Australian Government

Department of Agriculture, Water and the Environment

Assessment of the Northern Territory Offshore Net and Line Fishery

March 2022

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Disclaimer

This document is an assessment carried out by the Department of Agriculture, Water and the Environment of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for the Environment on the 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 NORTHERN TERRITORY OFFSHORE NET AND LINE FISHERY

On 3 November 2021, the Northern Territory Department of Industry, Tourism and Trade (NT DITT) applied for assessment of the Offshore Net and Line Fishery (ONLF) under protected species and wildlife trade provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

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

The public comments raised concerns about the management of scalloped hammerhead sharks, a Conservation Dependent species, rising protected species interactions, and the adequacy of current observer coverage in the fishery.

The Fishery

The ONLF operates in Northern Territory and Commonwealth waters, from the low water mark to the extent of the Australian Fishing Zone.

The fishery is managed using a range of input and output controls, including restrictions on the number of licences, quota limits and gear restrictions.

The fishery uses pelagic net, and demersal and pelagic longlines to target grey mackerel (*Scomberomorus semifasciatus*), blacktip sharks (*Carcharhinus limbatus* and *C. tilstoni*) and spot-tail sharks (*C. sorrah*). The fishery is also permitted to take other cartilaginous or bony fish, except for barramundi and threadfin salmon.

While there are uncertainties around the stock status of the blacktip shark complex in the Gulf of Carpentaria, the low harvest of blacktip sharks in recent years suggests it is unlikely this stock is currently being overfished.

Byproduct species include various shark species, including great hammerhead, scalloped hammerhead and winghead sharks and a range of finfish species including black jewfish, black pomfrets, blue threadfin, golden snapper, longtail tuna and Spanish mackerel.

Great hammerhead and scalloped hammerhead sharks are listed on the Convention on International Trade in Endangered Species (CITES) Appendix II and scalloped hammerhead is also listed as Conservation Dependent under the EPBC Act. A 50 t total allowable commercial catch limit (TACC) is in place for both species.

Ecological risk assessment and mitigation

In 2020 an Ecological Risk Assessment (ERA) was published for the fishery. The ERA considered impacts of the fishery on target and non-target species (including protected species), as well as habitats and ecosystems. While most species were found to be at low or moderate risk, winghead sharks were found to be at a high risk of unsustainable harvest. The department has not received any information indicating that strategies have been put in place to mitigate this risk. A condition is proposed for the export approval for this fishery. This condition (Condition 6) requires that ecological risk mitigation strategies be developed and implemented for all species that were found to be at high risk or greater in the 2020 ERA – this includes winghead sharks.

The ONLF interacts with a number of protected species, including various sea turtle, sawfish, mobulid ray and dolphin species.

The ERA indicated that risk to protected species is low to moderate. However, since the completion of the ERA in 2020, there has been a notable increase in the reported number of protected species interactions. NT DITT has indicated that this increase is likely due to better reporting following an education program in the fishery, not any change in the fishery's practices. While this more accurate reporting is welcomed, it raises concerns about the conclusions of the ERA, given that it was developed using potentially inaccurate protected species interaction data. To ensure risks are adequately managed, precautionary interim risk mitigation strategies are required until an updated ERA can be completed with accurate protected species data. This requirement is detailed under Conditions 6 and 7 in Section 2 of this report.

There are no threatened ecological communities in the area of the ONLF.

Conclusion

The fishery is relatively well managed. However, concerns about potentially inaccurate protected species interaction data and the impact of this data on the 2020 ERA require conditions for the Part 13 and 13A approvals. These conditions are outlined at Section 2 of this report and include measures to ensure that data collection is accurate, that ecological risks are effectively managed, and that an updated ecological risk assessment is completed during the timeframes of the approvals.

On this basis, the department considers the ONLF should be approved under Part 13 protected species and Part 13A export provisions of the EPBC Act for three years.

SECTION 1: ASSESSMENT SUMMARY

Guidelines assessment	Meets	Partially meets	Does not meet	Details
Management regime	**8 of 9**	1 of 9	0 of 9	The *Fisheries Act 1988* (NT) outlines objectives for all Northern Territory fisheries. The *Management arrangements for the Northern Territory Offshore Net and Line Fishery* (2018) contain objectives and performance criteria which trigger management responses and by which effectiveness of management is measured. The Offshore Net and Line Advisory Group (ONLAG), an advisory group comprised of members drawn from commercial, recreational, Indigenous, tourism and conservation sectors, considers any changes to the management of the ONLF. However, ONLAG meetings are confidential, and the decision-making process is not transparent.
Principle 1 (target stocks)	**7 of 11**	4 of 11	0 of 11	Recent stock assessments have been completed for grey mackerel and spot-tail shark. However, recent assessments for Australian and common blacktip sharks in the Gulf of Carpentaria have resulted in 'undefined' stock population findings. There are reliable estimates for the harvest of target stocks by commercial, charter and recreational fishers but no recent assessment of Indigenous harvests. Historical data suggests that Indigenous harvest is likely to be relatively low.
Principle 2 (bycatch and TEPS) * 2 criteria not applicable	**5 of 12***	**5 of 12***	0 of 12*	A high number of species are caught as bycatch in the ONLF. Among these bycatch species are several shark species, including great hammerheads and scalloped hammerheads. The ONLF's harvest of hammerheads is consistent with the 2014 CITES non-detrimental finding (NDF) approved by the Threatened Species Scientific Committee (TSSC). Winghead sharks are also harvested as bycatch in the ONLF. An Ecological Risk Assessment (ERA) completed in 2020 found the fishery's operations were leading to a high risk of unsustainable impacts on the species. At present, no mitigation strategies to reduce the risk to winghead sharks have been provided to the department. Condition 6 of this assessment requires that ecological risk mitigation strategies are developed and implemented for all species that were found to be at high risk or greater in the 2020 ERA including winghead sharks. The ONLF interacts with several protected species, including a variety of sea turtles, dolphins, sawfish and manta and devilrays.

				Reports of interactions with protected species in the ONLF have increased in recent years. NT DITT claims these increases are likely due to increases in quality of reporting by the ONLF, as practices have not changed in a manner that would otherwise explain the increase. The 2020 ERA was completed before the increase in protected species reporting began, and since its finalisation there have been numerous interactions with species assumed not to be impacted by the ONLF.
Principle 2 (ecosystem impacts)	**5 of 5**	0 of 5	0 of 5	The 2020 ERA assessed risk to the ecosystem due to the operation of the ONLF and found risks were low. The fishery's management arrangements and harvest strategy include gear restrictions to prevent damage to the physical and biological ecosystem, and triggers to reduce or cease operations in areas if unsustainable damage to the ecosystem is detected.

EPBC requirements	**Meets**	**Partially meets**	**Does not meet**	**Details**
Part 12	**Meets**			The fishery operates in the North Marine Bioregion, which includes the following key ecological features: the carbonate bank and terrace system of the Van Diemen Rise, the Gulf of Carpentaria Basin, and the Gulf of Carpentaria coastal zone. The bioregional plan for the North has identified extraction of living resources and physical habitat modification as pressures of potential concern to these key ecological features. Physical habitat modification is also listed as a priority for conservation effort within the region and is of concern with relation to protected species such as the Australian snubfin dolphin, the Indo-Pacific bottlenose dolphin and the Indo-Pacific humpback dolphin. Bycatch from commercial fisheries is also considered to be of potential concern in relation to the same dolphin species as well as for dugongs, flatback, loggerhead and olive ridley turtles. The ecological risk assessment (ERA) for the ONLF has considered the risks posed by the fishery to target, non-target (including protected species), habitats and ecosystems. Although the risks were found to be moderate or low (except for winghead sharks), more recent information on protected species interactions requires the ERA be reviewed. Conditions have been recommended in Section 2 of

				this report, to address risks to protected species and those species previously identified as being at high risk from the effects of the fishery.
Part 13		**Partially meets**		The ERA for the fishery has been used to identify risks to protected species and the management arrangements and harvest strategy for the fishery contain strategies to manage these risks. Although the ERA was recently completed (2020), it requires review to account for new information on protected species interactions. Conditions have been recommended in Section 2 of this report, to address this need.
Part 13A	**Meets**			Two CITES listed species are harvested in the ONLF – great hammerhead (*Sphyrna mokarran*) and scalloped hammerhead (*S. lewini*). Scalloped hammerhead is listed as a Conservation Dependent species under the EPBC Act, and this listing is due to be reviewed by mid-2022. The harvest of hammerhead sharks by the ONLF is within the thresholds recommended in the 2014 listing advice for scalloped hammerhead shark and the 2018 CITES NDF for scalloped and great hammerhead shark. Declaration of the ONLF as a Wildlife Trade Operation for three years is recommended, subject to conditions detailed in Section 2 of this report.
Part 16	**Meets**			Appropriate precautionary measures are in place to prevent serious or irreversible environmental damage being caused by the ONLF. Conditions proposed in Section 2 of this report are also designed to ensure timely and precautionary action is taken to manage risks to protected species, while risk assessment and mitigation measures for the fishery are reviewed.

SECTION 2: SUMMARY OF ISSUES REQUIRING CONDITIONS

Part 13A Issues	Conditions
General Management Export decisions relate to the management arrangements in force at the time of any decision(s) made under the EPBC Act. To ensure the decision(s) remain valid and export approval continues uninterrupted, the Department of Agriculture, Water and the Environment (the department) needs to be advised of any changes that are made to the management regime and assess whether the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision(s). This includes operational and legislated amendments that may affect the sustainability of the target species or negatively impact on byproduct, bycatch, EPBC Act protected species or the ecosystem.	**Condition 1** Operation of the Northern Territory Offshore Net and Line Fishery must be carried out in accordance with the Offshore Net and Line Fishery Management Framework and Harvest Strategy 2018 in force under the *Fisheries Act 1988* (NT) and the Fisheries Regulations 1992 (NT). **Condition 2** The Northern Territory Department of Industry, Tourism and Trade must inform the Department of Agriculture, Water and the Environment of any intended material changes to Northern Territory Offshore Net and Line Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made. **Condition 3** The Northern Territory Department of Industry, Tourism and Trade must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Part 13A Issues	Conditions
Annual Reporting It is important that NT DITT produce and present reports to the department annually in order for the performance of the fishery and progress in implementing the conditions and recommendations described in this report and other managerial commitments to be monitored and assessed throughout the life of the export approval. Annual reports should follow Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* 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 conditions described in this assessment. Electronic copies of the guidelines are available from the department's website.	**Condition 4** The Northern Territory Department of Industry, Tourism and Trade must produce and present reports on the Northern Territory Offshore Net and Line Fishery, including progress against all Part 13A conditions, to the Department of Agriculture, Water and the Environment by 30 June annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Part 13A Issues	Conditions
<u>Independent data validation and monitoring</u> NT DITT requires commercial fishers use logbooks that record daily catch of target species by number and weight, while bycatch species are recorded by weight. However, inconsistencies in logbook reports since 2016 could indicate considerable underreporting of protected species interactions. Electronic monitoring is currently required to be used under certain circumstances in the ONLF, and onboard observers are also used on some other fishing trips to monitor, record and evaluate environmental impacts, verify logbook information, gather information on bycatch and record operating procedures. Under the Harvest Strategy, the number of observer trips increase when harvest triggers are met, or when breaches of the Harvest Strategy's conditions are verified. Observer coverage typically covers between 2 and 5% of commercial fishing trips, which is relatively low and offers limited capacity to validate logbook data. NT DITT also require satellite-based vessel monitoring systems (VMS) be used on all vessels in the fishery, which provides data on fishing effort and location, and helps facilitate compliance monitoring and enforcement. While the fishery has relatively good data collection systems, there is limited capacity to validate fishery dependent data, such as reporting of protected species interactions. The inconsistency in protected species reporting prior to 2019–20 indicates that review and validation of these data is required.	**Condition 5** By 1 December 2022 the Northern Territory Department of Industry, Tourism and Trade must ensure that data collection and data validation systems are in place, sufficient to ensure that all necessary fishery data, including retained and discarded catch, and protected species interaction data is accurately reported and available for management of the Offshore Net and Line Fishery.

Part 13A Issues	Conditions
<u>Development and implementation of ecological risk mitigation strategies for protected species and identified high-risk species</u> The most recent ERA for the ONLF was completed in May 2020. Since the ERA's publication, there have been education efforts by NT DITT to increase fishers' protected species identification and reporting. Published data from the 2020–21 financial year, and unpublished data provided to the department by NT DITT for the 2021–22 year to date, indicate there have been considerable increases in the number of protected species interactions reported since the ERA was finalised. NT DITT has indicated that this increase is due to an increase in reporting, rather than a true increase in interactions due to changes in ONLF practices. Unpublished data for the 2021–22 financial year to date also indicates that several species, notably coastal protected species, that were assumed to be unlikely to be impacted by the ONLF have had interactions with the fishery since the ERA was published. Some of these species were found to be relatively low risk in the ERA due to a perceived lack of overlap between the species' habitat and areas targeted by the ONLF. Given these species may actually be at greater risk of being seriously impacted by the ONLF than the ERA suggested, precautionary, interim ecological risk mitigation strategies must be developed and implemented until the ERA is updated factoring in more reliable data on protected species interactions.	**Condition 6** a) By 1 September 2022, the Northern Territory Department of Industry, Tourism and Trade must develop precautionary, interim ecological risk mitigation strategies for any bycatch or protected species which have been caught or interacted with in numbers greater than those considered in the 2020 Ecological Risk Assessment (ERA) for the Offshore Net and Line Fishery. These ecological risk mitigation strategies must include, but are not limited to, plans for the Australian snubfin dolphin (*Orcaella heinsohni*), leatherback turtle (*Dermochelys coriacea*), dwarf sawfish (*Pristis clavata*), dugong (*Dugong dugon*), giant manta rays (*Mobula birostris*) and pygmy devilrays (*M. eregoodoo* and *M. kuhlii*). The ecological risk mitigation strategies must also be developed for winghead sharks, and any other taxa found to be at high risk or greater in the 2020 ERA. b) By 1 December 2022 the ecological risk mitigation strategies must be implemented and remain in effect until it can be determined whether risks to these species from the operation of the fishery are sustainable. After that time, all reasonable steps must be taken to minimise future interactions and ensure impacts remain sustainable.
<u>Review of Ecological Risk Assessment for Threatened, Endangered and Protected Species</u> The unreliable historic data regarding protected species interactions and the assumptions built into the ERA based on this data raise concerns about the validity of the ERA's assessment of risk to protected species.	**Condition 7** By 27 June 2024, the Northern Territory Department of Industry, Tourism and Trade must provide an updated Ecological Risk Assessment to the Department of Agriculture, Water and Environment that considers all species interacted with by the Offshore Net and Line Fishery.

Part 13 Issues	Conditions
General Management Accreditation of fisheries' management regimes is based on the management arrangements in force at the time of any decision(s) made under the EPBC Act. To ensure the decision(s) remain valid, the Department of Agriculture, Water and the Environment (the department) needs to be advised of any changes that are made to the management regime and assess whether the new arrangements are equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision(s). This includes operational and legislated amendments that may affect the sustainability of the fishery.	**Condition A** Operation of the Northern Territory Offshore Net and Line Fishery must be carried out in accordance with the Offshore Net and Line Fishery Management Framework and Harvest Strategy 2018 in force under the *Fisheries Act 1988* (NT) and the Fisheries Regulations 1992 (NT). **Condition B** The Northern Territory Department of Industry, Tourism and Trade must inform the Department of Agriculture, Water and the Environment of any intended material changes to Northern Territory Offshore Net and Line Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made. **Condition C** The Northern Territory Department of Industry, Tourism and Trade must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.
Annual Reporting It is important that NT DITT produce and present reports to the department annually in order for the performance of the fishery and progress in implementing the conditions and recommendations described in this report and other managerial commitments to be monitored and assessed throughout the life of the approval. Annual reports should follow Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* and include a description of the fishery, management arrangements in place, research and monitoring outcomes, recent interactions with EPBC Act protected species and impacts of the fishery on the ecosystem in which it operates and progress in implementing the conditions described in this assessment. Electronic copies of the guidelines are available from the department's website.	**Condition D** The Northern Territory Department of Industry, Tourism and Trade must produce and present reports on the Northern Territory Offshore Net and Line Fishery, including progress against all Part 13 conditions, to the Department of Agriculture, Water and the Environment by 30 June annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Part 13 Issues	Conditions
Independent data validation and monitoring NT DITT requires commercial fishers use logbooks to report protected species interactions. Inconsistencies in logbook reports since 2016 could indicate considerable underreporting of protected species interactions. Electronic monitoring is currently required to be used under certain circumstances in the ONLF, and onboard observers are also used on some other fishing trips to monitor, record and evaluate environmental impacts, verify logbook information, gather information on bycatch and record operating procedures. Under the Harvest Strategy, the number of observer trips increase when harvest triggers are met, or when breaches of the Harvest Strategy's conditions are verified. Observer coverage typically covers between 2 and 5% of commercial fishing trips, which is relatively low and offers limited capacity to validate logbook data. NT DITT also require satellite-based vessel monitoring systems (VMS) be used on all vessels in the fishery, which provided data on fishing effort and location, and helps facilitate compliance monitoring and enforcement. While the fishery has relatively good data collection systems, there is limited capacity to validate fishery dependent data, such as reporting of protected species interactions. The inconsistency in protected species reporting prior to 2019–20 indicates that review and validation of these data is required.	**Condition E** By 1 December 2022 the Northern Territory Department of Industry, Tourism and Trade must ensure that data collection and data validation systems are in place, sufficient to ensure that all necessary fishery data, including protected species interaction data is accurately reported and available for management of the Offshore Net and Line Fishery.

Part 13 Issues	Conditions
<u>Development and implementation of ecological risk mitigation strategies for protected species and identified high-risk species</u> The most recent ERA for the ONLF was completed in May 2020. Since the ERA's publication, there have been education efforts by NT DITT to increase fishers' protected species identification and reporting. Published data from the 2020–21 financial year, and unpublished data provided to the department by NT DITT for the 2021–22 year to date, indicates there have been considerable increases in the number of protected species interactions reported since the ERA was finalised. NT DITT has indicated that this increase is due to an increase in reporting, rather than a true increase in interactions due to changes in ONLF practices. Unpublished data for the 2021–22 financial year to date also indicates that several species, notably coastal protected species, that were assumed to be unlikely to be impacted by the ONLF have had interactions with the fishery since the ERA was published. Some of these species were found to be relatively low risk due to a lack of overlap between the species' habitat and areas targeted by the ONLF. Given these species may be at greater risk of being seriously impacted by the ONLF, precautionary, interim ecological risk mitigation strategies must be developed and implemented until the ERA is updated factoring in more reliable data on protected species interactions.	**Condition F** a. By 1 September 2022, the Northern Territory Department of Industry, Tourism and Trade must develop precautionary, interim ecological risk mitigation strategies for any bycatch or protected species which have been caught or interacted with in numbers greater than those considered in the 2020 Ecological Risk Assessment (ERA) for the Offshore Net and Line Fishery. These ecological risk mitigation strategies must include, but are not limited to, plans for the Australian snubfin dolphin (*Orcaella heinsohni*), leatherback turtle (*Dermochelys coriacea*), dwarf sawfish (*Pristis clavata*), dugong (*Dugong dugon*), giant manta rays (*Mobula birostris*) and pygmy devilrays (*M. eregoodoo* and *M. kuhlii*). The ecological risk mitigation strategies must also be developed for winghead sharks, and any other taxa found to be at high risk or greater in the 2020 ERA. b. By 1 December 2022 the ecological risk mitigation strategies must be implemented and remain in effect until it can be determined whether risks to these species from the operation of the fishery are sustainable. After that time, all reasonable steps must be taken to minimise future interactions and ensure impacts remain sustainable.
<u>Review of the ecological risk assessment for protected species</u> The unreliable historic data regarding protected species interactions and the assumptions built into the ERA based on this data raise concerns about the validity of the ERA's assessment of risk to protected species.	**Condition G** By 27 June 2024, the Northern Territory Department of Industry, Tourism and Trade must provide an updated Ecological Risk Assessment to the Department of Agriculture, Water and Environment that considers all species interacted with by the Offshore Net and Line Fishery.

Assessment history:

Information on previous assessments for the NT ONLF is available at Northern Territory Offshore Net and Line Fishery – DAWE.

1st assessment finalised November 2005 (under the Northern Territory Shark Fishery) – 3 conditions and 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 – 3 conditions and 5 recommendations.

5th assessment finalised March 2019 – 5 conditions and 2 recommendations.

Fishery reporting:

Annual report

ONLF WTO Conditions – Update and Status Report March 2020

Key links:

Fishery information

https://www.awe.gov.au/environment/marine/fisheries/nt/offshore-net-line

Management plan

Management arrangements for the Northern Territory Offshore Net and Line Fishery 2018

Enforcing legislation

The fishery is managed in accordance with provisions in the following Northern Territory legislation and regulations.

Fisheries Act 1988 (NT)

Fisheries Regulations 1992 (NT)

Harvest strategy

The harvest strategy for the Northern Territory Offshore Net and Line Fishery is incorporated into the management arrangements listed above.

Ecological Risk Assessment

Northern Territory Offshore Net and Line Fishery Ecological Risk Assessment 2020

Stock assessments

Status of key Northern Territory fish stocks report 2017

Grey Mackerel 2020

Australian Blacktip Shark 2020

Common Blacktip Shark 2020

Spot-tail Shark 2020

SECTION 3: DETAILED ANALYSIS AGAINST THE GUIDELINES

Guidelines criteria	Comment
THE MANAGEMENT REGIME	
The management regime does not have to be a formal statutory fishery management plan and may include non-statutory management arrangements or management policies and programs. The regime should:	
Be documented, publicly available and transparent.	**Partially meets –** current management arrangements and harvest strategy (post 2018) are not publicly available. The fishery is managed under the *Fisheries Act 1988* (NT) and the Fisheries Regulations 1992 (NT), which apply throughout NT waters and are considered to be effective. Responsibility for the management of the fishery is shared by the NT and Commonwealth via the Northern Territory Fisheries Joint Authority, with the NT DITT responsible for day-to-day management of the fishery. Management arrangements including a harvest strategy for the fishery were established in 2018 and then amended following an Ecological Risk Assessment in 2020. These revised arrangements are not publicly available. The updated management arrangements and harvest strategy are expected to be published on the NT DITT's website by mid-2022.
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	**Meets** – Management arrangements are developed in consultation with a variety of stakeholders. In accordance with the *Fisheries Act 1988* (NT), management plans and amendments are subject to public comment. The Offshore Net and Line Advisory Group (ONLAG), an advisory group comprised of members drawn from commercial, recreational, Indigenous, tourism and conservation sectors, considers any changes to the management of the ONLF.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.	**Meets –** all matters relating to the ONLF, including matters of sustainable harvest of target and other species, are considered by the ONLAG.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	**Meets** – the management arrangements for the ONLF contain objectives and performance criteria which trigger management responses, and by which effectiveness of management can be measured. These are detailed in the ONLF management arrangements and harvest strategy.

Be capable of controlling the level of harvest in the fishery using input and/or output controls.	**Meets** – commercial harvest is managed primarily through output controls (Individual Transferable Quotas). There are total allowable commercial catch limits (TACCs) for the target and byproduct species in the fishery. Commercial fishing licences are also issued to limit the total number of available fishers and gear, effort and area restrictions also contribute to managing the impacts of fishing. Catches are reported in logbooks and validated using Catch Disposal Records (CDRs). These records are completed at the time of unloading and are used to monitor and manage quotas remaining for harvest.
Contain the means of enforcing critical aspects of the management arrangements.	**Meets** – various systems are in place to monitor and validate fishing activity and ensure compliance. All vessels are required to operate satellite-based vessel monitoring systems (VMS) in the fishery and logbooks, CDRs, independent on-board observers and electronic monitoring also contribute to collecting and validating fishery information. The ONLF management arrangements and harvest strategy contain triggers that increase monitoring of the fishery if breaches of the arrangements are detected or when certain percentages of TACC are reached. Various enforcement measures are included under the *Fisheries Act 1988* (NT) and associated regulations. These measures are enforced by the Australian Fisheries Management Authority (AFMA) and the NT Department of Police, Fire and Emergency Services through the Water Police Section (WPS). WPS and AFMA inspectors engage in on-land and at-sea compliance efforts.
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.	**Meets** – the ONLF harvest strategy includes triggers for the review of management strategies, objectives and criteria. Additional measures are in place to assess the effectiveness of the management arrangements, including various reporting requirements, regular stock assessments for key species and species groups, ecological risk assessment and monitoring. The sustainability of fish stocks is also reported in Status of key Northern Territory fish stocks report (most recently in 2017) and in Fisheries Research and Development Corporation Status of Australian Fish Stocks reports (most recently in 2020).

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.	**Meets** – management arrangements are in place to assess, monitor and manage the impacts of fishing on the wider marine ecosystem. These measures include periodic reviews of ecological impacts. If impacts are determined to be high risk or greater, area closures will be implemented to allow ecosystems to recover. On-board observers are randomly assigned to vessels where they monitor and record fishing activities and record information such as protected species interactions, bycatch (discards) and gear loss. Satellite VMS tracking helps to ensure that fishing activities are spread across the fishery to avoid localised depletion. The ONLF *Management arrangements for the Northern Territory Offshore Net and Line Fishery* (2018) contains triggers that require area closures if localised depletion is detected.
Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy.	**Meets** – the fishery is compliant with relevant Commonwealth threat abatement plans, recovery plans, policies and legislation such as the *Marine Pollution Act 1999* (NT). Relevant plans and policies include the Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans and the Sawfish and River Sharks Multispecies Recovery Plan. Take or possession of *Glyphis* river sharks or *Pristis* sawfish are prohibited under the Fisheries Regulations 1992 (NT) and regulations also prevent the abandonment or unattended use of fishing gear.

PRINCIPLE 1 – A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover**.**
Objective 1 – The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.
Information requirements

1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.	**Partially meets** – fisheries dependent and independent information collection systems are in place, but recent data suggests data collection may not have always been reliable or accurate. All commercial fishers are required to use logbooks to record their catch of target and bycatch species, and satellite-based vessel monitoring systems (VMS), catch disposal records (CDRs), on-board observers and e-monitoring also provide means to validate data reported by fishers. Inconsistencies in logbook reports since 2016 indicate there may have been considerable underreporting of protected species interactions which may have impacted NT DITT's capacity to assess and manage ecological risks. While reporting of protected species interaction data appears to have improved since 2020, the veracity of data collection and validation systems remains unclear. Condition 4 of the 2019 WTO approval required that NT DITT review e-monitoring in the fishery and develop e-monitoring protocols to ensure that individual operators' catch is being sufficiently monitored and audited. NT DITT has developed and provided an electronic monitoring program and standard operating procedures to meet this condition. E-monitoring is currently only required when: • a vessel is using longline gear • an operator seeks to process sharks at sea or unload in a port other than Gove or Darwin • a compliance risk has been identified • notified by the Joint Authority. NT DITT has stated that its current requirements for e-monitoring are sufficient to validate data in the fishery and that a review of e-monitoring and logbook data to ensure correct identification and reporting of protected species is ongoing. Onboard observer trips are undertaken to monitor, record and evaluate environmental impacts, verify logbook information, gather information on bycatch and record operating procedures. Under the harvest strategy for the ONLF, the number of observer trips increase when various triggers are met, or when conditions of the harvest strategy are breached. NT DITT has indicated that before the COVID-19 pandemic, on-board observers monitored an average three trips per year, and that similar levels of coverage are expected in 2022 (NT DITT, 2022, pers. comm., 22 February). NT DITT has indicated that in recent years there have been between 110 and 120 commercial trips per year, meaning that the level of observer coverage is relatively low at less than 5% (NT DITT, 2022, pers. comm., 22 March). The capacity for observer coverage to validate logbook records at these levels is very limited. Given the concerns relating to the accuracy of protected species reporting, condition 5 has been recommended to help ensure data is reliable.

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** – stock assessments have been completed for most target stocks. However, blacktip shark populations in the Gulf of Carpentaria remain undefined. NT DITT facilitates regular stock assessments of key species and the most recent results are published in the *Status of key Northern Territory fish stocks report 2017* and *Status of Australian fish stocks reports 2020*. These assessments consider all sources of mortality, including recreational and charter catches. Mortality from Indigenous fishing is assumed to be negligible for target species. TACCs for target species are set in accordance with the ONLF harvest strategy and reviewed annually. The stock status for the blacktip shark species complex (comprising common blacktip shark *Carcharhinus limbatus* and the Australian blacktip shark *C. tilstoni*) in the Gulf of Carpentaria is undefined, as no stock assessment has been completed since 2015. Due to the current low harvest levels for blacktip sharks in the Gulf of Carpentaria and subsequent lack of population data, it is unlikely that stock levels for these species will be resolved in the upcoming 2022 stock assessment (NT DITT, 2022, pers. comm., 22 February). However, risks to these species have been assessed as low in the 2020 ERA.
1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.	**Meets** – the distribution and spatial structure for target stocks are well known and factored into management. The general distribution and spatial structure are well known for grey mackerel (*Scomberomorus semifasciatus),* spot-tail shark (*Carcharhinus sorrah*), and for north and west coast stocks of *C. limbatus* and *C. tilstoni*. Information on *C. limbatus* and *C. tilstoni* in the Gulf of Carpentaria is less well known. The *Status of key Northern Territory fish stocks report 2017* and *Status of Australian fish stocks reports 2020* provide information on the distribution and spatial structure for target species in the fishery. Measures are in place to monitor fishing effort and avoid localised depletion.

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.	**Partially meets** – estimates of all removals are considered in setting TACCs for target species, but there have been no recent surveys of Indigenous harvest, and charter operators do not differentiate sharks to the species level. Information on the commercial catch is collected through logbooks, on-board observers and via e-monitoring. Catches of target, by-product and certain discard species are reported. Commercial fishers are required to land all sharks with fins naturally attached to assist with species identification, unless they have electronic monitoring and prior approval to process sharks at sea. Charter operators are required to complete logbooks for all fish retained and released. While grey mackerel are reported to the species level, all sharks, including *C. limbatus, C. tilstoni* and *C. sorrah* are recorded as a group. Despite NT DITT recognising that sharks are a culturally important target group for Indigenous people in the NT, no recent estimates of harvest of target species by Indigenous communities are available. Harvesting of target species by Indigenous communities is assumed to be negligible.
1.1.5 There is a sound estimate of the potential productivity of the fished stocks and the proportion that could be harvested.	**Meets** – there are sound estimates of the potential productivity and harvest potential for fished stocks. Stock status summaries are available for grey mackerel and spot-tail sharks in both the Gulf of Carpentaria and the north and west coast, while summaries of Australian blacktip sharks and common blacktip sharks are available for the north and west coast stock. All target species were included in the *Status of Australian Fish stocks reports 2020* and had previously been included in the *Status of key Northern Territory fish stocks report 2017*. The next *Status of Australian fish stocks reports* is due to be completed in 2022. While each of these assessments hold some level of uncertainty, a range of carrying capacities and production rates have been used to try to estimate the bounds and account for this uncertainty. The limitations of historical data in the fishery (due to a combination of non-Australian fleets previously having access to the fishing zones and *C. limbatus, C. tilstoni* and *C. sorrah* previously being recorded as a species complex) is one factor, but measures are now in place to improve the data available for future assessments. While no Stock status summaries have been provided for *C. limbatus* and *C. tilstoni* in the Gulf of Carpentaria, the potential productivity of these stocks is likely to be comparable to north and west coast stocks. Assessments for *C. limbatus* and *C. sorrah* are due to be completed in early 2022 and an assessment for grey mackerel is due to be completed in 2022.

Management responses	
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.	**Meets** – TACCs, informed by regular stock assessments are applied to all target species but not all byproduct species in the fishery. A range of management triggers are included in the harvest strategy, and these apply to all species. TACCs are based on stock assessments and aim to ensure that all harvest is sustainable. Management triggers based on a percentage of the TACC being reached are in place for grey mackerel, blacktip and spot-tail sharks, hammerhead sharks and for sharks as a group. Further management strategies are applied when these trigger points are reached, including the cessation of all activities in the fishery if the TACC for a target species or group is met.
1.1.7 There are management strategies in place capable of controlling the level of take.	**Meets** – there are management strategies in place capable of controlling the level of take. Management strategies include TACCs, limits on the number of licences available in the fishery, and restrictions on when and where fishers can operate and with what gear. These various input and output controls are incorporated into the ONLF harvest strategy. The harvest strategy also includes precautionary triggers that increase data collection and monitoring (e.g., number of trips requiring on-board observers), and catch limits for select species. Once the TACC is reached in a season for any taxa, all operation in the fishery ceases.
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	**Partially meets –** fishing is conducted in a manner that does not threaten stocks of byproduct species. Numerous input and output controls are included in the ONLF harvest strategy and are designed to manage the level of fishing pressure on byproduct species. These measures include TACCs for various byproduct species groups such as great hammerhead, scalloped hammerhead, tiger, bull, pigeye, sandbar, spinner, dusky, winghead, grey reef and lemon sharks; other sharks (primarily whitecheek, milk and hardnose sharks); and combined finfish. Precautionary triggers are incorporated into the harvest strategy that if reached, increase the number of trips requiring on-board observers and impose additional catch limits for select species. Once the TACC is reached in a season for any taxa, all operation in the fishery ceases. The fishery has not breached the TACC for any taxa (including byproduct species) since the implementation of the *Management arrangements for the Northern Territory Offshore Net and Line Fishery* in 2018. ***Hammerheads*** Great and scalloped hammerheads are listed on Appendix II of the Convention on International Trade in Endangered Species (CITES). In order for there to be any export of these species, the management of the species must be assessed to ensure it will not jeopardise the survival of the species in the wild.

	This assessment (CITES NDF) was last undertaken in 2018 and precautionary management measures are in place for both species in the fishery. The scalloped hammerhead is also currently listed as Conservation Dependent under the EPBC Act and subject to strict catch limits and other management controls. Studies indicate that post-release mortality for hammerheads is likely to be high (Dapp et al. 2015). Therefore, discarded catch of these species is an important consideration when assessing the impact of fishing. Between 2019–20 and 2020–21, total retained and discarded catch declined from 12.9 t to 7.2 t of scalloped hammerhead and from 44.2 t to 34.4 t of great hammerhead. This decline is thought to be due to decreased market demand, rather than a decrease in stock abundance. However, the draft stock status report for scalloped hammerheads indicates there is still uncertainty about the stock structure for the species, in particular the connectivity of communities in the Gulf of Carpentaria, the east coast of Australia, and Indonesian and Papua New Guinean waters. This uncertainty is significant, as harvest of the species is estimated to be an order of magnitude higher in Indonesia than in Australian waters. Given this uncertainty, harvest of scalloped hammerheads should be managed in a precautionary manner until stock structure can be determined. Due to the Conservation Dependent status of scalloped hammerheads, Condition 5 of the 2019 WTO approval required NT DITT to support fishers to accurately identify and record sharks at the species level and to ensure that harvest of individual shark species is ecologically sustainable. NT DITT was also required to provide catch data for scalloped hammerhead, great hammerhead and winghead sharks to the department's TSSC in a manner that allows comparison between the catch levels of the three species and provide advice on the confidence in the data. NT DITT has met this condition and also delivered a threatened, endangered and protected species identification booklet and hammerhead shark and sawfish identification sheet for all vessels in the fishery. Onboard observers also continue to educate operators on species identification and handling. A draft stock status report and *National management strategy* for scalloped hammerhead have been submitted to the TSSC. ***Longtail tuna, combined shark group, creek whaler and golden snapper*** The ERA for the ONLF published in 2020, identified numerous bycatch species (longtail tuna, golden snapper, creek whaler, and a range of other shark species) were at medium risk from the effects of the fishery. Measures designed to mitigate these risks include: • TACC limits for the 'Combined Shark Species' and 'Combined Finfish Group' • Longtail tuna to comprise no more than 5% of total catch per trip

	• trip limits (50kg) for golden snapper. ***Winghead shark*** In the 2020 ERA winghead sharks were found to be at high risk from the effects of the fishery due to the species' habitat specialisation making it more vulnerable to overfishing and ONLF fishing effort being concentrated in areas of the species' limited range, and there being no stock assessment for the species. Condition 6 of this assessment requires that NT DITT develop and implement ecological risk mitigation strategies for any taxa that was found to be at high risk or greater in the 2020 ERA, including wingheads sharks. This condition will ensure the ONLF will not have an unsustainable impact on winghead sharks.
(Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)	
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	**Meets** – the management arrangements have a high chance of maintaining ecologically viable stock levels with acceptable levels of probability. After considering the ONLF Harvest Strategy, logbook and observer reporting, stock assessments and fishing methods, the management response has a high chance of achieving the objectives of maintaining ecologically viable stock levels. While the current stock levels of *C. limbatus* and *C. tilstoni* in the Gulf of Carpentaria are undefined, current catch levels are well below the TACC and historic catch levels. The current low harvest rate and relatively low fishing effort should avoid the species being overfished. However, further work should be undertaken to establish the viability of *C. limbatus* and *C. tilstoni* populations in the Gulf of Carpentaria.

If overfished, go to Objective 2: **If not overfished, go to PRINCIPLE 2:**	
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.	
Management responses	
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.	**Meets** – management arrangements are in place for golden snapper, which is depleted in the Darwin region and longtail tuna, which may be part of the overfished Indian Ocean stock. The *Status of Australian fish stocks report 2020* concluded that golden snapper (*Lutjanus johnii*) is depleted in the Darwin region stock and sustainable in the Gulf of Carpentaria and regional Northern Territory stocks. Since 2015 catch limits and area closures have been in effect in the Darwin region to reduce harvest by 50% however given the species slow growth rate these measures are unlikely to have yet led to recovery in the stock. It is unclear whether the NT stocks of longtail tuna (*Thunnus tonggol*) is part of the Indian Ocean or Pacific Ocean population. No stock assessment for the species has been completed. However, a 'semi quantitative' Sustainability Assessment for Fishing Effects (SAFE) assessment found the fishery is likely to have a minor risk for the stock. A limit of 5% of total catch per trip is in place to prevent the species being targeted in the fishery.
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.	**Meets** – management arrangements are in place to limit or cease operations if the harvest of target or byproduct species exceeds a TACC, or if annual SAFE assessments find there is a high risk of overfishing. The *Management arrangements for the Northern Territory Offshore Net and Line Fishery* (2018) has trigger and limit reference points for target and byproduct species which result in various management actions including trip limits, localised effort limits, area closures, zero targeted catch and closure of the fishery.

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.	**Meets** – Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch. Information about the composition and abundance of bycatch is collected through commercial logbooks, electronic monitoring and independent on-board observers. Bycatch is recorded in logbooks by species and weight. While there are concerns about the historic reliability of logbook information for protected species interactions (discussed in detail below), electronic monitoring and on-board observer reports can be used to valid reported data on bycatch. Retained bycatch is also documented upon return to port. NT DITT has indicated that before the COVID-19 pandemic, on-board observers monitored an average three trips per year, and that similar levels of coverage are expected in 2022 (NT DITT, 2022, pers. comm., 22 February). NT DITT has indicated that in recent years there have been between 110 and 120 commercial trips per year, meaning that the level of observer coverage is relatively low at less than 5% (NT DITT, 2022, pers. comm., 22 March). This low percentage of observer coverage raises some concern about the reliability of logbook records, particularly in relation to protected species.
Assessment	
2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.	**Meets** – there is a risk analysis of the bycatch with respect to its vulnerability to fishing. An ERA for the ONLF was published in 2020 and included an assessment of risks to bycatch species. According to the ERA, fishing in the ONLF is highly targeted and bycatch is relatively low resulting in a low risk of serious or irreversible harm to ecological processes. One bycatch species, the winghead shark, was found to be at high risk of being impacted in an unsustainable manner by the ONLF in the 2020 ERA, including winghead sharks. Condition 6 of this assessment requires that NT DITT develop and implement ecological risk mitigation strategies for any taxa that was found to be at high risk or greater in the 2020 ERA. This condition will ensure the ONLF will not have an unsustainable impact on winghead sharks.

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.	**Meets** – measures are in place to ensure bycatch is sustainable. Fishing methods employed in the ONLF are highly targeted, ensuring that bycatch is minimised and therefore less likely to be unsustainable. Pelagic nets are limited by net length, mesh size, drop length and must be weighted and have a buoyed headline. Pelagic nets must also be set so they do not come within two metres of the seabed. Nets are also precluded from use within two nautical miles of the low water mark. Both pelagic and demersal longlines are used in the fishery. Pelagic longlines cannot be used within three nautical miles of the low water mark, while demersal lines can be used in all areas of the fishery. There are limitations on the overall line length and allowed number of snoods per line. Automatic-baiting devices are not allowed.
2.1.4 An indicator group of bycatch species is monitored.	**Does not meet** –an indicator group of bycatch species has not been identified and is not monitored.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	**Partially meets** – while there are no indicator species for this fishery, decision rules are triggered if significant declines are detected in any bycatch species. The ONLF Harvest Strategy states that if bycatch exceeds 5% or 2% of annual retained catch for pelagic net or demersal long-line fishing gear respectively, a review of operating practices and gear will be conducted by ONLAG. Gear may be modified or abolished as a consequence of these reviews. Management arrangements are in place to limit or cease operations if the harvest of bycatch species exceeds TACC or annual SAFE assessments find there is a high risk of overfishing. The *Management arrangements for the Northern Territory Offshore Net and Line Fishery* (2018) has trigger and limit reference points for bycatch species which result in various management actions including trip limits, localised effort limits, area closures, zero targeted catch and closure of the fishery.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	**Meets** – there is a high chance of ensuring the sustainability of bycatch species. The management strategies have a high chance of ensuring that the sustainability of bycatch species is not threatened by the operation of the fishery.
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 protected species and threatened ecological communities.	**Partially meets** – all commercial fishers are required to report all protected species interactions. Although there are strict requirements in NT and Commonwealth legislation for fishers to report all protected species interactions, there is evidence to suggest this has not occurred. There has been no analysis conducted on the reliability of reported logbook data. Logbook records of protected species interactions in the ONLF have increased significantly from the 2019–20 financial year onwards. NT DITT has stated this increase is due to increased operator education and reporting, and these increased interactions are likely to be a more accurate representation of historic interaction levels in the fishery (NT DITT, 2022, pers. comm., 22 February). Electronic monitoring, independent on-board observers and VMS all provide information that can be used to help validate logbook records of protected species interactions. NT DITT has indicated that before the COVID-19 pandemic, on-board observers monitored an average three trips per year, and that similar levels of coverage are expected in 2022 (NT DITT, 2022, pers. comm., 22 February). NT DITT has indicated that in recent years there have been between 110 and 120 commercial trips per year, meaning that the level of observer coverage is relatively low at less than 5% (NT DITT, 2022, pers. comm., 22 March). This low percentage of observer coverage raises some concern about the reliability of logbook records, particularly in relation to protected species. There are no threatened ecological communities in the area of the fishery. Given the concerns relating to data collection and validity, condition 5 has been imposed to ensure data is reliable.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	**Partially meets –** an ERA was conducted in 2020 but may have been based on incomplete data and incorrect assumptions. The ERA found no protected species were at high risk from the effects of the fishery. However, data published for the 2020–21 financial year, and unpublished data provided to the department by NT DITT for the 2021–22 financial year (until 28 February 2022), indicates there have been considerable increases in the number of protected species interactions reported since the ERA was finalised. NT DITT has indicated the increase is due to an increase in reporting, rather than a true increase in interactions due to changes in fishing practices. This raises concerns about the quality of the data and validity of findings from the ERA. For example, the ERA indicated there was low risk to dolphins due to the common dolphin having a large population size and being the species most often interacted with in the ONLF. However, in 2020–21 one snubfin dolphin mortality was recorded in the fishery. As snubfin dolphins have both a much smaller

	population (estimated between 9,000 and 10,000) and a more limited range, the impacts of interactions with snubfin dolphins may be far more impactful than on common dolphins. Unpublished data for the 2021–22 financial year (until 28 February 2022) also indicates that several other species, notably coastal protected species, that were assumed unlikely to be impacted by the ONLF, have had interactions with the fishery since the ERA was published. These species include dugong, leatherback turtle, and dwarf sawfish. Some of these species were previously found to be relatively low risk in the ERA due to a lack of overlap between the species' habitat and areas targeted by the ONLF. Manta rays and devilrays were found to be at moderate risk in the 2020 ERA. However, since the publication of the ERA in 2020, the reported number of interactions with pygmy devilrays has increased from no reported interactions in 2018–19, to 88 interactions in 2019–20 and 177 in 2020–21. Similarly, interactions with manta rays increased from 3 interactions in 2018–19 to 10 interactions in 2019–20, to 51 in 2020–21. While most of the interactions resulted in the animals being released alive, research indicates that other species of mobulid ray experience high post-release mortality, even when seen to be swimming away vigorously following their release (Francis & Jones 2016). The unreliable historic data regarding protected species interactions and the assumptions built into the ERA based on this data, raise concerns about the validity of the ERA. The department considers that NT DITT should first review their available data for accuracy and completeness, then once the veracity of the data is determined, the ERA should be reviewed, and any uncertainty accounted for in a precautionary way. This review should be focussed at least initially on species where there have been increased rates of interaction than what has previously considered in the 2020 ERA. It is important that while this review work is being undertaken that timely action is also undertaken to manage the risks to protected species (and any other high-risk species) from the fishery. Conditions specified in Section 2 of this report are designed to meet these requirements.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	**Not applicable** – there are no threatened ecological communities in the area of the fishery.

Management responses	
2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.	**Partially meets** – possible inaccuracies in the 2020 ERA may lead to high risks to protected species not being identified or appropriately managed. The ONLF harvest strategy states that fishing operations will be assessed annually by the ONLAG to determine if operations can be modified to decrease protected species interactions. If protected species interactions are considered to be 'at the maximum acceptable' levels, fishing effort in the area of concern is required to decrease by 10% and fishing is to cease in that area if further interactions are detected. According to the 2020 ERA, there is a moderate risk to four species of sawfish (green, narrow, dwarf and largetooth), devil and manta rays, and three species of sea turtle (olive ridley, loggerhead and leatherback). Mitigation strategies include short set times for pelagic nets to reduce risk to sea turtles, and a prohibition on demersal nets to reduce risk to sawfish. There are concerns about the accuracy of sawfish, manta ray and devilray species identification, which increases the risk to populations of these species. This increase in risk is due to the possibility that more vulnerable species may be misidentified as less vulnerable species and obscures the true magnitude of impacts on individual species. Both groups have low productivity which increases the consequences of any interaction with these species. The potential inaccuracy of data and assumptions used for the 2020 ERA mean that it is unclear whether protected species found to be at low or moderate risk in the 2020 ERA are at higher risk and require more urgent management to avoid their capture, mortality and population decline. To mitigate this concern, Condition 6, discussed in Section 2, requires that interim ecological risk mitigation strategies be developed for those species which have been identified as being at greater risk than was identified in the 2020 ERA. NT DITT has advised they are currently developing a mobulid (manta ray and devilray) handling guide, to decrease post-release mortality for these species. The guide is expected to be released by mid-2022 (NT DITT, 2022, pers. comm., 22 February).
2.2.5 There are measures in place to avoid impact on threatened ecological communities.	**Not applicable** – there are no threatened ecological communities in the area of the fishery.
2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	**Meets** – the management arrangements are likely to ensure that fishing is conducted in a manner that avoids mortality of, or injury to protected species. There are no threatened ecological communities in the fishery area.

Objective 3 – The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.	
Information requirements	
2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fishery's impact on the ecosystem and environment generally.	**Meets** – on-board observers monitor practices in the fishery and collect information which is used to assess the environmental impacts of the fishery. NT DITT has indicated that before the COVID-19 pandemic, on-board observers monitored an average three trips per year, and that similar levels of coverage are expected in 2022 (NT DITT, 2022, pers. comm., 22 February). NT DITT has indicated that in recent years there have been between 110 and 120 commercial trips per year, meaning that the level of observer coverage is relatively low at less than 5% (NT DITT, 2022, pers. comm., 22 March).
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 the following ecosystem components to the fishery. 1. Impacts on ecological communities • Benthic communities • Ecologically related, associated or dependent species • Water column communities 2. Impacts on food chains • Structure • Productivity/flows 3. Impacts on the physical environment • Physical habitat • Water quality	**Meets** – information collected via logbooks and onboard observers has been used to assess risks posed by the fishery to ecosystems in the fishery area. The 2020 ERA for the ONLF involved a technical workshop attended by an independent panel of technical experts followed by a stakeholder review. Impacts to the general ecosystem were assessed as low due to pelagic net gear and demersal or pelagic longlines having minimal contact with the seabed, benthic habitats and communities. The 2020 ERA also states that 'research undertaken by the CSIRO showed bycatch levels were unlikely to lead to trophic cascades and that ecosystems were stable and relatively insensitive'.

Management responses	
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.	**Meets** – the ONLF harvest strategy includes management actions to prevent impacts on the environment and ecosystems. Legislation requires that pelagic nets do not come within two metres of the seabed and remain attached to a vessel while in use. Sand anchors are usually deployed on areas of bare seabed which reduces impacts to physical habitat structures and communities. Impacts on seabed communities and ecosystem structures is likely to be low.
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.	**Meets** – the ONLF harvest strategy includes trigger points for the review of fishery practices if increased risks to the ecosystem or environment are identified. Localised closures may occur if risk to the ecosystem cannot be mitigated through other management strategies.
2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	**Meets** – the management arrangements are likely to ensure that fishing is conducted in a manner that avoids impacting unsustainably on the ecosystem generally.

SECTION 4: ASSESSMENT AGAINST THE EPBC ACT

The table below is not a complete or exact representation of the EPBC Act. It is intended to show that 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	**Meets** The Marine Bioregional Plan for the North Marine Region identifies several key ecological features in the area of the ONLF fishery. These include: • the pinnacles of the Bonaparte basin • carbonate bank and terrace system of the Van Diemen rise • the shelf break and slope of the Arafura shelf • tributary canyons of the Arafura depression • the Gulf of Carpentaria basin • the plateaux and saddle north-west of the Wellesley Islands • the submerged coral reefs of the Gulf of Carpentaria • the Gulf of Carpentaria coastal zones. There are various pressures of regional priority which apply to the ONLF: • marine debris • bycatch • extraction of living resources (illegal, unreported and unregulated fishing) • physical habitat modification. The ONLF harvest strategy contains various measures that contribute to address each of the pressures of regional priority. These mechanisms and strategies are likely to effectively reduce and manage the impacts of the fishery on the region. There is no evidence to suggest any systemic change to species diversity or richness caused by the ONLF. Given the low impact fishing methods used in the fishery and the mitigation measures in place, impact to key ecological features is likely to be low.

Part 13 – Species and communities

Accreditable plan, regime or policy (Divisions 1, 2, 3 and 4)	Comment
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?	**Yes** – there is an accreditable management regime. The ONLF is managed under the *Fisheries Act 1988* (NT), the Fisheries Regulations 1992 (NT), and the *Management arrangements for the Northern Territory Offshore Net and Line Fishery* (2018).
Division 1 Listed threatened species, Section 208A 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 threatened species (other than Conservation Dependent species) are not killed or injured as a result of the fishing?	**Yes** – there are specific measures in place to mitigate risks to protected species. The management arrangements and harvest strategy for the ONLF were accredited in March 2019. Although the management arrangements for the fishery have not significantly changed since this accreditation was granted, recent protected species data requires conditions to be applied. For that reason, a new Part 13 declaration is recommended.
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?	**No** – the 2020 ONLF ERA determined the risk of the fishery causing serious or irreversible harm to a listed threatened species was low to moderate. Taxa that were found to be at moderate risk were: • Olive ridley, loggerhead and leatherback turtles • Green, dwarf and largetooth sawfish The ONLF ERA found the risk to these species was acceptable with current risk control measures in place. Since the ERA was finalised in May 2020 there has been a significant increase in the number of reported protected species interactions. NT DITT has indicated this is due to improved reporting rather than an actual increase in protected species interactions. This increase indicates that protected species interaction rates have been historically higher than was assumed for the ERA, and therefore may pose a greater risk than was previously assumed. Conditions included in this assessment require NT DITT develop and implement precautionary, interim risk mitigation strategies for protected species.

Division 2 Migratory species, Section 222A 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 migratory species are not killed or injured as a result of the fishing?	**Yes** – there are specific measures in place to mitigate the risk to migratory species. The management arrangements and harvest strategy for the ONLF were accredited in March 2019. Although the management arrangements for the fishery have not significantly changed since this accreditation was granted, recent protected species data requires conditions to be applied. For that reason, a new Part 13 declaration is recommended.
(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	**No,** the 2020 ONLF ERA determined the risk of the fishery causing serious or irreversible harm to a migratory species or population was low to moderate. Taxa that were found to be at moderate risk were: • olive ridley, loggerhead and leatherback turtles • green, narrow, dwarf and largetooth sawfish • devil and manta rays. • dugong The ONLF ERA found the risk to these species was acceptable with current risk control measures in place. However, since the ERA was finalised in May 2020 there has been a significant increase in the number of reported migratory species interactions. NT DITT has indicated this is due to improved reporting rather than an increase in migratory species interactions. This increase indicates that migratory species interaction rates have been higher than was assumed for the ERA, and therefore may pose a greater risk to migratory species than was previously assumed. Conditions included in this assessment require NT DITT develop and implement precautionary, interim ecological risk mitigation strategies to reduce the risk to migratory species and populations of those species.
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	**Comment**
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are	**Yes** – there are measures in place to mitigate the risk to cetaceans. The management arrangements and harvest strategy for the ONLF were accredited in March 2019. Although the management arrangements for the fishery have not significantly changed since this accreditation was granted, recent protected species data suggests the risks to cetaceans may be greater than previously

not killed or injured as a result of the fishing?	realised. Conditions have been recommended at Section 2 of this report, to address this risk. A new Part 13 declaration is recommended to include these conditions.
(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	**No** – the fishery is unlikely to adversely affect the conservation status of a species or population of cetacean. There were four interactions with cetaceans reported in the 2019–20 and 2020–21 financial years. The report provided by NT DITT indicates there have been three interactions with bottlenose dolphins (*Tursiops* sp.) in the fishery and that two of these interactions resulted in mortality. There has also been one interaction with a snubfin dolphin (*Orcaella heinsohni*), which also resulted in mortality. Snubfin dolphins have both a much smaller population (estimated between 9,000 and 10,000) and a more limited range than bottlenose dolphins. The 2020 ONLF ERA considered the risk to dolphins in general and based the assessment on the impact to common dolphins, as this was considered to be the species interacted with by the fishery. The ERA also stated there was no evidence that inshore species, such as the snubfin dolphin, being interacted with by the fishery. Therefore, there has not been a risk assessment of the impact of the fishery on inshore dolphin species, such as the snubfin dolphin and Australian humpback dolphin (*Sousa sahulensis*). Since the ERA was finalised in May 2020 there has been one interaction with a snubfin dolphin. This indicates that interaction rates with inshore dolphin species may be higher than was assumed for the ERA, and therefore there may be greater risks to these species than previously assumed. Conditions included in this assessment require NT DITT to develop and implement precautionary, interim risk mitigation strategies to manage the risk to snubfin dolphins while further assessment is undertaken.
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** – there are specific measures in place to mitigate the risk to listed marine species. The management arrangements and harvest strategy for the ONLF were accredited in March 2019. Although the management arrangements for the fishery have not significantly changed since this accreditation was granted, recent protected species data requires conditions to be applied. For that reason, a new Part 13 declaration is recommended. Conditions require, amongst other things, interim risk mitigation measures for dugong and leatherback turtles which are both listed marine species.
(g) And, is the fishery likely to adversely affect the conservation	**No** – the 2020 ONLF ERA determined the risk of the fishery causing serious or irreversible harm to marine species or a species' population was low to moderate and acceptable with current risk control measures in place. Protected species that were found to be at medium risk from the fishery were olive ridley, loggerhead and leatherback turtles.

status of a listed marine species or a population of that species?	There were a small number of interactions with syngnathids (pipefish, seahorses and seadragons) in the ONLF in 2019–20. However, if accurate these interaction rates are unlikely to pose a risk to the conservation status of these taxa. Due to recent increases in reported protected species interactions, interim risk mitigation measures are required for dugong and leatherback turtles, at least until further ecological risk assessment can be undertaken.
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.	The department recommends the fishery be accredited under sections 208A, 222A, 245 and 265 of the EPBC Act. The management arrangements and harvest strategy for the ONLF were accredited in March 2019. Although the management arrangements for the fishery have not significantly changed since this accreditation was granted, recent protected species data requires a number of conditions to be applied. For that reason, a new Part 13 declaration is recommended, and conditions have been recommended at Section 2 of this report.
(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 © while a certain condition is complied with. In such a case, the instrument of accreditation is to specify the period, circumstances or condition.	

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 trad©(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©y; (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.	The management arrangements for the ONLF have been assessed as consistent with the general guidance provided in the objects of Part 13A as: • While the fishery harvests great hammerhead and scalloped hammerhead, which are both CITES listed species, this harvest is consistent with the current non-detrimental finding for these species and the current Conservation Dependent status of scalloped hammerhead. • There are management arrangements in place to ensure the fishery resources are being managed in an ecologically sustainable way. • The operation of the fishery is unlikely to be unsustainable and threaten biodiversity within the next three years. • The Environment Protection and Biodiversity Conservation Regulations 2000 do not specify fish as a class of animal in relation to the welfare of live specimens.
Section 303 CG Minister may issue permits (CITES species)	**Comment**
(3) The Minister must not issue a permit unless the Minister is satisfied that:	The department's assessment has considered the fishery's impact on great hammerhead and scalloped hammerhead sharks which are listed under CITES Appendix II and which are targeted by the fishery. Scalloped hammerhead sharks are currently listed in the Conservation Dependent Threatened Species category of the EPBC Act and subject to strict management measures.

(a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to: (i) the survival of any taxon to which the specimen belongs; or	In 2014 Australia's CITES Scientific Authority determined that Australia's national take of hammerhead sharks would not be detrimental to the survival of either species if catch was restricted to historic levels. Considering the ONLF management arrangements and harvest strategy contain arrangements to monitor and control the harvest of hammerhead sharks, the conditions proposed in Section 2 of this report, and the current non-detriment finding for hammerhead sharks, the fishery is unlikely to be detrimental to the survival of any CITES-listed species during the proposed 3-year term of the approval.
(ii) the recovery in nature of any taxon to which the specimen belongs; or	The CITES specimens harvested from the fishery (great hammerhead and scalloped hammerhead) are not currently considered to be overfished in the NT and management arrangements are in place including: • limited entry • total allowable commercial catch (TACC) limits • requirements that all sharks be landed with fins naturally attached • triggers for review of TACC • trip limits of five scalloped hammerheads once 75% of the TACC for either species has been harvested • all hammerheads be landed with heads naturally attached once 75% of the TACC for either species has been harvested • electronic monitoring on longline vessels which helps validate reported catch data. These arrangements are designed to ensure harvest remains ecologically sustainable. The ONLF harvest strategy includes measures to slow harvest once triggers are reached, a trip limit of 5 hammerheads and a requirement that all hammerheads are landed with heads and fins attached once 75% of the TACC for scalloped hammerheads has been harvested, and the cessation of all fishing once the TACC has been reached. There is some uncertainty about the population structure and connectivity of populations of scalloped hammerheads in the areas targeted by the ONLF with populations in Indonesia, Papua New Guinea and the east coast of Australia. In a recent stock status assessment for scalloped hammerheads, most of the population models considered found that populations were increasing to varying degrees.
(iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); and	Given the nature of harvest and gear used in the fishery (pelagic and demersal longlines and pelagic nets), the potential for the ONLF to impact unacceptably and unsustainably on any relevant ecosystem generally is considered low. The department is satisfied the fishery is conducted in a manner that minimises the impact of fishing operations on the ecosystem generally.

Section 303DC Minister may amend list (non-CITES species)	Comment
(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by: (a) doing any of the following: (i) including items in the list; (ii) deleting items from the list; (iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject; (iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or (b) correcting an inaccuracy or updating the name of a species.	The department recommends that specimens that are or are derived from fish or invertebrates harvested in the NT ONLF, as defined in the management arrangements and harvest strategy in force under the *Fisheries Act 1988* and the Fisheries Regulations 1992 (NT), but not including: (a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or (b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or (c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or (d) 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 while the fishery is subject to a declaration as an approved Wildlife Trade Operation.
(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 LEN–.	**Meets** – the department 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	**Meets** – the submission from the NT DITT was made available on the department's website from 26 November 2021 to 31 December 2021. Two comments were received and considered as part of this assessment. NT DITT was also consulted on the issues raised during public consultation, and in development

(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and (c) other persons and organisations as appropr–ate.	of conditions proposed for the Part 13 and 13A approvals to ensure these are achievable. NT DITT agreed with the proposed conditions.
Section 303FN Approved wildlife trade operation	**Comment**
(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 (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 is consistent with Objects of 13A – see above assessment against the Guidelines. 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 next three years, given the management measures currently in place, which include: • limited access • total allowable commercial catch (TACC) limits for target and byproduct species • restrictions on gear types • commercial logbooks, on-board observers and electronic monitoring • harvest amounts that trigger further limitations on the fishery and review of fishery methods and TACCs • cessation of all activity once TACCs are reached.
(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	**Not applicable** – the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) do not specify Crustacea or fish as a class of animal in relation to the welfare of live specimens.

welfare of the specimens are likely to be complied with; and	
(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 biodiversi–y); and	**Meets** – the ONLF will not have a significant impact on any relevant ecosystem within the next three years, given the management measures currently in place, which include the arrangements described above at s303FN 3(b) and conditions proposed in Section 2 of this report.
(b) the effectiveness of the management arrangements for the operation (including monitoring proce–ures).	**Meets** – the management arrangements that will be employed for the ONLF as outlined in in the assessment against the Guidelines (above), are likely to be effective.
(5) In deciding whether to declare an operation as an approved wildlife trade operation the Minister must have **regard** to: (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 (b) whether the legislation applies throughout the State or Territory ©cerned; and	**Meets** – the ONLF will be managed under the *Management arrangements for the Northern Territory Offshore Net and Line Fishery* (2018), the *Fisheries Act 1988* (NT) and the Fisheries Regulations 1992 (NT). This legislation applies throughout Northern Territory waters. The department considers the legislation is likely to be effective.

(c) whether, in the opinion of the Minister, the legislation is–effective.	
(10) For the purposes of section 303FN, an operation is a wildlife trade operation if, an only if, the operation is an operation for the taking of specimens and: (a) the operation is a commerci–l fishery.	**Meets** – the ONLF is a commercial fishery.
Section 303FR Public consultation	**Comment**
(1) Before making a declaration under section 303FN, the Minister must cause to be published on the Internet a notice: (a) setting out the proposal to make the declaration; and (b) setting out sufficient information to enable persons and organisations to consider adequately the merits of © proposal; and (c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal. (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. (3) In making a decision about whether to make a declaration under section	**Meets** – a public notice, which set out the proposal to declare the ONLF an approved Wildlife Trade Operation and included the application from the NT DITT, was released for public comment on 26 November 2021 to 31 December 2021, a total of 23 business days. Two public comments were received on the submission. One of these expressed concerns about the management of the scalloped hammerhead in the fishery and about NT fisheries more broadly, the increase in threatened species interactions in the ONLF in recent years and a lack of transparency regarding the level of observer coverage in the fishery. In response, NT DITT highlighted that if there is a change in the conservation status of scalloped hammerhead in the future, the fishery will comply with relevant legislation, including the species becoming a no-take species should it be listed as Endangered under the EPBC Act. Regarding the transparency of observer coverage in the fishery, NT DITT stated that due to the confidential nature of data collected by observers, the *Fisheries Act 1988* (NT) restricts the amount of information that can be provided. NT DITT also highlighted numerous efforts taken by the ONLF to reduce threatened species interactions. The second public comment broadly supported the submission and highlighted the ONLF's implementation of conditions and recommendations that were part of the 2019 assessment. The department's assessment has considered all public comments received on the submission and addressed the issue of data validation through Condition 5, while the issue of increasing reported threatened species interactions is addressed through Conditions 6 and 7.

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.	
Section 303FT Additional provisions relating to declarations	**Comments**
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the ONLF will be made under section 303FN.
(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: (a) during a particular period; or (b) while certain circumstances exist; or	The conditions recommended to apply to the Wildlife Trade Operation include: • operation in accordance with the management regime • notifying the department of changes to the management regime • notifying the department of changes to the *Fisheries Act 1988* (NT) and Fisheries Regulations 1992 (NT) • annual reporting in accordance with the requirements of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* • independent data validation and monitoring • development and implementation of ecological risk mitigation strategies for protected species and identified high-risk species

(c) while a certain condition is complied with. In such a case, the instrument of declaration is to specify the period, circumstances or condition.	• review of the ERA for protected species The wildlife trade operation instrument for the ONLF specifies the conditions applied.
(8) A condition may relate to reporting or monitoring.	One of the standard conditions relates to reporting.
(9) The Minister must, by instrument published in the *Gazette*, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	No conditions have been contravened.

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. (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.	**Meets** – the precautionary principle is evident in the approach taken in the ERA, the triggers and limits contained in the harvest strategy and the annual monitoring of stocks against prescribed performance measures. There are, however, concerns about the accuracy of the current ERA findings, especially for protected species such as dugong, snubfin dolphins, leatherback turtles, dwarf sawfish and manta and pygmy devilrays. Conditions are recommended on the EPBC Act approvals for this fishery, requiring precautionary interim risk mitigation measures to be developed and implemented while the ERA is reviewed and updated with more accurate data.

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