



**Australian Government**  
**Department of the Environment**

Ref: 000103926

The Hon Niall Blair MLC  
Minister for Primary Industries  
GPO Box 5341,  
SYDNEY NSW 2001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the assessment of the New South Wales Sea Urchin and Turban Shell Restricted Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In February 2015, the New South Wales Department of Primary Industries provided an application to the Department of the Environment seeking export approval for the New South Wales Sea Urchin and Turban Shell Restricted Fishery.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise that the assessment is now complete. The new assessment report will be available on the Department of the Environment's website at:  
<http://www.environment.gov.au/marine/fisheries/nsw/sea-urchin-turban-shell>.

I consider that the management arrangements for the New South Wales Sea Urchin and Turban Shell Restricted Fishery meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2<sup>nd</sup> Edition*. Taking into account the management arrangements currently in place in the fishery, which include limited entry, total allowable commercial catch limits for red sea urchin, and a system of closures and size limits for turban shell, I am satisfied that the operation of the fishery remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

I am also satisfied that the operation of the fishery over the period of the declaration as an approved wildlife trade operation is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operation relates, or threaten any relevant ecosystem.

Accordingly, I have decided to declare the New South Wales Sea Urchin and Turban Shell Restricted Fishery an approved wildlife trade operation until 25 October 2018. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the Department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.



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Officers from the New South Wales Department of Primary Industries and the Department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with this fishery, I believe that the New South Wales Department of Primary Industries is committed to addressing these issues.

The New South Wales Department of Primary Industries and the Department's officers have agreed to additional recommendations (**Attachment 2**) to be progressed before the next Australian Government assessment of the fishery.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Please note that any person whose interests are affected by this decision may make an application to the Department of the Environment for the reasons for the decision, and may apply to the Administrative Appeals Tribunal to have this decision reviewed. I have enclosed further information on these processes.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Murphy'.

Paul Murphy

Delegate of the Minister for the Environment

1 November 2015

**Conditions on the approved wildlife trade operation declaration for the New South Wales Sea Urchin and Turban Shell Restricted Fishery - October 2015**

1. Operation of the fishery will be carried out in accordance with the management regime under the *NSW Fisheries Management Act 1994* and the *NSW Fisheries Management (General) Regulation 2010*.
2. The NSW Department of Primary Industries to inform the Department of the Environment of any intended material changes to the NSW Sea Urchin and Turban Shell Restricted Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The NSW Department of Primary Industries to produce and present reports to the Department of the Environment annually as per Appendix B of the *Guidelines for the Ecological Sustainable Management of Fisheries - 2nd Edition*.
4. NSW Department of Primary Industries to develop precautionary fishery specific objectives linked to performance indicators and performance measures for the target species, including triggers to detect any expansion of the fishery.
5. NSW Department of Primary Industries to:
  - continue to improve understanding of the stock status of red sea urchin
  - develop measures to better monitor and assess potential for overfishing of red sea urchin
  - develop appropriate management measures to mitigate the risk of overfishing or localised depletion of red sea urchin.

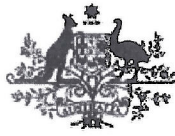


**Recommendations to the New South Wales Department of Primary Industries on the ecologically sustainable management of the New South Wales Sea Urchin and Turban Shell Restricted Fishery October 2015**

1. NSW Department of Primary Industries to improve estimates of the extent and distribution of recreational and Indigenous catch, and factor these into management arrangements.
2. NSW Department of Primary Industries to:
  - improve understanding of the stock status of target species in the fishery
  - encourage and pursue research to address gaps in knowledge regarding sea urchin biology and ecology, stock distribution, productivity, and distribution.
3. NSW Department of Primary Industries to encourage and pursue research to investigate ecosystem impacts of removal of sea urchins.







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**Notification of Reviewable Decisions and Rights of Review<sup>1</sup>**

If you are dissatisfied with the attached decision to make, refuse, vary or revoke a declaration under 303FN of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, under section 303GJ(1) of the EPBC Act you may apply to the Administrative Appeals Tribunal (**AAT**) for review of the decision. An application for review of a decision must be made to the AAT within **28 days** after the day on which you have received the reviewable decision. However an extension of time for lodging an application may be granted by the AAT under certain circumstances. Please visit the AAT's website at <http://www.aat.gov.au/> for further information.

You are also entitled to request a statement from the decision maker in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision. The decision maker must prepare and give a statement of reasons to the applicant within **28 days** of receiving the request.

**Role of the AAT**

The role of the AAT is to provide independent merits review of administrative decisions by affirming, varying or setting aside the decisions of Commonwealth agencies. The AAT aims to provide a review mechanism that is fair, just, economical, informal and quick.

**Applications and costs**

Applications to the AAT are made by lodging an Application Form (Form 1). This can be found on the AAT's website <http://www.aat.gov.au/>

There are no strict timelines in which the AAT must review the decision, however the first Conference between the parties will usually be held within 6-10 weeks of the application being lodged.

The cost of lodging an application with the AAT is \$861.00 (current as at 15 August 2014).

You may be eligible to pay a reduced fee of \$100.00 if:

- you are receiving legal aid for your application;
- you hold a health care card, a pensioner concession card, a Commonwealth seniors health card or any other card issued by the Department of Social Services and Indigenous Affairs or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions;
- you are in prison or lawfully detained in a public institution;
- you are under 18 years of age; or
- you are receiving youth allowance, Austudy or ABSTUDY.

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<sup>1</sup> In accordance with the *Administrative Appeals Tribunal Act 1975* Code of Practice for Notification of Reviewable Decisions and Rights of Review



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You may also be eligible for a reduced fee if you can demonstrate to the AAT that you demonstrate financial hardship. Further information can be found on the AAT's website.

### **Freedom of Information Request**

You may make an application under the *Freedom of Information Act 1982 (FOI Act)* to access documents relevant to this permit decision. Further information can be found at: <http://www.environment.gov.au/foi/index.html>.

Please contact the Freedom of Information Contact Officer at [foi@environment.gov.au](mailto:foi@environment.gov.au) for more information.

### **Contact Details**

Please direct any enquiries regarding this decision to:

The Director  
Sustainable Fisheries Section  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601  
**Telephone:** +61 (0) 2 6274 1917  
**Email:** [sustainablefisheries@environment.gov.au](mailto:sustainablefisheries@environment.gov.au)

Any enquiries regarding the review process (from within Australia) should be directed to the Deputy Registrar, Administrative Appeals Tribunal in your Capital City. Alternatively you may contact the AAT at their Principal Registry:

Administrative Appeals Tribunal  
GPO Box 9955  
Sydney NSW 2001  
**Telephone:** +61 (0) 2 9391 2400 or 1300 366 700 (for country areas within Australia)  
**Fax:** +61 (0) 2 9267 5538  
**Email:** [Principal.Registry@aat.gov.au](mailto:Principal.Registry@aat.gov.au)  
**Website:** <http://www.aat.gov.au/default.htm>

### **Legal Advice**

You may be able to obtain legal or financial advice and assistance in relation to this permit decision from, CARE Financial Counselling, Legal Aid Commission, or the Law Society in your Capital City.