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**Northern Territory
Government**

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

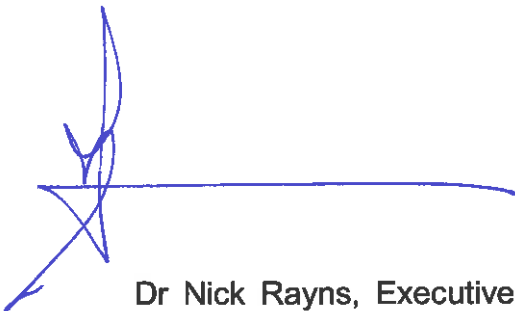
1 JULY 2016 TO 30 JUNE 2017

Fisheries Management Act 1991
(Commonwealth)

Fisheries Act 1988
(Northern Territory)

**NORTHERN TERRITORY
FISHERIES JOINT AUTHORITY
ANNUAL REPORT FOR THE PERIOD**

1 July 2016 to 30 June 2017



**Dr Nick Rayns, Executive Manager,
Fisheries, Australian Fisheries
Management Authority**

**Deputy to the Commonwealth
Member,**

**Senator the Hon. Anne Ruston,
Assistant Minister for Agriculture
and Water Resources**



**Mr Ian Curnow, Executive Director
Fisheries, Northern Territory
Department of Primary Industry and
Resources**

**Deputy to the Northern Territory
Member,**

**The Hon. Ken Vowles, Northern
Territory Minister for Primary
Industry and Resources**

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**Northern
Territory
Government**

Ref: MNMT2017-00182

16 November 2017

Senator the Hon. Anne Ruston
Assistant Minister to the Minister for Agriculture and Water Resources
Parliament House
CANBERRA ACT 2600

Dear Assistant Minister

We have much pleasure in presenting to you the annual report of the Northern Territory Fisheries Joint Authority (NTFJA) for the financial year ended 30 June 2017.

The report reflects the Joint Authorities legislative reporting requirements and has been prepared in accordance with subsection 70(1) of the *Public Service Act 1999*, which requires us to provide a report for you to present to the Parliament.

This report has been prepared in accordance with section 10 of the *Public Governance, Performance and Accountability Rule 2014*. We are satisfied that the Joint Authority agencies have in place appropriate fraud control mechanisms to meet our needs and comply with the guidelines relevant to this annual report.

We ask that you table the NTFJA report for the period 2016-2017 in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013* and subsection 70(1) of the *Public Service Act 1999*.

Thank you for your consideration of this matter.

Yours sincerely



Dr Nick Rayns
Executive Manager Fisheries
Australian Fisheries Management
Authority



Ian Curnow
Executive Director Fisheries
Northern Territory Department of Primary
Industry and Resources

Contents

1. Introduction	4
2. Enabling legislation.....	4
3. Report on the status of fisheries managed by the Joint Authority	4
4. Report on activities of the Joint Authority during the reporting period.....	6
Attachment A - Excerpt of the Northern Territory Government Gazette of February 1995.....	8
Attachment B - 2016 meeting of the NTFJA including record of decisions	11

1. Introduction

This is the twenty sixth annual report of the Fisheries Joint Authority. This report details the activities undertaken during the period 1 July 2016 to 30 June 2017 as well as information on the status of the fisheries.

The Joint Authority has responsibility for the management of the following fisheries in all waters adjacent to the Northern Territory:

- Timor Reef Fishery;
- Demersal Fishery;
- Offshore Net and Line Fishery.

2. Enabling legislation

The NTFJA was established in February 1983, under the then Commonwealth legislation (*Commonwealth Fisheries Act 1952*) to provide for the Commonwealth and the Northern Territory to jointly manage declared fisheries and fisheries resources in waters adjacent to the Northern Territory. With the passage of the Offshore Constitutional Settlement Agreement of 1987, management of the Northern Territory (NT) pearl oyster fishery passed to the Northern Territory Fisheries Joint Authority (NTFJA).

On 3 February 1995, the NTFJA, subject to the provisions of the Commonwealth *Fisheries Management Act 1991* and the Northern Territory *Fisheries Act 1988*, assumed responsibility, in waters adjacent to the NT, for the Demersal, Timor Reef, Offshore Net and Line and Finfish Trawl Fisheries (finfish trawl fishery merged with demersal fishery in 2012). A copy of the arrangement is found at Attachment A. Day to day administration of these fisheries is provided by the Fisheries Division of the NT Department of Primary Industry and Resources (DPIR).

3. Report on the status of fisheries managed by the Joint Authority

Tables 1 and 2 (below) present a summary of the catches and status of the fisheries managed by the NTFJA. Detailed catch, effort and status information for each fishery are compiled annually and presented in the Northern Territory Fishery Status Reports, available for download at:

<https://dpif.nt.gov.au/statistics-surveys-and-research/fisheries-research>

And in the Status of Key Australian Fish Stocks Reports at:

http://www.fish.gov.au/pages/safs_report.aspx

The **Demersal Fishery** targets mainly red snappers (*Lutjanus malabaricus*, *L. erythropterus*) and gold-band snappers (*Pristipomoides* spp.) (Table 1). Painted sweetlips (*Diagramma pictum*) and cods (*Family Serranidae*) are key byproduct species. Drop lines, traps and trawl are the main gears used in the fishery.

The **Timor Reef Fishery** primarily targets the higher-valued gold-band snapper (*P. multidentis*) and other *Pristipomoides* species (Table 1). Significant quantities

of red snappers (*L. malabaricus*, *L. erythropterus*), red emperors (*L. sebae*) and cods (Family *Serranidae*) are also harvested.

Table 1 - Commercial catches of fin fish from 2012-2016. *Note figures for 2016 are preliminary

Species/stock	Fishery	2012	2013	2014	2015	2016 preliminary
Goldband snappers	DF	217	392	349	280	356*
	TR	365	353	257	306	346*
Red snappers (<i>L. malabaricus</i> , <i>L. erythropterus</i>)	DF	1641	1986	2160	2300	2596*
	TR	212	240	182	250	426*
Group (other) species	DF	370	419	456	527	735*
	TR	139	157	154	250	269*
Blacktip sharks (<i>C tilstoni</i> , <i>C limbatus</i>)	ONLF	356	97	66	37	36*
Blacktip sharks (<i>C sorrah</i>)	ONLF	75	23	18	10	4*
Grey mackerel (<i>S. semifasciatus</i>)	ONLF	347	347	503	407	334*
Other shark spp	ONLF	294	81	61	28	54*
Other <u>non</u> -shark spp	ONLF	42	22	50	18	44*

DF- Demersal Fishery; TR- Timor Reef Fishery; ONLF- Offshore Net and Line Fishery, 2016* Preliminary figures only

Table 2 – Summary of status of assessed stocks in NTFJA Fisheries

Species/stock	Stock Status
Goldband snappers (DF/TR)	Sustainably fished (2015)
Red snappers (<i>L. erythropterus</i>) (DF/TR)	Sustainably fished (2015)
Red snappers (<i>L. malabaricus</i>) (DF/TR)	Sustainably fished (2015)
Blacktip sharks (<i>C. tilstoni</i> , <i>C. limbatus</i> , <i>C. sorrah</i>) (ONLF)	Sustainably fished (2015)
Grey Mackerel (ONLF)	Sustainably fished (2015)

DF- Demersal Fishery; TR- Timor Reef Fishery; ONLF- Offshore Net and Line Fishery

The commercial **Offshore Net and Line Fishery** targets black-tip sharks (*Carcharhinus tilstoni*, *C. limbatus* and *C. sorrah*) and grey mackerels (*Scomberomorus semifasciatus*) (Table 1). A variety of other sharks and pelagic finfish are also caught as byproduct. Exploitation by the FTO and recreational sectors is considered to be quite low.

According to the Status of Key Australian Fish Stocks Report 2015, the fisheries for each of the target species listed above have been assessed to be sustainable at recent harvest levels (Table 2). In all of these fisheries, catches in adjacent Indonesian waters may be significant, and impacts on the Australian fisheries will be dependent on connectivity (fish movement and mixing) between the fisheries. This issue is elaborated upon in the Fishery Status Reports and in the Status of Key Australian Fish Stocks Reports.

4. Report on activities of the Joint Authority during the reporting period

An annual meeting of the NTFJA is held in the first or second quarter of each financial year (reporting period) or as required. At each meeting key issues within the NTFJA fisheries are discussed and decisions regarding these issues may be made. Attachment B contains the 2016 meeting minutes and decision record. The Commonwealth and Territory members of the NTFJA for the 2016/17 reporting period, along with the deputies for both members, are listed in Table 3.

Table 3 – NTFJA Members and deputies for the period 2016/17

Role	Commonwealth	Northern Territory
Member	Senator the Hon. Anne Ruston, Assistant Minister for Agriculture and Water Resources, (1 July 2016 – 30 June 2017)	The Hon. Gary Higgins MLA, NT Minister for Primary Industry and Fisheries (1 July 2016 - 30 August 2016) The Hon. Michael Gunner MLA, NT Minister for

		<p>Primary Industry and Resources (31 August 2016 – 11 September 2016)</p> <p>The Hon. Ken Vowles MLA, NT Minister for Primary Industry and Resources (12 September 2016 – 30 June 2017)</p>
Deputy	<p>Dr Nick Rayns, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA)</p>	<p>Mr Glenn Schipp, Director Fisheries and Aquaculture, Northern Territory Department of Primary Industry and Resources.</p>

Attachment A - Excerpt of the Northern Territory Government Gazette of February 1995

ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE NORTHERN TERRITORY IN RELATION TO THE NORTHERN SHARK FISHERY

An ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the Northern Territory (the Territory) of the other part.

WHEREAS-

- (a) paragraph 4(i)(a) of the Acts Interpretation Act 1901 of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that it is not to come into operation immediately upon its enactment, is expressed to confer power, inter alia, to make an instrument of a legislative or administrative character, then, unless the contrary intention applies, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the Fisheries Management Act 1991 of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act* 1952 of the Commonwealth;
- (c) by subsection 7(3) of the Fisheries Legislation (Consequential Provisions) Act 1991 of the Commonwealth (the Consequential Provisions Act) as amended by section 24 of the Primary Industries and Energy Legislation Amendment Act 1993 Part IVA of the *Fisheries Act* 1952, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Act, the Northern Territory Fisheries Joint Authority, established by subsection i2D(i) of the *Fisheries Act* 1952, continues in existence as if it had been established under Part 5 of the Management Act;
- (e) arrangements were entered into under section 12H (4) of the *Fisheries Act* 1952 between the Commonwealth and the Territory in relation to the:
 - (i) Pelagic Fishery, published in the Commonwealth of Australia Gazette No 8109 on 14 April 1988;
 - (ii) Pelagic Fishery except with pelagic gillnets in waters within 12 nautical miles seaward of the baseline or by trolling, published in the Commonwealth of Australia Gazette No 8109 on 14 April 1988;

- (f) paragraph 7(4) (b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Act, any arrangement made with a State or Territory under subsection 2H(i) or (4) of the *Fisheries Act 1952* that was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;
- (g) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part FVA of the *Fisheries Act 1952*;
- (h) subsection 75(1) of the Management Act provides that an Arrangement under Division 3 of Part 5 of the Management Act may be terminated by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (i) section 59 of the Management Act provides:
 - (i) that Part 5 of the Management Act Has effect as if the Northern Territory was a State
 - (ii) that a reference in that Part to the Governor of a State shall be read, in relation to the Northern Territory, as a reference to the Administrator of the Territory;
- (j) subsection 33 (3) of the Acts Interpretation Act 1901 provides inter alia that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (k) subsection 8(1) of the Interpretation Act 1978 of the Territory provides that where a provision of an Act is expressed to confer power, or to amend a provision of another Act in such a manner that the other Act, as amended, will confer power, to take any action, including power to make an appointment or to make an instrument of a legislative or administrative character then, before the first-mentioned provision or the second-mentioned provision as amended, as the case may be, comes into operation, that power may be exercised and anything may be done for the purposes of enabling the exercise of the power or of bringing the appointment or instrument into effect;
- (l) subsection 64(2) of the *Fisheries Act 1988* of the Territory (the Territory Act) empowers the Territory to terminate an arrangement under Part 5 of the Management Act;
- (m) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with a State or States represented on a Joint Authority that the Joint Authority is to have the management of a particular fishery in waters relevant to that State or any of those States;
- (n) subsection 74(1) of the Management Act provides that an arrangement under, inter alia, section 71 is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;

- (o) subsection 64(1) of the Territory Act as amended by section 37 of the Fisheries Amendment Act 1994 of the Territory empowers the Territory to make an arrangement under Part 5 of the Management Act;
- (p) both the Commonwealth and the Territory are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the Territory Act and of all the powers so enabling, it is mutually arranged as follows:

1. The Arrangements entered into between the Commonwealth and the Northern Territory as referred to in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75 (i) of the Management Act and subsection 64(2) of the Territory Act, terminated.
2. The Commonwealth and the Territory hereby arrange that the fishery, being for any purpose other than recreation, in waters relevant to Northern Territory, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the Petroleum (Submerged Lands) Act 1967 under the heading "Area that includes the Adjacent Area in respect of the Northern Territory", for:
 - (a) all fish of the Class Chondrichthyes (cartilaginous fishes) using any fishing method;

but excluding fish to which this paragraph otherwise would apply taken in the exercise of a right conferred in relation to another fishery by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act;

- (b) all fish of the Class Osteichthyes (bony fish) taken in the exercise of a right conferred by a licence or other authority granted by the Territory on behalf of the Northern Territory Fisheries Joint Authority for the fish to which paragraph (a) applies;

is to be managed by the Northern Territory Fisheries Joint Authority in accordance with the law of the Territory.

3. The Minister responsible for administering the Management Act and the Minister responsible for administering the Territory Act may agree in writing to the maximum quantity of other fish the subject of paragraph 2(b) that may be taken from time to time under a licence or other authority referred to in that paragraph and on matters of mutual interest in relation to the fishery.
4. This Arrangement shall, upon being executed on behalf of the Commonwealth and of the Territory and upon being approved by the Governor-General of the Commonwealth and the Administrator of the Northern Territory, take effect on 3 February 1995.
5. Without affecting the construction which this Arrangement would have if no provision of this Arrangement or part thereof is invalid, it is the intention of this Arrangement that if any provision of this Arrangement or part thereof is invalid, the remainder of that provision or part thereof

was not included in this Arrangement even if the result is to extend the fishery by this Arrangement.

Dated 19th December, 1994

Signed for and on behalf of the
Commonwealth of Australia by the
Honourable DAVID PETER BEDDALL,
Minister for Resources

Signed for and on behalf of the
Northern Territory by the
Honourable MICHAEL JAMES PALMER
Minister for Primary Industries and Fisheries

In the presence of
P. STEVEN

In the presence of
A.R.SPRIGG

MEETING OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

12:50PM, 21 September 2016
AFMA Offices, Northbourne Ave, Canberra, ACT
Canberra

RECORD OF DECISIONS

Attendance

Members:	Deputy for the Australian Government Assistant Minister for Agriculture & Water Resources Dr Nick Rayns
	Deputy for the Northern Territory Minister for Primary Industry and Resources Mr. Ian Curnow
	Secretary David McKey (NT DPIF)
Observers:	Scott Spencer (QDAF) Shane Fava (AFMA) Kieran Macdonell (DAWR) Justine Gilbert (DAWR) Rebecca Oliver (WA FISH) Heather Brayford (WA FISH)

Nick Rayns (Chair) opened the meeting at 12:50pm.

1. PROCEDURAL MATTERS

Officials of the Commonwealth and NT Fisheries met on 21 September 2016 to discuss current issues relevant to the Northern Territory Fisheries Joint Authority (NTFJA). Details of the discussion and recommendations below from the meeting are detailed.

1.1 Identification of Member's Deputies, Secretary and Delegations

The identification of present delegates and deputies to the meeting was noted, as was the appointment of a secretary and the identification of observers.

Officials of the Commonwealth and NT Fisheries confirmed that their status as members' deputies was in order. Mr David McKey, Department of Primary Industry and Resources (NT DPIR) acted as the secretary to the NTFJA. Observers at the meeting were noted and are recorded as present in this record.

1.2 Confirmation of Agenda

Members confirmed the agenda.

1.3 Record of Decisions arising from the NT Fisheries Joint Authority (NTFJA) meeting of 23 September 2015

The Record of Decisions arising from the NTFJA meeting of 23 September 2015 was reviewed. It was noted all recommendations had been actioned and was deemed to be an accurate reflection of decisions taken.

2. MATTERS FOR CONSIDERATION / INFORMATION

2.1 Update on status of NTFJA fisheries

2.1.1 Timor Reef Fishery (TRF)

Members noted the information provided in the background papers attached to the agenda and the Northern Territory delegate provided a summary of the Timor Reef Fishery to members and observers as follows:

An Offshore Snapper Fisheries Advisory Committee (OSFAC) was established in 2013-14 to assist the Director of Fisheries and Aquaculture in the ongoing administration of the fisheries.

A Memorandum of Understanding between AFMA, NT Police and NT Fisheries was signed January 2012 ensuring effective compliance of the quota arrangements in the TRF. AFMA undertakes day to day compliance activities related to the TRF on behalf of the NT Police via an agreed 'fee for service' arrangement.

Members noted the above arrangement was working well and no significant decision rule triggers have been met to date this year. Triggers to initiate further data collection had been met and research/monitoring programs established according to the decision framework as a result.

As per the management framework decision rules, additional costs for this fishery are levied back to licence holders each year at licence renewal time. Members noted total levies were collected for 2016-17 total ~\$173k, being for offsetting costs for administration, compliance monitoring, combined fishery Red Emperor Stock Reduction Analysis (SRA) and a Stock Structure study to three snapper species (shared research project with Western Australia).

The members noted the stock structure project is currently underway and continues into 2016-17. All results from this work will be incorporated into updating the stock assessments for this fishery.

Members noted the single finfish trawl trial continues within certain areas of the TRF to monitor, record and evaluate environmental impact of the gear on the seabed with a view to explore potential to incorporate the gear into the Fishery.

The purpose of the trial is to determine if the full potential of the TRF can be reached with the adoption of carefully managed and spatially limited trawl activity (as has already been successfully achieved in the DF).

The trial is expected to be reviewed at the end of this year. The Northern Australian Fisheries Committee (NAFC) will be informed of the outcomes from the review and, if the assessment recommends the gear is deemed acceptable; approval will be sought from the NT Fishing Joint Authority at the appropriate time.

Members noted dedicated resources to progress the actions initiated through OSFAC for the management of the Demersal Fishery and Timor Reef Fishery continues. The fully funded manager is into his second year (contract until Nov 2017).

2.1.2 Demersal Fishery

Members noted the information provided in the background papers attached to the agenda and the Northern Territory delegate provided a summary of the Demersal Fishery to members and observers as follows:

The Fishery has a 1yr Wildlife Trade Operation accreditation until 27 October 2017 and DoEE is aware of the work underway to develop a new management framework for the fishery, which will incorporate a formal harvest strategy. As a result of this work, the fishery is expecting interim WTO accreditations until the harvest strategy is completed.

Since the introduction of the ITQ's, four finfish trawl vessels and 1-3 fish-trap and drop-line vessels are operating, with no increase to active vessel numbers from last year. Importantly, the objectives of the NTFJA relating to better utilisation of fish stocks, particularly red snappers have again been achieved with ~89% of available stocks being utilised in 2015-16.

A Memorandum of Understanding between AFMA, NT Police and NT Fisheries came into effect mid- 2012. AFMA undertakes day to day compliance activities related to the DF on behalf of the NT Police via an agreed 'fee for service' arrangement.

NT Fisheries monitors the recorded harvests from the fishery to ensure that the appropriate management action is taken when reference triggers as detailed in the Decision Rules are met. Members noted no significant decision rule triggers have been met to date this year. Triggers to initiate further data collection had been met and research/monitoring programs established according to the decision framework as a result.

OSFAC initiated an industry contribution of funds to provide dedicated resources to progress the actions initiated through OSFAC for the management of the Demersal Fishery and Timor Reef Fishery. The fully funded manager is into his second year (contract until Nov 2017).

Triggers met in the fisheries decision rules initiated data collection and analysis of Goldband, Red snapper and selected Group species otoliths from vessels for age structure analysis.

As per the management framework decision rules, additional costs for this fishery are levied back to licence holders each year at licence renewal time. Members noted industry levies collected for 2016-17 total ~\$184 k being for offsetting costs for administration, management, compliance monitoring.

Members noted plans to forge ahead with the industry driven proposed area 'B' amendments. The NTFJA's 'in-principle' approval of the proposed amendments to the Regulations will be sought at the appropriate time.

2.1.3 Offshore Net & Line Fishery

Member's noted the information provided in the background papers attached to the agenda and the Northern Territory delegate provided a summary of the Offshore Net and Line Fishery to members and observers as follows:

The Fishery has WTO accreditation until 23 September 2017 and is currently working with the Department of Environment (DOE) to meet the conditions and recommendations for the fishery. The Department of Environment has recently published a positive Non Detriment Finding (NDF) assessment for the Hammerhead complex. This assessment was necessary because of the recent Convention on International Trade in Endangered Species listing of Scalloped hammerhead.

An Advisory Committee with broad sector membership is assisting the NTFJA with a comprehensive review of the management arrangements of the Offshore Net and Line Fishery.

The first steps taken were to identify all contemporary issues and risks (real and perceived) associated with the various elements of the commercial, recreational and Indigenous harvests. The Offshore Net and Line Advisory Group have developed appropriate measures to addressing identified risks and issues via a draft management framework. Key elements to the proposed management arrangements include an Individual Transferable Quota system and Decision Rules, similar to the offshore snapper arrangements.

The draft framework has been distributed to all affected licence holders and comments are currently being worked through with industry representatives. A copy of the draft framework will be distributed to members when available.

The management framework will form the basis for drafting instructions to amend the regulations. The NTFJA's 'in-principle' approval of the proposed amendments to the Regulations will be sought at the appropriate time.

Members noted the information provided in the background paper and outcomes in relation to the major review of future management and research directions for shark fisheries. The intent and likely timeline of that review was discussed and noted with the Deputy for the Australian Government noting the importance for ongoing dialogue regarding progress and outcome.

3. OTHER BUSINESS

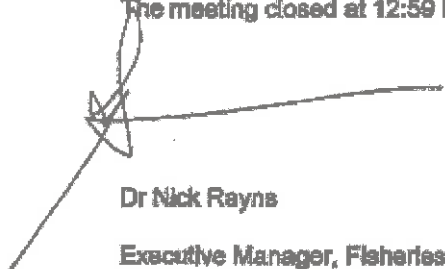
Ian Curnow provided information to the meeting in relation to the recently declared Limmen National Park in the Gulf of Carpentaria. Members noted potential issues may be access for the Northern Prawn Fishery. Ian suggested that the NPF Industry liaise with the relevant NT Department to ensure proposed boundaries do not unduly impact on prawn fishing grounds.

4. NEXT MEETING

Members agreed the next meeting of the NTFJA would be held in conjunction with NAFC 2017.

5. CLOSE

The meeting closed at 12:59 PM



Dr Nick Rayns

Executive Manager, Fisheries
Australian Fisheries Management
Authority

Deputy for the Australian Government
Assistant Minister for Agriculture &
Water Resources

Northern Territory Fisheries Joint
Authority



Mr. Ian Curnow

Executive Director of Fisheries

Deputy for the Northern Territory
Minister for Primary Industry and
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