



Australian Government

Department of Agriculture, Water and the Environment

Ref: 002068366

Mr Graeme Bolton
Deputy Director-General
Fisheries and Forestry
Department of Agriculture and Fisheries
GPO Box 46
BRISBANE OLD 4001

Dear Mr Bolton

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

On 20 July 2020, the Queensland Department of Agriculture and Fisheries applied for assessment of the Line Fishery (Reef) under export and protected species provisions of the EPBC Act.

On 29 September 2020, the Queensland Government announced a range of reforms to its fisheries legislation and on 6 October 2020 entered caretaker-mode, pending outcome of the Queensland state election.

On 14 October 2020 I extended the export approval for the fishery until 30 January 2021 to allow the recent changes to the legislation to be considered and issues and possible conditions for approval to be negotiated between our two departments. I also updated the accreditation of the management regime for the fishery under Part 13 to reflect the legislation as amended on 30 September 2019. I advised that this decision would be reviewed as part of the assessment of the fishery.

The application has now been assessed and I have declared the fishery an approved wildlife trade operation under Part 13A of the EPBC Act until 18 January 2024. The list of exempt native specimens has also been amended 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.

I have also amended the accreditation of the management arrangements for the fishery designed to minimise interactions with species listed under Part 13 of the EPBC Act.

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 2.

As the fishery operates within the Great Barrier Reef Marine Park, I have copied this letter to Dr Ian Poiner, Chairperson and Mr Josh Thomas, Chief Executive Officer of the Great Barrier Reef Marine Park Authority, for their information.

Yours sincerely



Laura Timmins
Delegate of the Minister for the Environment

22 January 2021

CC Dr Ian Poiner, Chairperson, Great Barrier Reef Marine Park Authority Mr
Josh Thomas, CEO, Great Barrier Reef Marine Park Authority

Part 13A conditions to the Queensland Department of Agriculture and Fisheries on the approved wildlife trade operation declaration for the Queensland Line Fishery (Reef) - January 2021

Condition 1

The Queensland Department of Agriculture and Fisheries must ensure the operation of the Queensland Line Fishery (Reef) is carried out in accordance with the management arrangements specified in the Queensland *Fisheries Act 1994*, Fisheries (General) Regulation 2019, Fisheries (Commercial Fisheries) Regulation 2019, Fisheries Declaration 2019, and the Fisheries Quota Declaration 2019.

Condition 2

The Queensland Department of Agriculture and Fisheries must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Queensland Line Fishery (Reef) management arrangements, so the Department of Agriculture, Water and the Environment can determine if these changes affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Queensland Department of Agriculture and Fisheries must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 4

The Queensland Department of Agriculture and Fisheries must provide annual reports on the Line Fishery (Reef) to the Department of Agriculture, Water and the Environment every 12 months, from the date of the approval of the wildlife trade operation. These reports must be consistent with Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Condition 5

By **1 July 2022** the Queensland Department of Agriculture and Fisheries must commence work to improve species-specific information on retained and non-retained catch levels in the Queensland Line Fishery (Reef), including, where possible, information on mortality of non-retained catch.

Condition 6

By **31 December 2021** the Queensland Department of Agriculture and Fisheries provide a review of existing management arrangements for Crimson, Goldband and Saddletail Snappers to the Department of Agriculture, Water and the Environment. This review must consider the appropriateness of existing minimum size limits and other management controls. Where this review indicates further stock assessment or management changes are necessary, these actions must be commenced by **31 December 2022**.

Condition 7

By **31 December 2021** the Queensland Department of Agriculture and Fisheries must complete a stock assessment for Crimson Snapper stocks and report outcomes of the assessment to the Department of Agriculture, Water and the Environment.

Condition 8

By **31 December 2021** the Queensland Department of Agriculture and Fisheries must publish a Level 2 Ecological Risk Assessment for the Queensland Line Fishery (Reef) based on management strategies described in the Reef Line Fishery Harvest Strategy 2020-2025.

Measures to mitigate high risks described in the Level 2 Ecological Risk Assessment must be described with implementation timeframes by **1 July 2022**.



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Attachment 2

Notification of Reviewable Decisions and Rights of Review¹

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:

1. 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.
2. apply to the 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 at <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 to 10 weeks of the application

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

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 \$920 (as of 1 July 2018) (GST inclusive). You may be eligible to pay a reduced fee of \$100.00 if

3. you are receiving legal aid for your application;
4. 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;
5. you are in prison or lawfully detained in a public institution;
6. you are under 18 years of age; or
7. 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 at <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 Agriculture, Water and the Environment
GPO Box 787
Canberra ACT 2601
Telephone: +61 (0) 2 6274 1917
Email: sustainablefisheries@awe.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
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@awe.gov.au for more information.