



**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

Ref: 000100076

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

Dear Dr Bolton

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

In April 2021, the Queensland Department of Agriculture and Fisheries applied for export approval for the fishery under the EPBC Act.

The department has prioritised its assessment of the fishery and has identified several significant areas of concern. The department has proposed conditions to Queensland to mitigate the risks identified to be satisfied that the ongoing coral harvest remains sustainable and meets the requirements under the EPBC Act and our international obligations.

Negotiations on the conditions are ongoing and may need some time to resolve as there are significant issues identified that require considerable changes made to the management of the fishery. Given the current export permit for the fishery will expire before these issues are resolved, I have granted a short-term wildlife trade operation (WTO) under Part 13A of the EPBC Act until 31 October 2021.

The WTO is subject to a number of conditions. These are set out at [Attachment 1](#). The department is in contact with permit holders regarding the collection of specimens collected before 18 June 2021 and arrangements for managing current stock.

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 that reads "Simon Banks".

Simon Banks  
Delegate of the Minister for the Environment  
18 June 2021



**Australian Government**  
**Department of Agriculture,  
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**Attachment 1**

**Part 13A conditions to the Queensland Department of Agriculture and Fisheries on the approved wildlife trade operation declaration for the Queensland Coral Fishery – June 2021**

**Condition 1:**

The Queensland Department of Agriculture and Fisheries must ensure that operation of the Coral Sea Fishery is carried out in accordance with management regime specified in Queensland Department of Agriculture and Fisheries, and Great Barrier Reef Marine Park Authority issued permits, as well as in the following:

- Fisheries Act 1994 (Qld)
- Fisheries (General) Regulation 2019 (Qld)
- Fisheries (Commercial Fisheries) Regulation 2019 (Qld)
- Fisheries Declaration 2019 (Qld)
- Fisheries Quota Declaration 2019 (Qld)
- Marine Parks Act 2004 (Qld)
- Marine Parks Regulations 2019 (Qld)
- Great Barrier Reef Marine Park Act 1975 (Cth)
- Great Barrier Reef Marine Park Regulations 2019 (Cth).

**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 Coral Fishery's management arrangements that may 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 a new application for accreditation of the fishery, 90 days prior to the expiry of this Wildlife Trade Operation approval as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

**Condition 5:**

By 30 September 2021, Queensland Department of Agriculture and Fisheries to implement ongoing species-specific reporting requirements for all species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) that are harvested in the fishery. Reporting must mandate recording of species-specific harvest (or genus-specific for those species listed in schedule A) providing for:

- a) location of harvest by longitude and latitude; and
- b) number of pieces per species (or genus for those species listed in schedule A) and their combined weight

The raw data are to be provided to the CITES Scientific Authority by 30 October 2021, providing a data agreement sufficient to protect commercial confidentiality is in place with the Queensland Department of Agriculture and Fisheries.

**Condition 6:**

By 30 September 2021, Queensland Department of Agriculture and Fisheries to provide to the Department of Agriculture, Water and the Environment comprehensive raw catch data for the fishery for the calendar year 2021. This will allow analysis of trends in harvest since the last review was undertaken by Australia's Scientific Authority for CITES. The provision of this data is contingent on a data agreement sufficient to protect commercial confidentiality is in place with the Queensland Department of Agriculture and Fisheries.

Any substantive change in harvest trends must be documented as this may be influential in informing future harvest restrictions considered necessary by Australia's Scientific Authority for CITES for ongoing non-detriment findings to be made.

**Condition 7:**

By 30 September 2021, Queensland Department of Agriculture and Fisheries must provide the Department of Agriculture, Water and the Environment with an implementation plan for improved management arrangements for the Queensland Coral Fishery. The plan must include details on the planned rollout of:

- a) species-specific quotas for all species listed under CITES that are harvested in the fishery, (or genus specific quotas for those species listed in Schedule A);
- b) identify mechanisms to enforce the harvest limits to be applied to species and/or genera and a timeframe for implementation;
- c) a program to independently characterise the species composition of catch reported at the genus level (those species listed in Schedule A);
- d) a schedule for revision of the Ecological Risk Assessment and Ecological Risk Management for this fishery, that is transparent, repeatable and incorporates management, scientific and industry advice and considers comprehensive harvest data;
- e) a plan for promptly considering and responding to the impacts of acute environmental disturbances, such as coral bleaching events and cyclones, on the area of the fishery; and
- f) development, in collaboration with industry, of a traceability framework for the fishery that supports distinguishing wild harvested corals from captive bred corals.

**Schedule A – Hard coral (order Scleractinia) taxa where identification to genus level is acceptable, but should be identified to species level where feasible. All other hard corals should be recorded to species. *Acropora***

- *Agaricia*
- *Alveopora*
- *Anacropora*
- *Astreopora*
- *Balanophyllia*
- *Barabattoia*
- *Blastomussa*
- *Caulastraea*
- *Coelastrea*
- *Coeloseris*
- *Coscinaraea*
- *Cyphastrea*
- *Dendrophyllia*
- *Dipsastrea*
- *Distichopora*
- *Echinophyllia*
- *Echinopora*
- *Favites*
- *Fungia*
- *Galaxea*
- *Goniastrea*
- *Goniopora*
- *Heteropsammia*
- *Hydnophora*
- *Isopora*
- *Leptastrea*
- *Leptoria*
- *Leptoseris*
- *Lobophyllia*
- *Merulina*
- *Montastrea*
- *Montipora*
- *Oculina*
- *Oulophyllia*
- *Oxypora*
- *Pachyseris*
- *Paragoniastrea*
- *Paramontrastrea*
- *Pavona*
- *Pectinia*
- *Platygyra*
- *Pocillopora*
- *Porites*
- *Psammocora*
- *Seriatopora*
- *Siderastrea*
- *Stylaster*
- *Stylocoeniella*
- *Stylophora*
- *Turbinaria*

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

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 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 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

- you are receiving legal aid for your application;

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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

- 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 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 858  
 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 (02) 9276 5000  
 F: (02) 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@awe.gov.au](mailto:foi@awe.gov.au) for more information.