



Australian Government
Department of the Environment

Ref: 0001026371

The Hon Jeremy Rockliff MP
Minister for Primary Industries and Water
Parliament House
Hobart Tasmania 7000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the assessment of the Richey Fishing Company's Australian salmon operation under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In December 2015, the Richey Fishing Company submitted an application to the Department of the Environment seeking export approval for Australian salmon (*Arripis trutta*) harvested in the Tasmanian Scalefish 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 of the Richey Fishing Company Australian salmon operation is now complete. Subject to consultation with the Richey Fishing Company, the assessment report will be available on the Department of the Environment's website at: <http://www.environment.gov.au/marine/fisheries/tas/richey-fishing-co>.

I consider that the management arrangements for the Richey Fishing Company Australian salmon operation meet most of the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Taking into account the management arrangements currently in place in the operation, set out in the permits issued under the Tasmanian Fisheries (Scalefish) Rules 2015, including species and gear licences, size limits, spatial and temporal closures, possession limits for commercial and recreational fishers, and a total commercial catch limit, I am satisfied that the operation remains consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act.

Accordingly, I have decided to declare the harvest of Australian salmon by the Richey Fishing Company an approved wildlife trade operation until 14 February 2019. 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.

While there are some environmental risks associated with the harvest of Australian salmon in the Tasmanian Scalefish Fishery, I consider that the Tasmanian Department of Primary Industries, Parks, Water and Environment has in place measures to address these issues. The Richey Fishing Company and the department's officers have agreed to an additional recommendation (**Attachment 1**) focussing on ensuring the continuation of good management practices.

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



Paul Murphy

Delegate of the Minister for the Environment

22 February 2016

Conditions on the approved wildlife trade operation declaration for the harvest of Australian salmon (*Arripis trutta*) by the Richey Fishing Company, February 2016

1. Operation of the Richey Fishing Company's Australian salmon operation will be carried out in accordance with the Tasmanian Fisheries (Scalefish) Rules 2015 in force under the Tasmanian *Living Marine Resources Management Act 1995*.
2. The Richey Fishing Company to inform the Department of the Environment of any intended material changes to the Tasmanian Scalefish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Richey Fishing Company to produce and present reports to the Department of the Environment annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Richey Fishing Company on the ecologically sustainable management of the harvest of Australian salmon (*Arripis trutta*) in the Tasmanian Scalefish Fishery, February 2016

1. Noting the fishing gear used is highly selective and the potential for interactions with protected species is extremely low, should purse seining effort, or overall fishing effort increase significantly, the Richey Fishing Company to develop and implement protocols to evaluate the nature and level of impacts of fishing on marine mammals.



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Department of the Environment

Notification of Reviewable Decisions and Rights of Review¹

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.

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

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 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

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
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.