



Australian Government

Department of the Environment and Energy

Ref: 002068366

Hon Tim Whetstone MP
Minister for Primary Industries and Regional Development
GPO Box 1671
Adelaide SA 5001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment in relation to the assessment of the South Australian Lakes and Coorong Fishery under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In November 2018, the Department of Primary Industries and Regions South Australia applied for export approval of the fishery under the EPBC Act.

The application has been assessed and I have declared the fishery an approved wildlife trade operation under Part 13A of the EPBC Act until 25 February 2022. The list of exempt native specimens includes an entry to allow export of product from the fishery while the specimens are covered by an approved wildlife trade operation declaration. The Part 13A declaration includes conditions that were agreed by officials from both departments, addressing areas requiring ongoing attention. These are set out at [Attachment 1](#).

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](#).

Yours sincerely

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

Paul Murphy
Delegate of the Minister for the Environment
26 February 2019

**Conditions on the approved wildlife trade operation declaration for the
South Australian Lakes and Coorong Fishery, March 2019**

1. Operation of the South Australian (SA) Lakes and Coorong Fishery will be carried out in accordance with the *Management Plan for the South Australian Lakes and Coorong Fishery* 2016, the SA Fisheries Management (Lakes and Coorong Fishery) Regulations 2009, and the SA Fisheries Management (General) Regulations 2017, in force under the South Australian *Fisheries Management Act 2007*.
2. The Department of Primary Industries and Regions South Australia, to inform the Department of the Environment and Energy of any intended material changes to the SA Lakes and Coorong Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Department of Primary Industries and Regions South Australia 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 and Regions South Australia to:
 - a) continue regularly reviewing the management arrangements for Murray Cod stocks in the SA Lakes and Coorong Fishery, on an annual basis as a minimum.
 - b) implement appropriate and timely protection and management measures, until Murray Cod stock levels increase to a sustainable level.
5. The Department of Primary Industries and Regions South Australia to:
 - a) conduct a review of the current (temporary) management arrangements for Black Bream, and implement appropriate management arrangements for the 2019 spawning season.
 - b) advise the Department of the outcomes of the review in 2019.
 - c) provide the Department with the report *Monitoring salt wedge conditions and black bream (Acanthopagrus butcheri) recruitment in the Coorong during 2017- 18* once released, and advise of any associated changes to Black Bream management arrangements.
6. The Department of Primary Industries and Regions South Australia to continue to:
 - a) monitor catch level trends for Greenback Flounder, and continue to develop/implement management measures as required to:
 - minimise the impact from fishing
 - minimise the impact from environmental conditions known to affect the species.
 - b) monitor catches of juvenile and female Yelloweye Mullet, and implement measures as required, to ensure that this species does not become recruitment overfished.
 - c) improve monitoring of discards in the Lakes and Coorong Fishery, particularly for Mulloway, and:
 - monitor trends in stock levels of all target species, and implement measures to mitigate risks identified in the June 2011 risk assessment for the Lakes and Coorong Fishery.

7. The Department of Primary Industries and Regions South Australia to:
 - a) provide advice of when the trial of electronic reporting is to commence.
 - b) provide results of the trial, with a view to implementation of electronic reporting in the Lakes and Coorong Fishery, and:
 - provide a report to the Department, particularly highlighting the reporting of discards, and the effect of Long-nosed Fur Seals on the fishery.
8. The Department of Primary Industries and Regions South Australia to:
 - provide the Department with a copy of SARDI's annual fishery statistics report (2019) following their assessment of status stocks for key target species, including Mulloway.



Australian Government
Department of the Environment

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:

- 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.
- apply to the Administrative Appeals Tribunal (**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 <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 \$920 (as of 1 July 2018) (GST inclusive).

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. Additionally, you can access information about legal assistance here <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 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
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.