



Ref: 1536/13

To: Western Australian Fishing Industry Council  
Western Rock Lobster Council  
Commercial Octopus Fishers  
West Coast Rock Lobster Managed Fishery Licence Holders

### **UPDATE ON THE ACTIVITIES OF THE WHALE ENTANGLEMENT MITIGATION TASKFORCE**

As you are aware, the number of whales reported as having been entangled in commercial fishing gear, particularly rock lobster and octopus gear, has increased significantly over the last two years from less than six (in all types of fishing gear) in most years to 31 in 2013. Of the 31 entanglements recorded in 2013, 18 have been positively identified as having occurred in rock lobster gear and three have been identified as having occurred in octopus gear.

This matter came to prominence during the West Coast Rock Lobster Managed Fishery's most recent assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) during the first half of 2013. Correspondence was then sent from the former Australian Government Minister for Sustainability, Environment, Water, Population and Communities to the then WA Minister for Fisheries. Conditions were placed on the fishery's current assessment including the following condition:

*Take account of the evaluation of the interim measures and evaluation of longer term management arrangements, and in consultation with SEWPaC and DEC, determine a suite of management measures to minimise the entanglements of whales before the 2015 migration season*

Having regard to the significant number of whales entangled during the 2013 northern humpback whale migration I wrote to the WA Fishing Industry Council (WAFIC) and the Western Rock Lobster Council (WRLC) in July 2013 advising Industry that I am of a mind that from 2014, those who choose to fish during the whale migration period will need to use an approved entanglement mitigation method. My letter sought suggestions from Industry on actions that could be implemented before the 2014 whale migration period.

This advice reflected concerns expressed by the Australian Government in May 2013 and reiterated in August 2013 that the fishery may need to be reassessed under the EPBC Act in regard to protected species if serious action was not taken as a matter of urgency.

Noting the complexity of this issue, the former Minister for Fisheries established a Whale Entanglement Taskforce, (Taskforce) to coordinate the Industry and State Government response to whale entanglements and develop advice on approved fishing gear.

### **Taskforce Members**

The Taskforce currently comprises the following members:

Stuart Smith:	Director General, Department of Fisheries (Chair);
Arno Verboon:	WAFIC;
John Harrison:	WAFIC/WRLC;
Haidee Vandenberghe:	Office of the Minister for Fisheries; and
Paul Murphy/Kerry Cameron:	Commonwealth Department of the Environment.

Mr John McMath will soon be assuming the role of WRLC representative on the Taskforce.

### **Taskforce Activities**

Formation of the Taskforce has facilitated communication and coordination between Industry and government. The recent, (January 2014) inclusion of Australian Government representatives on the Taskforce has expanded its capacity to develop proposed solutions that are understood and accepted by all stakeholders.

The Taskforce has successfully petitioned the WA Department of Parks and Wildlife to initiate a review of the status of humpback whales as vulnerable under the WA *Wildlife Conservation Act 1950*. The Taskforce has also acted as a forum for discussion and feedback on current and proposed Fisheries Research and Development Corporation, (FRDC) funded projects that can improve knowledge of humpback whale migration patterns and the efficacy of potential gear modifications.

Having been briefed on the preliminary outcomes of the current FRDC project at its most recent meeting, the Taskforce has turned its attention to developing a proposal for potential gear modification that may be approved for use in the 2014 whale migration period and a plan for future research.

**These discussions are expected to result in a number of gear modifications being approved for use during the 2014 whale migration period. However, it is possible that some modifications approved for 2014 will not be acceptable in future years depending on the outcome of research into their effectiveness. It is important that fishers are mindful of this possibility when considering whether to fish during the 2014 whale migration period and when considering possible gear modifications.**

For those in the octopus fishery, the path to mitigating whale entanglements appears more straightforward with longlining traps likely to be the most practical solution. However, options around float and rope rigs are also being considered.

## **Future Communications**

With the 2014 whale migration period fast approaching, it is intended to provide brief updates on Taskforce activities following each meeting. The Department will also correspond with peak bodies, and individual operators where appropriate, to provide advice on decisions regarding approved fishing gear and the specific period during which the use of this gear will be required.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Stuart Smith', written in a cursive style.

Stuart Smith  
**DIRECTOR GENERAL**

13 February 2014