

**COMMONWEALTH OF AUSTRALIA**  
**Environment Protection and Biodiversity Conservation Act 1999**

**Approved Wildlife Trade Operation (M and K Cole Ferns) Declaration (No. 2) 2018**

I, Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch, as Delegate of the Minister for the Environment:

a) revoke, pursuant to section 303FT(10) of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), the declaration made on 1 June 2018 that the operation conducted by M & K Cole Ferns to salvage-harvest Soft tree-ferns (*Dicksonia antarctica*) specimens, is an approved wildlife trade operation for the purposes of section 303FN of the EPBC Act;

b) under the Act am satisfied that an operation conducted by M & K Cole Ferns to salvage-harvest Soft Tree Fern (*Dicksonia antarctica*) specimens, is a small-scale operation as defined by regulation 9A.20 (2) under subsection 303FN (10) (b). I declare under subsection 303FN (2) that M & K Cole Ferns is an approved wildlife trade operation.

This declaration has effect subject to the following conditions applied under S303FT:

1. The operation is to be undertaken in accordance with the proposal submitted on 19 August 2018.
2. Harvest is restricted to *Dicksonia antarctica* (Soft Tree Fern).
3. Initially only specimens harvested from the collection areas specified under the wildlife trade operation approval are eligible for an export permit. Specimens salvage harvested from additional areas may only be exported with the prior approval of the Department of the Environment and Energy.
4. All activities covered by this approval must be carried out in accordance with the necessary permits and approvals as required under State and Commonwealth laws.
5. The maximum number of individual Soft Tree Fern (*Dicksonia antarctica*) which may be harvested, is limited to the number specified on the permits issued by the Victorian Department of Environment, Land, Water and Planning (i.e. must not exceed 35,000 individuals). Copies of state permits, must be provided to the Department of the Environment and Energy within 14 days of receipt.
6. M and K Cole Ferns must submit annual reports that include the total number of Soft Tree Fern harvested, and the total number of Soft Tree Fern exported, by M & K Cole Ferns.
7. This declaration is valid for three years from the date of registration of this declaration.

Dated this 23<sup>rd</sup> day of October 2018



**Delegate of the Minister for the Environment and Energy**

A person whose interests are affected by this declaration may, within 28 days, make an application in writing to the Department of the Environment and Energy for the reasons for the decision.

An application for independent review of the decision (under section 303GJ (1) of the *Environment Protection and Biodiversity Conservation Act 1999*) may be made to the Administrative Appeals Tribunal (AAT), on payment of the relevant fee (currently \$884 or reduced fee where applicable due to financial hardship) by the applicant, either within 28 days of

receipt of the reasons for the decision, or within 28 days of this declaration if reasons for the decision are not sought. Applications should be made to the Deputy Registrar, AAT in your Capital City. Please visit the AAT's website at <http://www.aat.gov.au/> for further information.

You may make an application under the *Freedom of Information Act 1982* (Cth) to access documents relevant to this decision. For further information, please visit <http://www.environment.gov.au/foi/index.html>.

Further enquiries should be directed to the Director, Wildlife Trade Assessments Section, Department of the Environment and Energy, Email: [wta@environment.gov.au](mailto:wta@environment.gov.au), Telephone: (02) 6274 1900 (option 2).

Note: The name of this instrument was amended on registration as the instrument as lodged did not have a unique name (see subsection 10(2), *Legislation Rule 2016*).