



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

Mr Travis Dowling  
Chief Executive Officer  
Victorian Fisheries Authority  
PO Box 114  
QUEENSCLIFF VIC 3225

Dear Mr Dowling

I am writing to you in relation to the declaration of the Victorian Scallop (Ocean) Fishery as an approved wildlife trade operation (WTO). The fishery was last declared a WTO in November 2017, subject to various conditions. This declaration expired on 27 November 2020 following Laura Timmins' decision (as Delegate of the Minister for the Environment) that the fishery had not made sufficient progress on the conditions. The delegate wrote to you at that time advising export approval could not be granted until these issues were resolved.

In May 2021, the Victorian Fisheries Authority (VFA) sent the department a revised application. The department requested further clarification and information from the VFA, including information on target stocks; by-product, bycatch, and protected species interaction data; and information on harvest strategy development for the fishery.

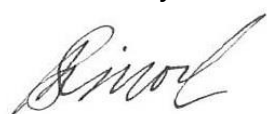
Having considered the application and other information provided by the VFA, I note there are a number of issues which still need to be addressed in order to meet objects of Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Guidelines for the ecologically sustainable management of fisheries – 2<sup>nd</sup> edition*. A summary of these issues is below:

- Available information indicates the Commercial Scallop (*Pecten fumatus*) stock in the fishery remains depleted.
- There are insufficient provisions in place to preserve viable scallop beds for replenishment and rebuilding of the stock.
- The informal harvest strategy provided by VFA has no scientifically derived decision rules.
- It is unclear how management decision rules and total allowable catch determinations link to biomass levels and fishing mortality rates.
- No analysis or evidence has been provided to determine whether the decision rules in the informal harvest strategy are sustainable.
- Annual biomass surveys have not been conducted to determine the stock status or sustainability of the management arrangements (although I note the VFA intends to undertake these over the next two years).
- There is very little available information about the mandatory bycatch reporting process, which was introduced in 2021, and no data available. It is also unclear how the VFA will be ensuring compliance with their new reporting requirements.

I understand there have been no exports from the fishery for some time, but I encourage you to ensure all operators in the fishery are aware export approval will not be granted at this time and any catch landed from the fishery can only be sold domestically.

The department welcomes the VFA's future application for fishery export approval once these concerns have been addressed. Further information on the issues identified in this letter is also attached for your information. Until the matters outlined in the attachment are addressed, the department will be unable to consider approving a new declaration as an approved WTO for the fishery.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Sincock', written in a cursive style.

Adam Sincock  
Principal Director  
Wildlife Trade Office  
19 December 2021

CC: Ms Gail Owen, Chairperson, Victorian Fisheries Authority Board.

## Outstanding issues affecting management of the Victorian Scallop (Ocean) Fishery

There are several issues in the Victorian Scallop (Ocean) Fishery which still need to be addressed to meet the objects of Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Guidelines for the ecologically sustainable management of fisheries – 2nd edition*. A summary is provided below.

Laura Timmins (as Delegate of the Minister for the Environment) highlighted a number of these issues previously in her letter to the VFA dated 10 November 2020. Issues included the need for development and implementation of a suitable harvest strategy (including reference points to measure the fishery's performance) to improve the transparency of, and confidence in, management outcomes, and help to rebuild depleted stocks. The department also raised this issue in the previous four assessments for this fishery under the EPBC Act (2006, 2009, 2012 and 2017).

### Summary of concerns:

1. The fishery's management arrangements do not currently meet the objects of Part 13A of the EPBC Act "to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way".

Concern/Issue	Comments
The target stocks are classified as depleted.	<ul style="list-style-type: none"> <li>• The Commercial Scallop stock in the area of the fishery is currently classified as depleted, based on biomass surveys and catch indicators (Semmens &amp; Woodhams 2020). A single commercially viable bed of scallops has been identified in the fishery (Tarwhine Bed). The VFA's proposed harvest strategy, unlike the Commonwealth strategy for an adjacent scallop fishery on which it is based, does not conserve viable scallop beds for rebuilding, maintaining, and replenishing the stock.</li> </ul>
There are no measures or decision rules in place to ensure target stocks in Victorian waters can recover to levels that can sustain fishing pressure.	<ul style="list-style-type: none"> <li>• A single commercially viable bed of scallops has been identified in the fishery (Tarwhine Bed). The VFA's proposed harvest strategy, unlike the Commonwealth strategy for the adjacent Bass Strait Central Zone Scallop Fishery (on which the VFA strategy is based) does not conserve viable scallop beds for rebuilding, maintenance, and replenishment of the stock.</li> <li>• The department considers that the Victorian Scallop (Ocean) Fishery would not meet the criteria for opening based on the Commonwealth harvest strategy.</li> <li>• Given the depleted status of the stock overall, the department considers it prudent to maintain the Tarwhine Bed to support recovery of the stock.</li> <li>• The biomass survey contains a high degree of uncertainty and does not address the question of</li> </ul>

	<p>whether the bed should be maintained to facilitate recovery of the otherwise depleted stock.</p> <ul style="list-style-type: none"> <li>• The department needs to be satisfied the harvest strategy is sufficient to rebuild the stock, and to avoid the existing stock being further depleted.</li> <li>• The fishery's informal harvest strategy has no scientifically derived decision rules. It only includes examples of decision rules which could be set.</li> <li>• The department considers the VFA needs to finalise a formal harvest strategy for the Victorian Scallop (Ocean) Fishery, with precautionary, evidence-based decision rules designed to rebuild the stock and maintain stocks at sustainable levels.</li> </ul>
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2. Management arrangements for the fishery do not meet the following Guidelines.

Concern/Issue	Comments
<p><b>(Principle 1) Objective 1</b> – The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.</p> <ul style="list-style-type: none"> <li>• <i>Target stocks are classified as depleted, and no harvest strategy is in place to promote the recovery of these stocks.</i></li> <li>• <i>By-product species are not currently recorded in logbooks.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Target stocks remain depleted. <ul style="list-style-type: none"> <li>- Annual biomass surveys have not been conducted to determine the stock status or sustainability of the management arrangements (these are expected to be undertaken over the next two years).</li> <li>- Given the depleted status of the stock overall, the department considers it would be prudent to maintain the Tarwhine Bed to support recovery of the stock.</li> </ul> </li> <li>• There is no formal harvest strategy in place for the fishery. <ul style="list-style-type: none"> <li>- An informal harvest strategy has been provided. However, the department considers the Victorian Scallop (Ocean) Fishery would not meet the criteria for opening, based on the Commonwealth harvest strategy.</li> <li>- The informal harvest strategy has no scientifically derived decision rules. It only includes examples of decision rules which could be set.</li> </ul> </li> <li>• It is unclear how management decision rules and total allowable catch determinations link to biomass levels and fishing mortality rates. <ul style="list-style-type: none"> <li>- It is difficult to determine whether the decision rules in the informal harvest strategy are sustainable.</li> </ul> </li> <li>• The VFA confirmed byproduct information has been available for 20 years.</li> <li>• Given fewer than 5 vessels involved between 2010 to 2020, data was not available for us to view.</li> </ul>

	<ul style="list-style-type: none"> <li>Data provided from 2000 indicate low levels of total byproduct catch. However, there are insufficient data available due to policy requirements to protect commercial confidentiality of data when there are fewer than five licence holders.</li> </ul>
<p><b>(Principle 1) Objective 2 –</b> Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.</p> <ul style="list-style-type: none"> <li><i>The fishery does not currently have in place defined reference points to promote recovery of depleted scallop stocks, a formal recovery strategy; or an observer program (due to the low catch and effort); or a formal process to review the performance of the fishery.</i></li> </ul>	<ul style="list-style-type: none"> <li>Formal target reference points are still to be developed.</li> <li>The VFA needs to finalise a formal, stand-alone harvest strategy for the Victorian Scallop (Ocean) Fishery, with formal target reference points etc.</li> </ul>
<p><b>(Principal 2) Objective 1 –</b> The fishery is conducted in a manner that does not threaten bycatch species</p> <ul style="list-style-type: none"> <li><i>There is no requirement for fishers to report bycatch in their logbooks and information on bycatch is not collected regularly by the VFA.</i></li> <li><i>There is no risk analysis of the bycatch with respect to its vulnerability to fishing.</i></li> </ul>	<ul style="list-style-type: none"> <li>Some progress has been made regarding bycatch recording, with the introduction in 2021 of mandatory recording of bycatch. However, there is: <ul style="list-style-type: none"> <li>Limited available information about the mandatory bycatch reporting process which was introduced in 2021.</li> <li>No data is available (and is yet to be analysed).</li> <li>It is unclear how the VFA will be ensuring compliance with this requirement.</li> </ul> </li> <li>The department requires the VFA to provide sufficient data on bycatch and protected species. We cannot properly assess impact on non-target species without having access to the data, noting confidentiality will be applied when viewing data.</li> <li>An ecological risk assessment needs to be provided for the department to be able to conduct a thorough assessment.</li> </ul>

<p><b>(Principal 2) Objective 2</b> –The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened, or protected species and avoids or minimises impacts on threatened ecological communities.</p> <ul style="list-style-type: none"> <li>• <i>There is no opportunity for fishers to record or report other bycatch species. Due to this there is a possibility there is a level of interactions with protected species that is not being reported.</i></li> </ul>	<ul style="list-style-type: none"> <li>• No data have been provided.</li> <li>• Protected species reporting was introduced in 2015. No interactions have been reported for the fishery.</li> <li>• Some progress has been made regarding bycatch recording, with the introduction in 2021, of mandatory recording of bycatch. However, data has not yet been analysed.</li> <li>• The department requires the VFA to provide sufficient data on bycatch and protected species. We can't properly assess impact on non-target species without having access to the data, noting confidentiality will be applied when viewing data.</li> </ul>
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