



# Australian Government

## Department of the Environment and Energy

Ref: 14/004050

Ms Bernadette Ditchfield  
Deputy Director-General Fisheries and Forestry  
Queensland Department of Agriculture and Fisheries  
GPO Box 46  
BRISBANE QLD 4001

Dear Ms Ditchfield

I am writing to you as Delegate of the Minister for the Environment in relation to the assessment of the Queensland Gulf of Carpentaria Inshore Fin Fish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In March 2017, the Queensland Department of Agriculture and Fisheries (QDAF) applied for reassessment and approval of the Gulf of Carpentaria Inshore Fin Fish Fishery under protected species and export provisions of the EPBC Act.

The Department of the Environment and Energy (the Department) assessed the fishery against the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition' and considered comments received during public consultation, which was open from 6 April to 26 May 2017.

I have declared the fishery an approved wildlife trade operation under Part 13A of the EPBC Act until 18 March 2022. The list of exempt native specimens remains in effect to allow export of product from the fishery while the specimens are covered by the declaration as an approved wildlife trade operation.

The Part 13A declaration includes conditions that were agreed by officials from both departments as areas requiring ongoing attention. These are set out at [Attachment 1](#).

The Part 13 accreditation will remain in place, subject to two new conditions which have also been agreed by officials from both departments and designed to minimise interactions with species listed under the EPBC Act. These are set out at [Attachment 2](#)

Please note that any person whose interests are affected by this decision may make an application to the Department 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 at [Attachment 3](#).

Yours sincerely

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

Paul Murphy  
Delegate of the Minister for the Environment

27 March 2019

**Conditions on the approved wildlife trade operation declaration for the Queensland Gulf of Carpentaria Inshore Fin Fish Fishery, March 2019**

**Condition 1:**

Operation of the Queensland Gulf of Carpentaria Inshore Fin Fish Fishery will be carried out in accordance with the management regime for the Gulf of Carpentaria Inshore Fin Fish Fishery in force under the Queensland *Fisheries Act 1994* and Queensland Fisheries Regulation 2008.

**Condition 2:**

The Queensland Department of Agriculture and Fisheries to inform the Department of the Environment and Energy of any intended material changes to the Gulf of Carpentaria Inshore Fin Fish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

**Condition 3:**

The Queensland Department of Agriculture and Fisheries to produce and present reports to the Department of the Environment and Energy annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Condition 4:**

By January 2020 the Queensland Department of Agriculture and Fisheries to implement foundational reforms (actions 1.1-1.4) identified in the Queensland Government's Sustainable Fisheries Strategy 2017–2027 for the collection of accurate and reliable data, sufficient to monitor and assess the GoCIFFF's impact on target and non-target species, including protected species, with a high degree of confidence.

**Condition 5:**

The Queensland Department of Agriculture and Fisheries progress the development and implementation of an independent data collection and validation program including:

- a. Assess feasibility and complete proof of concept trials for electronic monitoring by December 2019.
- b. Implement an independent data collection and validation program in GoCIFFF from January 2020 (this may include electronic monitoring or alternative interim solutions).

**Condition 6:**

The Queensland Department of Agriculture and Fisheries (QDAF) to:

- a. Continue to support fishers to accurately identify and record sharks at the species level. This should include assessment and monitoring of reporting performance to identify and target any ongoing improvements
- b. Ensure all commercial catch of shark species of conservation concern can be readily and reliably determined, at a taxonomic level sufficient to monitor and manage risks at the species level. This may require a prohibition on removal of fins, fillets or other morphological features that assist in identifying species prior to landing.
- c. By February 2020, report results of the Queensland Government review of hammerhead stock status to the Department, in a form suitable for Australia's Threatened Species Scientific Committee (TSSC) review of Conservation Dependent species.

- d. Review and provide catch data for Scalloped Hammerhead (*Sphyrna lewini*), Great Hammerhead (*S. mokarran*) and Winghead Sharks (*Eusphyra blochii*) to the Department for TSSC consideration. The data should be in a form that facilitates a comparison of catch levels between the three species, and provide advice on the level of confidence in the various data collected by QDAF.
- e. Report to the Department as per Condition 3, on the performance of management arrangements, including actions undertaken as part of these conditions, and which comprise the 'plan of management' for the purposes of subparagraph 179(6)(b)(ii) of the EPBC Act for Scalloped Hammerhead Sharks.

**Condition 7:**

The Queensland Department of Agriculture and Fisheries to:

- a. Continue to improve understanding of stock status of all commercially and recreationally important species which are currently classified as 'undefined' in the area of the Gulf of Carpentaria Inshore Fin Fish Fishery.
- b. Ensure catch composition is sufficiently monitored and understood to ensure that all stocks impacted by the fishery are sustainably managed, not overfished or subject to overfishing.

**Condition 8:**

The Queensland Department of Agriculture and Fisheries to:

- a. Publish a level 1 ecological risk assessment (ERA) for the Gulf of Carpentaria Inshore Fin Fish Fishery by December 2019.
- b. Develop risk mitigation strategies for high risk species identified in the Level 1 ERA by January 2021. Mitigation strategies to be implemented in parallel with the development of a harvest strategy for the fishery.
- c. Develop and publish level 2 ERAs according to the Queensland Government ERA guidelines, and implement appropriate risk mitigations strategies.

All precautionary risk management strategies should be developed and implemented in consultation with relevant experts and stakeholders, and performance should be monitored and reported annually in accordance with Condition 3.

**Condition 9:**

The Queensland Department of Agriculture and Fisheries to implement a harvest strategy that monitors and manages impacts associated with the Gulf of Carpentaria Inshore Fin Fish Fishery on target, byproduct and bycatch (including protected species), by January 2021.

The harvest strategy must include decision rules and reference points that trigger management actions to ensure the fishery remains ecologically sustainable.

Performance against this strategy must be included in annual reports specified at Condition 3.

**Condition 10:**

By December 2019, the Queensland Department of Agriculture and Fisheries to ensure there are appropriate management arrangements in place to ensure Black Jewfish is not subject to overfishing.

**Conditions on the accreditation of plans, regimes and policies - Queensland Gulf of Carpentaria Inshore Fin Fish Fishery, March 2019**

**Condition 1:**

The Queensland Department of Agriculture and Fisheries to work with stakeholders to determine an improved data collection and validation approach that can validate the number of interactions with all bycatch, which will include protected species.

**Condition 2:**

Queensland Department of Agriculture and Fisheries to implement mitigation measures to ensure interactions with protected species are kept to a minimum.



## Australian Government

### Department of the Environment

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

There is a right of review to the Administrative Appeals Tribunal (AAT) in relation to certain decisions/declarations made by the Minister, the Minister's delegate or the Secretary under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Section 303GJ(1) of the EPBC Act provides that applications may be made to the AAT for the review of the following decisions:

- (a) to issue or refuse a permit; or
- (b) to specify, vary or revoke a condition of a permit; or
- (c) to impose a further condition of a permit; or
- (d) to transfer or refuse to transfer a permit; or
- (e) to suspend or cancel a permit; or
- (f) to issue or refuse a certificate under subsection 303CC(5); or
- (g) of the Secretary under a determination in force under section 303EU; or
- (h) to make or refuse a declaration under section 303FN, 303FO or 303FP; or
- (i) to vary or revoke a declaration under section 303FN, 303FO or 303FP.

If you are dissatisfied with a decision of a type listed above you may:

- by notice, provided in writing, request that the Minister or the Minister's delegate give you a statement in writing setting out the reasons for the decision as per section 28 of the *Administrative Appeals Tribunal Act 1975*. The Minister, or Minister's delegate may refuse to give you a statement of reasons if your application is made more than 28 days after the day on which you received this notice.
- apply to the Administrative Appeals Tribunal (**AAT**) for independent merits review of the decision. The AAT undertakes *de novo* merits review. This means they take a fresh look at the facts, law and policy relating to the decision and arrive at their own decision. They decide if the decision should stay the same or be changed. They are independent of the Department.

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/> or telephone 1800 228 333 for further information. The role of the AAT is to provide a review mechanism that is fair, just, economical, informal and quick.

#### **Applications & 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 time frame for review of certain decisions can be expedited in some circumstances.

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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

The cost of lodging an application for review is \$920 (as of 1 July 2018) (GST inclusive). 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 Commonwealth seniors health card or any other card issued by the Department of Social Services or the Department of Veteran's Affairs that entitles the holder 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.

You may also be eligible for a reduced fee if you can demonstrate to the AAT that paying the full fee would cause you financial hardship. Further information can be found on the AAT's website. Additionally, you can access information about legal assistance here <https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Commonwealthlegalfinancialassistance/Documents/LegalFinancialAssistanceInformationSheet.pdf>.

If you pay a standard application fee, most of it will be refunded if the case is resolved in your favour. The refund amount is the difference between the fee you paid and \$100. So, if you paid \$884, you get back \$784 and if you pay \$920, you get back \$820. There is no refund if you paid the lower application fee for certain taxation decisions or the reduced fee of \$100.

### **Contact Details**

Further information or enquiries relating to the decision should be directed to:

The Director  
Wildlife Trade Assessments 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)

Alternatively you may contact the AAT at their Principal Registry or the Deputy Registrar, Administrative Appeals Tribunal in your Capital City or Territory.

Administrative Appeals Tribunal  
Street address: Level 6, 83 Clarence Street, Sydney  
Mailing address: GPO Box 9955, Sydney, NSW 2001  
T: 1800 228 333 and (02) 9276 5000  
F: (02) 9276 5599  
E: [generalreviews@aat.gov.au](mailto:generalreviews@aat.gov.au)  
W: <http://www.aat.gov.au>

### **Freedom of Information Request**

You may make an application under the *Freedom of Information Act 1982* (FOI Act) to access documents. 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.