



## Australian Government

### Department of the Environment and Energy

Ref: 000103926

The Hon Leon Bignell MP  
Minister for Agriculture, Food and Fisheries  
GPO Box 1671,  
ADELAIDE SA 5001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Energy in relation to the reassessment of the South Australian Lakes and Coorong Fishery (the fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In September 2016, the Department of Primary Industries and Regions South Australia 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 for 12 months, until 1 March 2019. This Part 13A declaration includes six conditions that were agreed by officials from both departments as areas requiring ongoing attention. These are set out at Attachment 1.

Please be aware 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.

Yours sincerely

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

Paul Murphy  
Delegate of the Minister for the Environment and Energy  
19 February 2018



**Conditions on the approved wildlife trade operation declaration for the South  
Australian Lakes and Coorong Fishery – February 2018**

1. Operation of the SA Lakes and Coorong Fishery will be carried out under the *Management Plan for the South Australian Lakes and Coorong Fishery 2016*, and in accordance with the Fisheries Management (Lakes and Coorong Fishery) Regulations 2009 (SA), Fisheries Management (General) Regulations 2017 (SA) and the *Fisheries Management Act 2007* (SA).
2. The Department of Primary Industries and Regions South Australia to inform the Department of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. The Department of Primary Industries and Regions South Australia to produce and present reports to the Department annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.
4. The Department of Primary Industries and Regions South Australia to continue to:
  - a) annually review management arrangements for Murray cod stocks in the SA Lakes and Coorong Fishery, and
  - b) implement appropriate and timely protection and management measures until stock levels increase and can be sustainably fished.
5. The Department of Primary Industries and Regions South Australia to:
  - a) develop and implement, in consultation with key stakeholders, effective measures that will support the recovery of black bream stocks, and provide a copy of the agreed measures to the Department, and
  - b) provide the Department with a progress report on black bream stock recovery as part of its application for reassessment of the SA Lakes and Coorong Fishery by November 2018.
6. The Department of Primary Industries and Regions South Australia to:
  - a) continue to monitor trends in catch levels for greenback flounder and develop management measures that minimise the impact from fishing, as required, at times when environmental conditions are known to also be impacting the species
  - b) continue to monitor catches of juvenile and female yelloweye mullet and implement measures to ensure that this species does not become recruitment overfished
  - c) monitor trends and implement measures to reduce discarding of all target species, particularly mullet, and to implement appropriate management measures to ensure target species do not become recruitment overfished
  - d) continue to monitor trends in stock levels of all target species and implement measures to mitigate risks identified in the June 2011 risk assessment for the SA Lakes and Coorong Fishery, and
  - e) actively work with other state and national water and land management agencies to align freshwater inflows with the known spawning events for key target species.





### Notification of Reviewable Decisions and Rights of Review<sup>1</sup>

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:

(1) Subject to subsection (2), an application may be made to the Administrative Appeals Tribunal for review of a decision:

- (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.

(2) Subsection (1) does not apply to a decision made personally by the Minister (but the subsection does apply to a decision made by a delegate of the Minister).

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/>.

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

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).

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](mailto: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](mailto: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](mailto:foi@environment.gov.au) for more information.