



Australian Government

Department of the Environment and Energy

Ref: 000103926

The Hon Jeremy Rockliff MP
Minister for Primary Industries, Water and Environment
Parliament House,
HOBART TAS 7000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Energy in relation to the assessment of the Tasmanian Marine Plant Fishery (the fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In August 2017, the Tasmanian Department of Primary Industries, Parks, Water, and Environment (DPIPWE) applied for export approval for the fishery under the EPBC Act.

The application has been assessed and I have declared the fishery an approved wildlife trade operation until 11 December 2020. The Part 13A declaration includes conditions that were agreed by officials from both departments as areas requiring ongoing attention. These conditions are provided at Attachment 1 for your information.

Please be aware 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 at Attachment 2.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'IK' with a long horizontal stroke.

Dr Ilse Kiessling
Delegate of the Minister for the Environment and Energy
18 December 2017

Conditions on the approved wildlife trade operation declaration for the Tasmanian Marine Plant Fishery - December 2017

1. Operation of the Tasmanian Marine Plant Fishery will be carried out in accordance with the *management regime* under the *Living Marine Resources Management Act 1995* (Tas) and *Fisheries (Marine Plant) Rules 2017* (Tas).
2. The Tasmanian Department of Primary Industries, Parks, Water and Environment to inform the Department of the Environment and Energy of any intended material changes to the Tasmanian Marine Plant Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* (Cth) decisions are made.
3. The Tasmanian Department of Primary Industries, Parks, Water and Environment 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 Department of Primary Industries, Parks, Water and Environment to collect and analyse logbook data for each harvesting site, and to implement management changes as necessary. The information and any proposed management changes must be provided to the Department of the Environment and Energy as part of the annual report for the fishery.
5. The Department of Primary Industries, Parks, Water and Environment to collaborate with other state government agencies, industry, and where possible, the community, to develop appropriate licencing conditions and monitoring activities to ensure ongoing protection of listed shorebird species. Any data obtained from monitoring programs (excluding commercial in confidence data) must be included in the annual report sent to the Department.



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.

¹ 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 \$884 (GST inclusive) (current as of 1 July 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.

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
Wildlife Trade Assessments 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.