



Australian Government

Department of the Environment and Energy

Ref: 001169354

The Hon Jaala Pulford MLC
Minister for Agriculture
Level 20, 1 Spring Street,
MELBOURNE VIC 3001

Dear Minister

I am writing to you as Delegate of the Minister for the Environment and Energy about the assessment of the Victorian Corner Inlet Fishery (the fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In March 2016, the Victorian Department of Economic Development, Jobs, Transport and Resources (DEDJTR) applied for export approval for the fishery under the EPBC Act. The assessment is now complete and the assessment report will be available on the Department's website at <http://www.environment.gov.au/marine/fisheries/vic/corner-inlet>.

The application was assessed for the purposes of the wildlife trade provisions of Part 13A of the EPBC Act. I am satisfied that the operation of the fishery is consistent with the objects of the wildlife trade provisions of Part 13A of the EPBC Act. I also consider that the management arrangements for the fishery meet requirements under the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Accordingly, I have declared the fishery an approved wildlife trade operation until 31 July 2020. The declaration will apply only to those classes of specimens specified in the instrument of declaration, available from the Department's website, and will be subject to the conditions (**Attachment 1**) specified in the instrument of declaration.

Officers from DEDJTR and the Department have discussed key areas requiring ongoing attention. While there are some environmental risks associated with the fishery, I believe that DEDJTR is committed to addressing these issues. The officers have agreed to additional recommendations (**Attachment 2**) to be implemented before the next Australian Government assessment of the fishery.

The fishery operates in state waters and does not require accreditation under Part 13 of the EPBC Act.

I would like to thank you for the constructive way in which your officials have approached this assessment.

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.

Yours sincerely



Paul Murphy

Delegate of the Minister for the Environment and Energy

1 August 2017

**Conditions on the approved wildlife trade operation declaration for the
Victorian Corner Inlet Fishery, August 2017**

1. Operation of the Victorian Corner Inlet Fishery will be carried out in accordance the Victorian *Fisheries Act 1995* and Victorian Fisheries Regulations 2009, and any other relevant management policies, plans or procedures.
2. The Department of Economic Development, Jobs, Transport and Resources to inform the Department of the Environment and Energy of any intended material changes to the management arrangements for the Victorian Corner Inlet Fishery that may affect the assessment against which EPBC Act decisions are made.
3. The Department of Economic Development, Jobs, Transport and Resources 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 Economic Development, Jobs, Transport and Resources continues to work with stakeholders to develop and implement robust and reliable programs to monitor, analyse and validate logbook data, and implement appropriate management responses in a timely manner to support confidence in future stock assessments.

**Recommendations to the Victorian Department of Economic Development, Jobs,
Transport and Resources on the ecologically sustainable management of the
Victorian Corner Inlet Fishery, August 2017**

1. The Department of Economic Development, Jobs, Transport and Resources to develop a management plan for the Corner Inlet Fishery in consultation with experts and stakeholders within the duration of this approval as a wildlife trade operation and to provide a copy of the declared plan to the Department. The management plan should include objectives, measures to evaluate performance, management responses if triggers are breached and the significance of the environment, including the adjacent Ramsar wetland area, in which the fishery operates.
2. The Department of Economic Development, Jobs, Transport and Resources to work with relevant jurisdictions to actively pursue complementary management arrangements for all target species, byproduct and bycatch stocks caught in the Corner Inlet Fishery.



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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:

(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/>.

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
Sustainable Fisheries 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 (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.