

Mr John Clunies-Ross
Tycraft Pty Ltd
Gudang Satu
Cocos (Keeling) Islands WA 6799

Dear Mr Clunies-Ross,

I am writing to you as Delegate of the Minister for the Environment in relation to the assessment of the harvest of *Tridacna maxima* for Tycraft Pty Ltd under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In September 2015, you made a submission for assessment under the EPBC Act seeking export approval for this small scale operation. The submission has been assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. The proposed harvest of *T. maxima* was also assessed under the requirements for export of specimens listed under the appendices of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES).

I am pleased to advise that the assessment of the operation of Tycraft Pty Ltd is now complete. I am satisfied that the operation of Tycraft Pty Ltd, as it relates to *T. maxima*, is consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act and that the management arrangements provide the basis for the operation to be managed in an ecologically sustainable way. I am also satisfied that the operation, as it relates to *T. maxima*, is unlikely to be detrimental to the survival or conservation status of the taxon to which the operation relates, or threaten any relevant ecosystem.

Hence, I propose to declare Tycraft Pty Ltd an approved wildlife trade operation under Part 13A of the EPBC Act, subject to the conditions at **Attachment A**. This declaration will allow export of progeny of *T. maxima* collected by Tycraft Pty Ltd until 19 April 2019. This three year period is the maximum time allowed for a wildlife trade declaration.

As Tycraft Pty Ltd exports EPBC Act listed specimens and species listed under CITES, inclusion of your operation in the list of exempt native specimens is not possible. You will therefore be required to apply to the Department of the Environment for multiple-use export permits prior to exporting specimens covered by the declaration.

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
27 April 2016

Conditions on the approved wildlife trade declaration for Tycraft Pty Ltd

Condition 1:

Operation of Tycraft Pty Ltd will be carried out in accordance with the management regime under the *Fish Resources Management Act 1994 (WA) (CKI)* and the Instrument of Exemption (No 2737) under Section 7(2) (e) of this act, signed on 18 March 2016.

Condition 2:

Tycraft Pty Ltd to inform the Department of the Environment of any material changes to the legislated permit conditions that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3

Tycraft Pty Ltd 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. These reports must be provided to the Department by 30 September each year. The reports must include:

- the number of *Tridacna maxima* harvested from the wild for broodstock
- details of any mortalities of broodstock
- results of mating and rearing trials and the number of specimens reared, lost through brood mortality, numbers sold and those held as stock..



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(1) 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:

- to make, refuse, vary or revoke a declaration under section 303FN of the EPBC Act

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 \$816 (GST inclusive) (current as of 30 March 2016).

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.

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



Australian Government

Department of the Environment

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
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
GPO Box 9955
Sydney NSW 2001
T: (02) 9391 2400 (metropolitan area) or 1300 366 700 (country areas)
F: (02) 9267 5538
E: Principal.Registry@aat.gov.au
W: <http://www.aat.gov.au/default.htm>

From 2 May 2016, the contact details of the Principal Registry of the AAT will be:

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@environment.gov.au for more information.