comments*

Recommendation	Comment on AFMA’s response
<p><b>1:</b> A report to be produced annually and presented to the EA and to include a statement of the extent to which the performance criteria of the Southern and Eastern Scalefish and Shark</p>	<p><b>Partially implemented</b> WWF understands that AFMA’s annual report has been accepted by DEH as meeting the reporting condition of the WTO. However,</p>

<p>Management Plan were met in the year; and information sufficient to allow assessment of the progress of AFMA in implementing the following recommendations 2 to 18 as stated below</p>	<p>reports for only two of the three years of the WTO are publicly available, since the 2005/06 Annual Report is not yet published.</p>
<p><b>2:</b> Section 7(1)(b) of the draft SESSF management plan be amended to:</p> <p>"that data is collected, appropriately verified and analysed to enable:</p> <p>i) timely evaluation of the effectiveness of the management measures implemented to maintain the resources of the fishery at, or rebuild those resources to, an acceptable level; and</p> <p>ii) timely modification of those management measures"</p>	<p><b>Implemented</b></p>
<p><b>3:</b> AFMA will develop a single document within 2 years that describes the structured monitoring program required under Section 6(a) of the Management Plan. The program will address priority monitoring issues such as discarding rates, threatened and listed species interactions and appropriate levels of observer coverage and fishery independent studies in all sectors of the fishery.</p>	<p><b>Action required by September 2005 but not yet implemented.</b></p> <p>The 2004/05 Annual Report committed to completing the strategic research plan and data collection, analysis, validation and utilisation strategy by September 2005. This was not achieved. The AFMA response fails to specify when it will now be implemented, referring only to "after the 2005 Ministerial direction has been addressed and implemented." The timeframe of the recommendation preceded the Ministerial Direction. The impact of the Direction should not therefore be accepted as a mitigating factor.</p> <p>There is no detail provided on the extent to which the proposed fishery independent survey (FIS) will address discarding rates, threatened and listed species interactions or the levels of observer coverage involved. WWF notes that the survey will not commence until 2008.</p>
<p><b>4:</b> Section 6(f) of the draft SESSF management plan be amended to:</p> <p>"setting TACs, harvest strategies and reference points for non quota species"</p>	<p><b>Implemented</b></p> <p>WWF notes, however that harvest strategies have not been applied to non-quota species and that reference points (with no decision rules) have been developed only for some.</p>
<p><b>5:</b> AFMA to establish a schedule to develop and implement, within 3 years, harvest strategies, including decision rules and reference points, for quota species and high risk non quota species identified from the ecological risk assessment process. Harvest strategies will include:</p> <ul style="list-style-type: none"> <li>• monitoring of landed catch;</li> <li>• TACs or trigger ranges/levels of acceptable catch; and</li> </ul>	<p><b>Action required by September 2006. Only partially implemented.</b></p> <p>The 2004/05 Annual Report indicated that the development of harvest strategies will follow ecological risk assessments and results of the alternative management strategies project. AFMA's report indicates that final ERAs are not yet available and WWF understands that the alternative management strategies project has</p>

<ul style="list-style-type: none"> <li>development of management responses when reference points or trigger ranges/levels are reached.</li> </ul>	<p>been at least partly suspended.</p> <p>The AFMA report identifies the following species as high risk non-quota species: smooth dory, ribaldo, shark basket, oreo basket, alfonsino. These were brought into the quota system in 2005 and 2006. However the report provides no advice on whether these were identified from the ERA or whether the ERA identified other high risk species. It is therefore very difficult to judge whether this aspect of the recommendation has been complied with.</p> <p>In addition, while TACs and reference points have been set for a number of non-quota species, harvest strategies (including decisions rules) have not been developed.</p> <p>The submission indicates that AFMA will assess the reasons for any reference point being triggered within 12 months, but fails to indicate the timeframe in which any management action will be taken or whether any precautionary measures will be implemented while the assessment and management response is being developed.</p> <p>WWF believes that the SESSF has made good progress with the implementation of harvest strategies for quota species, but wishes to ensure that the harvest strategies reflect fully the provisions of the Commonwealth HSP and that the HSP is applied to all high risk non-quota species.</p>
<p><b>6: Within 3 years AFMA will identify and implement</b> management responses to fishing impacts identified from the ecological risk assessment process, taking into account known fishing impacts on:</p> <ul style="list-style-type: none"> <li>vulnerable and/or overfished species;</li> <li>listed threatened species under the EPBC Act in the fishery;</li> <li>species with low productivity;</li> <li>key species in the food chain such as squid and jack mackerel;</li> <li>areas of localized depletion;</li> <li>cumulative gear impacts across the life cycles of species in the SESSF and adjoining fisheries;</li> </ul> <p>species with increasing levels, or significant potential for increased levels, of catch landings.</p>	<p><b>Action required by September 2006. Not implemented</b></p> <p>The 2004/05 Annual Report indicated that ERAs would be completed in mid 2005. AFMA's original submission for assessment of the fishery in 2002 relied heavily on the conduct and implementation of responses to the ERAs being conducted for AFMA by CSIRO. DEH's response to the submission assumed, justifiably, that these assessments would be completed in line with AFMA's commitments. AFMA's failure to ensure that these assessments were delivered, and hence its inability to implement the outcomes, is a major shortcoming and shows little recognition by AFMA of the accountability it owes to stakeholders in ensuring that fisheries are managed in accordance with the Guidelines. In relation to the current and future assessments this raises questions as to whether commitments such as this should be recognised in the assessment</p>



	<p>process. WWF is extremely disappointed that three years later the ERAs have not been finalized and that implementation of the outcomes is far from complete.</p> <p>AFMA provides no indication of the expected timeframe for implementation of management responses to the ERAs. AFMA's response refers to consideration by the AFMA Board in August 2006, but the outcomes of that consideration are not provided.</p> <p>It is unclear from the outcomes of the AFMA Board meeting of August 2006 (AFMA Board, 2006) what management measures approved by the Board are based on the results of the ERA.</p>
<p><b>7:</b> Sections 12c) and 16c) of the draft SESSF management plan be amended to:</p> <p>"c) must take into account:</p> <p>i) all fishing mortality from all sectors within the fishery and overlapping or adjacent fisheries for the species; and</p> <p>ii) the ecological implications of harvesting the TAC; and</p> <p>iii) the distribution and population structure of the species."</p>	<p><b>Action completed.</b></p> <p>WWF considers that the SESSF has made good progress in relation to accounting for all mortalities and to taking into account some of the ecological implications of harvest (especially on companion species). However, WWF notes that in many cases there remains little information on the ecological impacts of fishing and the distribution and population structure of species.</p>
<p><b>8:</b> Section 7(g) of the draft SESSF management plan be amended to:</p> <p>"that stocks of quota species, and other species for which reference points have been determined, are above the reference points for the species"</p>	<p><b>Action completed.</b></p> <p>WWF notes that a number of stocks are classed as overfished and therefore not above determined reference points.</p>
<p><b>9:</b> Within two years, as an interim measure, AFMA will implement management actions to monitor the level of catches of those non quota species identified as high risk in the ecological risk assessment process and implement appropriate precautionary management controls to ensure harvest levels are ecologically sustainable. Harvest strategies for high risk non quota species must be developed before catches of those species may be increased.</p>	<p><b>Action required by September 2005. Partially implemented.</b></p> <p>See comments against recommendation 6.</p> <p>AFMA's report refers to consideration of high risk species and habitats for gulper sharks in June 2006. It would be helpful to know the outcomes of this consideration.</p>
<p><b>10:</b> AFMA will develop and implement within 3 years a system of spatial and temporal management to assist the fishery to be managed in an ecologically sustainable manner. The system of strategic closures will take account of impacts of fishing on:</p> <ul style="list-style-type: none"> <li>• species and populations identified by the ecological risk assessment process as</li> </ul>	<p><b>Action required by September 2005. Partially implemented</b></p> <p>The AFMA response provides no assessment of whether the specific impacts identified in the recommendation have been addressed by the closures put in place or those proposed by the Ministerial direction (no details are provided on these proposals).</p>

<p>high risk;</p> <ul style="list-style-type: none"> <li>• the recovery of overfished stocks;</li> <li>• important spawning / pupping / juvenile / feeding /refuge grounds;</li> <li>• benthic habitats and associated impacts on productivity of quota and non quota species;</li> <li>• species vulnerable to particular methods of fishing such as deepwater dogfish;</li> <li>• various stages of the life cycle of species e.g. ling, blue eye trevalla and sharks; and</li> <li>• species and associated habitats taken as target species by other fisheries;</li> <li>• species or habitats fished at particular depth ranges by particular gear types.</li> </ul>	<p>Again, the failure to finalize the ERA is a major constraint to implementation of this recommendation.</p> <p>The AFMA Board (2006) reports that further spatial closures were approved by the Board in September 2006 to prevent the targeting and minimise the bycatch of breeding-age school shark; to protect southern dogfish and Harrison’s dogfish; to prevent the targeting of deepwater species and protect fragile deepwater habitats (except for orange roughy and alfonsino under current management arrangements).</p>
<p><b>11:</b> As an initial measure for the proposed system of spatial management, AFMA will, within two years, implement precautionary management for the development of new fishing grounds. AFMA will broadly identify, for each fishing sector and associated gear types, those areas that have never been fished by those sectors and associated gear types prior to the end of 2002. Expansion of fishing activity to new areas for the particular sectors and gear types will be under structured and precautionary management arrangements to ensure ecologically sustainable harvesting</p>	<p><b>Action required by September 2005. Not implemented.</b></p> <p>The Annual Report for 2004/05 indicated that a precautionary management regime to control expansion of current fishing grounds had not been progressed.</p> <p>AFMA did not pursue this recommendation directly until after the receipt of the Ministerial Direction in December 2005. This was after the specified timeframe in which the recommendation required that action be completed. AFMA’s report fails to provide an explanation of AFMA’s approach to precautionary management of new fishing grounds.</p> <p>AFMA acknowledges that it has not defined the areas fished by all methods up to the end of 2002, indicating that this was not deemed practical at certain spatial scales. This is not an acceptable response to a DEH assessment of the fishery and reinforces the view that AFMA does not recognise its accountability to DEH and stakeholders in relation to implementation of recommendations arising from EPBC Act assessments.</p>
<p><b>12:</b> AFMA will ensure that the strategic compliance program required under Section 6 (j) of the management plan identifies and implements appropriate tools to effectively monitor and validate compliance with all management measures, including spatial management, administered under the SESSF</p>	<p><b>Implemented</b></p>

<p>management plan.</p> <p><b>13:</b> AFMA, in consultation with industry and other stakeholders:</p> <ol style="list-style-type: none"> <li>1. develop and implement management arrangements to significantly reduce the current total level of quota and non quota discards in the SESSF within 3 years; and</li> <li>2. within 12 months as part of the bycatch plan determine target reduction levels and baselines for future discarding in the fishery that are acceptable to Environment Australia</li> </ol>	<p><b>1 Action required by September 2006. Implemented</b></p> <p>A number of measures have been implemented. However it is not possible to assess whether these have resulted in 'significant reductions' in the discards of quota and non-quota species.</p> <p>The 2004/05 annual report pointed to the adoption of voluntary reporting of discards in the trawl sector however this does not of itself result in a significant reduction in discards. Further, the Annual Report indicated that the reviewed SESSF bycatch action plan (BAP) would identify specific actions to address discarding and that the SESSF MAC would consider this in June 2005. As of 16 October 2006 the AFMA website indicates that the BAPs for the various sectors of the SESSF are still under review and have not yet been combined into a SESSF BAP.</p> <p><b>2 Action required by September 2004. Not Implemented</b></p> <p>AFMA's response provides no indication of any established targets. It is unclear whether DEH has been advised of any such targets and if so whether they have found them to be acceptable.</p> <p>AFMA refers to a discards strategy being developed but fails to outline the proposal or objectives.</p>
<p><b>14:</b> Effective management requirements to use discard and other bycatch mitigation measures will be introduced at the conclusion of a trial and development period of up to three years. AFMA will monitor the extent of uptake of mitigation measures and introduce mandatory measures where voluntary uptake of measures is insufficient.</p>	<p><b>Implemented</b></p>
<p><b>15:</b> Section 7(1)(m) of the draft SESSF management plan be amended to:</p> <p>"that, if the stock of a species is found to be below the reference point for the species, effective recovery strategies are implemented within 12 months to ensure that, to the extent that the deficit of the stock is attributable to factors related to the management of the fishery, the depleted stock is rebuilt above the reference point."</p>	<p><b>Implemented</b></p> <p>WWF notes that for some species, notably eastern gemfish, recovery strategies have not yet been implemented, despite having been identified as overfished for 14 years.</p> <p>It is of little point having these measures in the plan if AFMA does not operate in accordance with the Plan's requirements.</p> <p>Note earlier comments regarding AFMA's undertaking to conduct assessments within 12</p>

	months of a reference point being triggered rather than implementing “effective recovery strategies within 12 months” as required by the Plan.
<p><b>16:</b> Section 8 of the draft SESSF management plan be amended to:</p> <p>"(3A) For paragraph (3)(d), actions that must be required include, as appropriate:</p> <p>a) defining and implementing appropriate bycatch limits; and</p> <p>b) setting targets for bycatch reduction; and</p> <p>c) implementing bycatch reduction measures within set time periods."</p>	<p><b>Implemented</b></p> <p>However, the BAPs publicly available on the AFMA web site are now 5 years old, pre-date the Management Plan and are purportedly under review. It is therefore not possible to assess whether the BAPs meet the requirement of the Plan.</p>
<p><b>17:</b> Section 8(4)(b)(iv) of the draft SESSF management plan be amended to:</p> <p>"(4) In developing a bycatch action plan, AFMA must take into account:</p> <p>(b) the requirements under the EPBC Act for the protection of :</p> <p>(iv) listed threatened ecological communities."</p>	<p><b>Implemented</b></p> <p>See comments against Recommendation 16.</p>
<p><b>18:</b> AFMA, in consultation with industry, EA, researchers and other stakeholders, to further assess and reduce the extent of interactions of seals, cetaceans and seabirds across all sectors of the SESSF, and interactions with syngnathids in the trawl sectors and white sharks in the gillnet and hook sector. AFMA will, for all of the above species:</p> <ul style="list-style-type: none"> <li>• within 12 months, establish robust data collection and reporting systems to quantify the extent of interactions; and</li> <li>• within 3 years assess, trial and implement as appropriate mitigation or avoidance measures including further trials of bycatch exclusion devices and spatial or temporal closures.</li> </ul> <p>For seals and sea lions, AFMA will, within 18 months, extend across the trawl sectors management measures assessed as effective to help reduce interactions with seals and sea lions.</p> <p>For syngnathids and seabird species, AFMA will, within two years, assess under the ecological risk assessment process the risks of fishing activities in the SESSF to syngnathid and seabird species and develop appropriate management responses</p>	<p><b>Partially implemented</b></p> <p>AFMA’s response refers to a memorandum of Understanding between AFMA and DEH. WWF is unclear as to what this MOU refers to. A copy should be made publicly available.</p> <p>AFMA’s report indicates that a report on interactions with protected species was to be prepared by June 2006. If so, the results should be provided in AFMA’s response.</p> <p>How confident is AFMA that with only 13% observer coverage the protected species interaction data is accurate?</p> <p>What did the data collected on protected species interactions in the trawl sector show since collection began in 2003/04?</p> <p>What is AFMA doing to prevent further interactions with fur seals in the blue grenadier fishery?</p> <p>AFMA’s response provides no information on the outcomes of the ERA in relation to syngnathids or any management responses AFMA has implemented.</p>

to the outcomes of the ecological risk assessment.	
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### **Part 3 Ongoing and future Management changes**

P. 39 Harvest Strategy Framework: AFMA contends that “All species or stocks are assigned to a tier”. This is clearly not the case. For example AFMA (2006b) identifies Alfonsino, Eastern Gemfish, Pink Ling and School shark as having ‘No tier’.

P. 39 Recovery Plans: AFMA indicates that recovery plans will be developed for all overfished stocks of orange roughly, eastern gemfish and school shark in 2006. The Guidelines require that where fished stocks are below a defined reference point that a precautionary recovery strategy is in place, specifying management actions, or stages management responses, which are linked to reference points...” . It has been public knowledge for many years that eastern gemfish, school shark and some orange roughly stocks are overfished. BRS (2004) has assessed eastern gemfish and school shark as overfished since 1992 and South East Fishery orange roughly as overfished since 2000/01. It is unacceptable that recovery plans are still not in place for these stocks. The EPBC Act assessment process has failed to ensure that such plans were put in place. In the absence of effective rebuilding strategies, protection for these stocks has been sought under the listing provisions of the EPBC Act. However, lengthy delays in decisions on these listing proposals have meant that no precautionary recovery measures are yet in place.

P. 39: Managing non-quota species: AFMA indicates that in future “.. TACs on quota species will be able to be reduced to constrain catches of associated non-quota species.”. This statement suggests that AFMA was unable to do this in the past. WWF does not accept this.

P., 40: Managing Risk: As noted above AFMA has previously committed to completing the ERA but this has yet to be achieved

P. 40: Future development: How does AFMA intend to restrict fishing to areas and species that have been fished to date if it has failed to undertake the assessment required under Recommendation 11. With regard to the proposed ‘development application process’, it is not possible to have any confidence in this undertaking until the details of this process are established.

P. 40. Other deepwater species: AFMA notes that AFMA management has recommended (AFMA, 2006) zero TACs for East and West deepwater shark baskets and the Other oreo basket. Will bycatch limits apply to these species?

P. 42. Discarding: WWF understands that AFMA circulated its discard policy to MACs around March 2006 and that MACs were asked to develop a response to the Environment Committee by July 2006. The SESSF’s response should be available for consideration in this re-assessment.

P. 43. Monitoring: When will the SESSF be reviewing its need for observer and related monitoring programs? If a structured observer program was introduced in the gillnet sector on July 1 it would be helpful if the details of that program were provided.

P. 46. ERA: It is disappointing and unacceptable that the latest publicly available versions of the ERA are now more than two years old (July 2004). Without access to the latest information, the transparency involved in providing opportunities for public comment is compromised. It is imperative that the latest available outcomes are made available to DEH for the purposes of reassessing the fishery.

## Concluding remarks

WWF agreed with DEH's approach to the first round of fisheries assessments under the EPBC Act. WWF supported the approach of encouraging continuous improvement by alerting fisheries to deficiencies in meeting the Guidelines and effectively providing an opportunity, through the declaration of a WTO for a maximum of three years, to address these issues.

WWF believes that the SESSF has had a three year opportunity to ensure that it meets the requirements of the Guidelines. In WWF's view the SESSF still fails to meet the Guidelines and, specifically, that the fishery has failed to implement a number of DEH recommendations. Further it is not entirely clear, from the information provided if, for example, AFMA is managing the fishery in accordance with some of the requirements of the Management Plan that DEH explicitly sought to have included in the Management Plan. WWF notes that AFMA (page 5) seeks a renewal of the three year WTO and acknowledges that further progress is required in order to meet the Guidelines.

The issues WWF have identified fall into three broad categories:

1. those associated with the lack of clarity around the process for re-assessment, including the approach DEH intends to take in response to failure to implement or partial implementation of the recommendations of the initial assessment;
2. the failure of AFMA to ensure that the recommendations have been fully implemented and hence the continued operation of the SESSF at a standard below those established by the Guidelines; and
3. the difficulty in making informed judgments as to whether management changes in the SESSF are consistent with sustainable fisheries management on the basis of the scant detail provided in the AFMA report.

Taken together these issues make it very difficult to form a view as to whether the WTO for the SESSF should be extended and, if so, for how long.

It is WWF's view that the perceived non-compliance with the recommendations must elicit a stronger response from DEH if the application of fisheries assessment under the EPBC Act is to be meaningful. WWF seeks a response from DEH in regards to how much latitude DEH is now prepared to provide to fisheries such as the SESSF in their implementation of the precautionary management arrangements required by the DEH recommendations and the Guidelines.

Given that DEH has not clearly articulated a rigorous process for re-assessment against the Guidelines and that AFMA's has not presented sufficient information to support a reassessment, WWF does not support a renewal of the WTO at this time. If however, DEH were to decide to renew the WTO, WWF believes that it should be issued for a maximum period of 12 months together with a set of conditions and strict requirements for reporting and monitoring progress against those conditions. AFMA should be left in no doubt that failure to address the outstanding issues within the 12 month period will result in the WTO being withdrawn.

## References

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