



Australian Government

Department of the Environment and Energy

Assessment of the
Tasmanian Commercial Dive Fishery

August 2016

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This report should be attributed as '*Assessment of the Tasmanian Commercial Dive Fishery August 2016*, Commonwealth of Australia 2016'.

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 and Energy 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 and Energy or the Australian Government.

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SECTION 1: SUMMARY OF THE ASSESSMENT FOR THE TASMANIAN COMMERCIAL DIVE FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Purpose: To enable transparent articulation of which commercial fisheries assessed under the EPBC Act clearly meet all legislative requirements and all Guidelines, and those which may require further investigation or assessment to demonstrate requirements are met.

Overview of the Tasmanian Commercial Dive Fishery against the relevant requirements of the Guidelines and the EPBC Act.

Guidelines	Meets	Partially meets	Does not meet	Details
Management regime	7 of 9 1 of 9 N/a	1 of 9		<p>The management regime is effective.</p> <p>The management arrangements for the Tasmanian Commercial Dive Fishery (the fishery) are regulated by the Fisheries (Commercial Dive) Rules 2011 and closely monitored by the Department of Primary Industries, Parks, Water and Environment (DPIPWE). Management is transparent and information is publicly accessible. The general public is involved in consultation processes when there are any changes, reviews or the revocation of the management plan.</p>
Principle 1 (target stocks)	7 of 11 2 of 11 N/a	2 of 11		<p>Target stocks are generally well managed.</p> <p>Stock status reports and catch limits have been developed, based on historical catch data. No scientific studies have been conducted to independently verify the baseline biomass of urchin species or Periwinkle, nor any seasonal or spatial changes from the fishing operations. However, both species have a long history of low exploitation in Tasmania and where data is insufficient, precautionary management arrangements have been implemented.</p>
Principle 2 (bycatch and TEPS)	12 of 12 N/a			<p>Risks to bycatch and protected species are minimal.</p> <p>Not applicable. Bycatch is considered negligible due to the highly selective fishing methods used (hand collection by diving, tongs or a single prolonged hook).</p>
Principle 2 (ecosystem impacts)	2 of 5 3 of 5 N/a			<p>Ecological risk is inherently low due to the fishing method used.</p> <p>While an analysis of risks has not been completed for the fishery, the selective fishing gear and methods used has a minimal impact on the ecosystem and environment in which it is deployed. Where a knowledge gap exists, or there is a lack of robust information, management arrangements have erred toward a precautionary approach. Therefore, the Department considers the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>
EPBC requirements				

Part 12				Not applicable. There is no fishing activity within areas covered by a bioregional plan.
Part 13				Not applicable. No Part 13 assessment is required as no fishing activity occurs in a Commonwealth marine area.
Part 13A	1 of 3 1 of 3 N/a	1 of 3		The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A. There is limited consultation if LENS is amended, although it is sufficient for strict requirements, as per advice to Minister in MS14-002367.
Part 16	1 of 1			The Department has accounted for the precautionary principle in the preparation of its advice.
<p>Conclusion:</p> <p>The fishery primarily targets Purple Sea Urchin (<i>Heliocidaris erythrogramma</i>), Longspine Sea Urchin (<i>Centrostephanus rodgersii</i>), and Periwinkle (<i>Lunella undulata</i>). It operates entirely in state waters in five separate management zones (central eastern, south eastern, north eastern, northern and eastern). The annual total allowable commercial catch (TACC) limit for Purple Sea Urchin is based on 75 percent of the average catch from the four years prior to the introduction of the 'Tasmanian Commercial Dive Fishery Management Plan 2005', using a process carried out in accordance with the management regime in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i>. The annual TACC limit for Periwinkle is based on a comprehensive study conducted by the Tasmanian Institute for Marine and Antarctic Studies (see Keane <i>et al.</i> 2014). The Department considers that the range of management measures are sufficient to ensure that the fishery is conducted in a manner that does not lead to overfishing and that stocks are not currently overfished. There are no bycatch or protected species concerns in this fishery, therefore, it meets all environmental requirements of the EPBC Act and most of the Guidelines.</p>				
<p>Final recommendation for 2016 assessment of the Tasmanian Commercial Dive Fishery:</p> <p>Low risk, eligible for 10 year approval (2016-2026).</p>				

Notes:**Assessment history:**

The assessment history for the Tasmanian Commercial Dive Fishery is available on the Departments website at <http://www.environment.gov.au/marine/fisheries/tas/commercial-dive>.

1st assessment finalised November 2005 – Exempt from export provisions of the EPBC Act until 25 November 2010 (F2005L03830). Export approval was subject to 6 recommendations. Extended until 15 September 2011 (F2010L03060).

2nd assessment finalised September 2011 – Exempt from export provisions of the EPBC Act until 15 September 2016 (F2011L01891). Export approval was subject to 3 recommendations.

Fishery reporting:

Annual report – last provided in September 2015.

Protected species interactions – not reported as interactions are considered benign.

Key links and references:

The fishery is managed in accordance with provisions in the following Tasmanian legislation and regulations, and is available at <https://www.legislation.tas.gov.au/>:

– *Living Marine Resources Management Act 1995*

– Fisheries (Commercial Dive) Rules 2011

DPIPWE's application for export approval at

<http://www.environment.gov.au/marine/fisheries/tas/commercial-dive/submission-2011>:

– Policy Document for the Tasmanian Commercial Dive Fishery - December 2005,

– Tasmanian Commercial Dive Fishery policy update - January 2011

Management Plan for the Commercial Dive Fishery – February 2011, Available at

<http://dPIPWE.tas.gov.au/Documents/Commercial-Dive-Rules-2011.pdf>.

Commercial Dive Management Plan Amendments – 2014, Available at <http://dPIPWE.tas.gov.au/sea-fishing-aquaculture/commercial-fishing/commercial-dive-fishery/commercial-dive-management-plan-amendments-2014>.

Tasmanian Department of Primary Industries, Parks, Water and Environment 'Commercial Dive Fishery', Available at <http://dPIPWE.tas.gov.au/sea-fishing-aquaculture/commercial-fishing/commercial-dive-fishery>.

Williams H 2002 'Sea urchin fisheries of the world: A review of their status, Management Strategies and Biology of the Principal Species. Draft background paper. Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania, Available at http://dPIPWE.tas.gov.au/Documents/World_urchin_fisheries.pdf.

Keane JP, Lyle JM, Mundy C and Hartmann K 2014 'Periwinkle Fishery of Tasmania: Supporting management and a profitable industry', *Institute for Marine and Antarctic Studies*, Hobart TAS, Available at http://www.imas.utas.edu.au/__data/assets/pdf_file/0007/743227/Periwinkle-Fishery-of-Tasmania.pdf.

Tasmanian Commercial Divers' Association – Code of Practice, Available at <http://www.tsic.org.au/files/COPDive.pdf>.

SECTION 2: DETAILED ANALYSIS OF THE TASMANIAN COMMERCIAL DIVE FISHERY AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines	Meets	Partially meets	Does not meet	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>Management arrangements for the Tasmanian Commercial Dive Fishery (the fishery) are documented, publicly available and transparent. Information on the fishery is available to the public and stakeholders on the Department of Primary Industries, Parks, Water and Environment (DPIPWE) website at www.fishing.tas.gov.au. The website also contains information regarding the policy framework for managing Tasmanian fisheries.</p> <p>Fisheries under Tasmanian jurisdiction are administered through the provisions of the Tasmanian <i>Living Marine Resources Management Act 1995</i> (the LMRM Act) and its subordinate legislation. The Fisheries (Commercial Dive) Rules 2011 (Commercial Dive Rules) is the overarching legislation for the fishery. The 2005 Commercial Dive Policy Document and the updated 2011 Commercial Dive Policy Document are used in conjunction with the management plan to manage the fisheries operations. All Tasmanian legislation is publicly available on the Tasmanian legislation website at www.thelaw.tas.gov.au.</p>			
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public	<p>Meets.</p> <p>All changes to a management regime must be released for public consultation with all stakeholders and the wider public.</p>			
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process	<p>Partially meets.</p> <p>No formal fishery advisory committee (FAC) has been established for the fishery. However, the fishery is a small-scale fishery and it is considered that it does not warrant the costs of establishing a full FAC. The commercial sector is formally represented by the Tasmanian Seafood Industry Council in conjunction with advice from the Tasmanian Commercial Dive Association. Furthermore, groups consisting of relevant stakeholders may be formed to address any concerns that may arise. Any changes, reviews or the revocation of the management plan, the Commercial Dive Rules, involves consultation with all interested parties, including the general public, as per the arrangements of the LMRM Act.</p>			
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured	<p>Meets.</p> <p>The objectives and performance measures for assessing the effectiveness of management arrangements are contained within the 2005 Policy Document and updated 2011 Policy Document for the fishery.</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 management arrangements include the following input and output controls:</p> <p>Input controls</p> <ul style="list-style-type: none"> • size limits for sea urchins and periwinkles • gear restrictions (hand collection by diving using tongs or a single prolonged hook) • limited entry • five separate zones, and • area closures as required. <p>Output controls</p> <ul style="list-style-type: none"> • total allowable commercial catch (TACC) limits for each zone, and • restrictions on the type of fish divers are allowed to have on their vessel in certain areas.
<p>Contain the means of enforcing critical aspects of the management arrangements</p>	<p>Meets.</p> <p>The Commercial Dive Rules are a statutory set of rules. Each rule contains a grade of penalty attached to it, which mandates the penalty that must be imposed by the Court if an offence is proven. Also, provisions apply for infringement notices with mandated smaller penalties—which can be issued at the discretion of a fisheries officer for lesser or first offences. Enforcement of these rules is undertaken by the Tasmania Police, who are authorised fishery officers under the LMRM Act.</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>All management plans and regimes are subject to periodic formal review—generally every ten years. However, if issues arise then more specific reviews can be undertaken if statutory management changes are required. Stock assessment and TACCs are reviewed annually.</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>Given the highly selective nature of the fishing gear used (identified above) interactions with threatened, endangered or protected species (TEPS) are unlikely for this fishery. Available information suggests that the current management arrangements are sufficient and that any adverse impacts on the wider marine ecosystem are unlikely.</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>Not applicable.</p> <p>There are no relevant plans or strategies relating to threat abatement, recovery or bycatch with which the fishery is required to be compliant. Bycatch in this fishery is negligible due to the highly selective fishing gear used, i.e. hand collection, tongs or a single prolonged hook.</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>	

Information requirements	
1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.	Meets. Yes, mandatory logbooks record daily catch and effort. In addition, processor returns provide an important data validation mechanism and some divers voluntarily carry data loggers to collect accurate location and depth information.
Assessment	
1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.	Partially meets. Stocks are assessed annually and an assessment of the fisheries performance allows the TACC to be set for the following season. However, there is no specific process to identify any reduction in biological diversity or reproductive capacity. In lieu of such information, the TACCs are set at precautionary levels which disperse fishing effort across all five management zones. As further research is conducted, new information will be incorporated into the setting of the TACCs each season. A commercial dive research fund has been established using annual contributions from divers. This fund levy is set at 100 fee units (\$153 in 2016/17) per diver per year. The research fund allowed the Fisheries Research and Development Corporation to investigate the biology and population structure of periwinkles in Tasmania. A similar project will be pursued for sea urchins.
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	Meets. Five separate management zones have been established to allow greater precision in the management of the stock and to encourage further exploration of largely undeveloped areas, which will disperse fishing pressure over a greater area.
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.	Meets. As reported to the Department in November 2005, recreational and Indigenous take of commercial dive species is low and considered insignificant. DPIPWE continue to monitor compliance breaches associated with the take of commercial dive species.
1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.	Partially meets. Current stock assessments are based on historical catch data. At present, there is a degree of uncertainty in the actual potential of the fishery, with much of the state's waters still to be investigated. No comprehensive stock assessments exist for urchins or periwinkles. However, the fishery has a long history of exploitation in Tasmania, with commercial fishing occurring since the 1980s. Anecdotal evidence suggests there has been no significant change in the biomass of urchins or periwinkles in Tasmania since the commencement of the fishery. However, no scientific studies have been conducted to independently verify the baseline biomass or any seasonal or spatial changes from the fishing operations.
Management responses	

<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. DPIPWE will review the management of the fishery should a breach of any of the following trigger points occur:</p> <ol style="list-style-type: none"> 1. Changes in the catch per unit effort (CPUE) for sea urchin or other commercial dive species, where there is a decline of: <ol style="list-style-type: none"> a. 20 per cent in each of two consecutive years; or b. 35 per cent in a year. 2. Where quantifiable, an undesirable change in size or age composition of the catch.
<p>1.1.7 There are management strategies in place capable of controlling the level of take.</p>	<p>Meets. Management controls are in the form of input and output controls including gear and species licences, area closures, limited entry, size limits and TACC limits.</p>
<p>1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.</p>	<p>Meets. There are no concerns for byproduct species identified in the fishery, due to the highly selective gear used to target the species, i.e. hand collection, tongs or a single prolonged hook.</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. The capability of the management strategy to constrain the harvest of urchins and periwinkles to within sustainable levels is high.</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>Not applicable. Stocks are considered robust and are not in a recovery state. Therefore, no specific management arrangements are in place to address a precautionary recovery response.</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</p>	<p>Not applicable. The current take at stock level is considered sustainable. Therefore, no specific triggers or management responses are in place to address a precautionary recovery response.</p>

a 'whole of fishery' effort or quota reduction are implemented.	
PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.	
Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.	
Information requirements	
2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.	Not applicable. Bycatch is considered minimal due to the highly selective nature of harvest. However, a rule has been introduced to give divers a 10 per cent leeway in relation to undersize sea urchins.
Assessments	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	Not applicable. Bycatch is considered minimal due to the highly selective nature of harvest.
Management responses	
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.	Not applicable. As per 2.1.2
2.1.4 An indicator group of bycatch species is monitored.	Not applicable. As per 2.1.2
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Not applicable. As per 2.1.2
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Not applicable. As per 2.1.2
Objective 2 - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
Information requirements	
2.2.1 Reliable information is collected on the interaction with endangered, threatened or	Not applicable.

protected species and threatened ecological communities.	Considered nil. At present, there has been no reported interaction between the fishery and any protected species. The fishery is also considered to have a minimal impact on the threatened ecological communities (TECs) that are present in the fisheries area of operation (i.e. the Giant Kelp Marine Forests of South East Australia TEC).
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Not applicable. As per 2.2.1
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Not applicable. As per 2.2.1
Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	Not applicable. As per 2.2.1
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	Not applicable. As per 2.2.1
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Not applicable. As per 2.2.1
Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.	Meets. Williams (2002) and Keane et al. (2014) describe the biology, life-history, stock structure, diet and ecology of sea urchins and periwinkles respectively. This information has been used by DPIPWE to assist in the initial development, and to further improve the operation, of the commercial dive management plan. While an analysis of risks has not been completed for the fishery, the selective fishing gear and methods (identified above) used has a minimal impact on the ecosystem and environment in which it is deployed.
Assessment	
2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of	Not applicable. No specific ecological risk assessment (ERA) has been conducted for this fishery. However, the current management arrangements are considered sufficient with respect to the scale and nature of the fishery. The impacts from the harvesting operations on the wider marine ecosystem are minimal due to the highly selective fishing methods used identified above.

<p>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. 	
Management responses	
<p>2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>	<p>Meets. Management actions described above have the capacity to minimise the impact on the wider ecosystem. The Department considers that the range of management measures is sufficient to ensure minimal impact on the ecosystem.</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>Not applicable. As per 2.3.3.</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>Not applicable. As per 2.3.3.</p>

SECTION 3: ASSESSMENT OF THE TASMANIAN COMMERCIAL DIVE FISHERY AGAINST THE REQUIREMENTS OF THE EPBC ACT

Please Note – the table below is not a complete or exact representation of the EPBC Act. It is intended as a checklist of relevant sections and components of the EPBC Act to provide advice on the fishery in relation to decisions under Part 13 and Part 13A.

Part 12

	Meets	Partially meets	Does not meet	Comment
Section 176 Bioregional Plans				
(5) Minister must have regard to relevant bioregional plans				Not applicable. There is no fishing activity within areas covered by a bioregional plan.

Part 13

No Part 13 assessment is required as no fishing activity occurs in the Commonwealth marine area.

Part 13A

Section 303BA Objects of Part 13A				
(1) The objects of this Part are as follows: <ul style="list-style-type: none"> (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. 				
	Meets	Partially meets	Does not meet	Comment
Section 303DC Minister may amend list (non CITES species)				
(1) The Minister may amend the LENS by: <ul style="list-style-type: none"> (a) doing any of the following: <ul style="list-style-type: none"> (i) including items in the list; (ii) deleting items from the list; 				The Department recommends that specimens that are or are derived from fish or invertebrates, taken in the Tasmanian Commercial Dive Fishery as defined in the management regime in force under the Tasmanian <i>Living Marine Resources Management Act 1995</i> , but not including <ul style="list-style-type: none"> • specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or

<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</p>	<ul style="list-style-type: none"> specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES list) be included in the list of exempt native specimens until 25 July 2026.
<p>(1A) In deciding to amend LENS, Minister must rely primarily on outcomes of Part 10, Div 1 Or 2 assessment</p>	<p>Not applicable.</p> <p>No assessment under Part 10 of the EPBC Act has been completed as the Tasmanian Commercial Dive Fishery is not a Commonwealth fishery.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets.</p> <p>The Department considers that the amendment of the list of exempt native specimens to include product derived from the fishery would be consistent with the provisions of Part 13A as:</p> <ul style="list-style-type: none"> the fishery will not harvest any Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species there are management arrangements in place to ensure that the resource is being managed in an ecologically sustainable way (see links above) the operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next ten years.
<p>(3) Before amending LENS, Minister must consult:</p> <p>(a) other Minister or Ministers as appropriate; and</p> <p>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and</p> <p>(c) other persons and organisations as appropriate.</p>	<p>Partially meets.</p> <p>General consultation with the (TAS) Minister for Fisheries in October 2014 (MS14-002367).</p>

Part 16

	Meets	Partially meets	Does not meet	Comment
Section 391 Minister must consider precautionary principle in making decisions				
<p>(1) Minister must take account of precautionary principle</p> <p>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for</p>	<p>Precautionary management measures in place</p> <p>The precautionary principle has been considered by the Department when making its recommendation to the delegate to include specimens in the list of exempt native specimens.</p>			

postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

