



## Australian Government

### Department of the Environment and Energy

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Ms Claire Andersen  
Office of the Deputy Director General  
Fisheries and Forestry  
Department of Agriculture and Fisheries  
GPO Box 46  
BRISBANE QLD 4001

Dear Ms Andersen

I am writing to you as Delegate of the Minister for the Environment in relation to the reassessment of the Queensland *Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)* under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The *Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)* was previously assessed under the international wildlife trade provisions of the EPBC Act and subsequently declared an approved wildlife trade operation under the EPBC Act until 22 November 2019 as the Gulf of Carpentaria Line Fishery.

In August 2019, the Queensland Department of Agriculture and Fisheries provided an application to the Department of the Environment and Energy seeking continued export approval for the *Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)*.

The application has been assessed for the purposes of the wildlife trade provisions of Part 13 and 13A of the EPBC Act. The assessment takes into account measures that have been developed by the Queensland Department of Agriculture and Fisheries in response to the conditions and recommendations made in the 2016 export assessment under the EPBC Act. The new assessment report will be available on the Department of the Environment and Energy's website at: <https://www.environment.gov.au/marine/fisheries/qld/line>.

I have decided to declare the *Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)* an approved wildlife trade operation until 22 November 2022. 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 specified in the instrument of declaration ([Attachment 1](#)).

Please note 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N Sibley', written in a cursive style.

Nathan Sibley  
Acting Assistant Secretary  
Environmental Assessments and Wildlife Trade

15 November 2019



ATTACHMENT 1

**Conditions on the approved wildlife trade operation declaration for the Queensland Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)**

**EPBC Act Part 13A:**

**Condition 1:**

The Queensland Department of Agriculture and Fisheries must ensure that the operation of the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) is carried out in accordance with the management regime for the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) in force under the *Fisheries Act 1994* (Queensland), the *Fisheries (General) Regulation 2019* (Queensland), the *Fisheries (Commercial Fisheries) Regulation 2019* (Queensland), the *Fisheries Declaration 2019* (Queensland) and the *Fisheries Quota Declaration 2019* (Queensland).

**Condition 2:**

The Queensland Department of Agriculture and Fisheries must inform the Department of the Environment and Energy of any intended material changes to the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) management arrangements that were assessed and against which the current *Environment Protection and Biodiversity Conservation Act 1999* decisions were made.

**Condition 3:**

The Queensland Department of Agriculture and Fisheries must provide reports to the Department of the Environment and Energy annually on the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition, 2007*.

**Condition 4:**

By **30 June 2020** the Queensland Department of Agriculture and Fisheries must implement foundational reforms (actions 1.1-1.4) identified in the *Queensland Sustainable Fisheries Strategy 2017–2027* for the collection of accurate and reliable data. The collection of data must be sufficient, to monitor and assess the impact of the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) on target and non-target species, including all eligible listed threatened, migratory, and marine species under the EPBC Act, with a high degree of confidence.

**Condition 5:**

The Queensland Department of Agriculture and Fisheries must develop and implement an independent data collection and validation program that includes:

- a) An assessment of the feasibility and complete proof of concept trials for electronic monitoring; and
- b) Implementation of an independent data collection and validation program in Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish). This may include electronic monitoring or alternative interim solutions.

**Condition 6:**

The Queensland Department of Agriculture and Fisheries must review and implement any necessary improvements to their data collection and validation program, to ensure there is a high degree of confidence in the extent of interactions with all bycatch, including protected species in the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish). Where species are not accurately reported to species-level, data and risks to these species must be managed in a timely and precautionary way.

**Condition 7:**

The Queensland Department of Agriculture and Fisheries must:

- a) Support fishers to accurately identify and record all sharks at the species-level. This should include assessment and monitoring of reporting performance to identify and target any ongoing improvements.
- b) Ensure all commercial catch of shark species of conservation concern can be readily and reliably determined, at a taxonomic level sufficient to monitor and manage risks at the species-level. This may require a prohibition on the removal of head, fins, fillets or other morphological features that assist in identifying species prior to landing and the use of on-board, at sea data validation, such as electronic monitoring.

**Condition 8:**

The Queensland Department of Agriculture and Fisheries must ensure catch composition is sufficiently monitored and understood to ensure that stock impacted by the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) is sustainably managed and not overfished or subject to overfishing. The Queensland Department of Agriculture and Fisheries must undertake a stock assessment of the Gulf of Carpentaria Spanish mackerel stock by **31 December 2021**.

**Condition 9:**

The Queensland Department of Agriculture and Fisheries must:

- a) Publish a Level 1 ecological risk assessment (ERA) for the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) by **31 December 2019**.
- b) Develop and publish a Level 2 ERA for the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) according to the Queensland Government ERA guidelines, and implement appropriate risk mitigations strategies by **31 December 2020**.

**Condition 10:**

The Queensland Department of Agriculture and Fisheries must prepare a harvest strategy that monitors and manages impacts associated with the Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) on target, byproduct and bycatch including protected species in cooperation with a stakeholder-based fishery working group.

Performance against this strategy, including proposed timelines for implementation, must be included in annual reports specified at Condition 3.

**Condition 11:**

The Queensland Department of Agriculture and Fisheries must continue to collaborate with other jurisdictions to pursue consistent and complementary research needs and management arrangements for target species and advise on how this has informed management actions.

**EPBC Act Part 13:****Condition 1:**

The Queensland Department of Agriculture and Fisheries must work with relevant stakeholders to determine an improved data collection and validation approach that can validate the number of interactions with all bycatch, including protected species. Where species are not accurately reported to species-level, data and risks to the species must be managed in a timely and precautionary way.

**Condition 2:**

The Queensland Department of Agriculture and Fisheries must ensure all reasonable steps are taken by commercial fishers to maximise the post-capture survival of bycatch. This may include reviewing the effectiveness of existing risk mitigation measures, and monitoring and enforcement activities.



## Australian Government

### Department of the Environment and Energy

#### 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/>.

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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 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;
- 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 the Environment  
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 (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@environment.gov.au](mailto:foi@environment.gov.au) for more information.