



Australian Government

Department of the Environment and Energy

Ref: 000103926

The Hon Bill Byrne MP
Minister for Agriculture and Fisheries
GPO Box 46
BRISBANE QLD 4001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Energy in relation to the reassessment of the Queensland Coral Reef Fin Fish Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Queensland Coral Reef Fin Fish Fishery was last assessed under the international wildlife trade provisions of Part 13A of the EPBC Act in June 2013. As a result of the 2013 assessment, the Delegate of the then Minister for Sustainability, Environment, Water, Population and Communities declared the Queensland Coral Reef Fin Fish Fishery an approved wildlife trade operation under Part 13A of the EPBC Act for a period of three years. This allowed export of product from the fishery during the period of the declaration.

In February 2016, the Queensland Department of Agriculture and Fisheries provided an application to the Department of the Environment and Energy seeking continued export approval for the Queensland Coral Reef Fin Fish Fishery. In May 2016, the fishery's export approval was extended until 10 March 2017 to allow time to negotiate conditions for the longer term export approval for the fishery.

I am pleased to advise that the assessment of the application against the wildlife trade provisions of Part 13A of the EPBC Act is now complete. The new assessment report will be available on the Department of the Environment and Energy's website at:
<http://www.environment.gov.au/marine/fisheries/qld/coral-reef-fin-fish>.

I consider that the management arrangements for the Queensland Coral Reef Fin Fish Fishery 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 fishery and subject to the proposed conditions, 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.

Officers from the Queensland Department of Agriculture and Fisheries and the Department have discussed key areas requiring ongoing attention in the fishery. While there are some environmental risks associated with this fishery, I believe that the Queensland Department of Agriculture and Fisheries is committed to addressing these issues and has already taken proactive measures.

Accordingly, I have decided to declare the Queensland Coral Reef Fin Fish Fishery an approved wildlife trade operation until 6 March 2020. 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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The management regime for the Queensland Coral Reef Fin Fish Fishery was most recently accredited under Part 13 of the EPBC Act for interactions with protected species in June 2013. In April 2015 the fishery's management plan was repealed and all of the management provisions of the plan were incorporated in the Queensland Fisheries Regulation 2008. Therefore a new accreditation under Part 13 is required.

I am satisfied that it is unlikely that fishing operations conducted in accordance with the management regime will not adversely affect the conservation status of protected species or affect the survival or recovery in nature of listed threatened species or adversely affect the conservation status of listed migratory species, cetaceans or listed marine species. I also consider that under the current management regime, operators are required to take all reasonable steps to avoid the killing or injuring of species listed under Part 13 of the EPBC Act.

I have therefore accredited the management regime for the Queensland Coral Reef Fin Fish Fishery under Part 13 of the EPBC Act. Accreditation will ensure that individual fishers operating in accordance with the current management regime are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters.

Please note that any person whose interests are affected by this decision may make an application to the Department of the Environment and Energy 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.

As the Queensland Coral Reef Fin Fish Fishery operates within the Great Barrier Reef Marine Park, I have copied this letter to Dr Russell Reichelt, Chairman and Chief Executive of the Great Barrier Reef Marine Park Authority, for his information.

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

Yours sincerely

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

Paul Murphy

Delegate of the Minister for the Environment and Energy

8 March 2017

**Conditions on the approved wildlife trade operation declaration for the Queensland
Coral Reef Fin Fish Fishery – March 2017**

1. Operation of the fishery will be carried out in accordance with the management regime under the Queensland *Fisheries Act 1994* and the Fisheries Regulation 2008.
2. The Queensland Department of Agriculture and Fisheries to inform the Department of any intended material changes to the Queensland Coral Reef Fin Fish Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
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*.
4. The Queensland Department of Agriculture and Fisheries to undertake a whole-of-fishery ecological risk assessment, including consideration of retained species, bycatch species, protected species and impacts on the environment.
5. The Queensland Department of Agriculture and Fisheries to continue to work with the Great Barrier Reef Marine Park Authority and other relevant agencies to develop a vessel monitoring system in the commercial sector of the Coral Reef Fin Fish Fishery.



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Notification of Reviewable Decisions and Rights of Review¹

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

Section 303GJ of the EPBC Act provides that applications may be made to the Administrative Appeals Tribunal for the review of the following decisions of the Minister:

- (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; and
- apply to the Administrative Appeals Tribunal (**AAT**) for independent merits review of the decision. 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 1300 366 700 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.

The cost of lodging an application for review is \$884 (GST inclusive) (current as of 1 July 2016).

¹ 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 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.

Contact Details

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

The Director
Sustainable Fisheries Section
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601
Telephone: +61 (0) 2 6274 1917
Email: 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 +61 (0) 2 9276 5000
F: +61 (0) 2 9276 5599
E: 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 for more information.

