



Australian Government



**Northern Territory
Government**

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2017 TO 30 JUNE 2018

Fisheries Management Act 1991
(Commonwealth)

Fisheries Act 1988
(Northern Territory)

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

1 July 2017 to 30 June 2018

A stylized signature consisting of a vertical line on the left, a horizontal line extending to the right, and a loop at the top left.

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

A stylized signature consisting of a horizontal line with a loop at the end.

Mr Ian Currow, Executive Director
Fisheries, Northern Territory
Department of Primary Industry and
Fisheries

**Deputy to the Commonwealth
Member,**

Senator the Hon. Richard Colbeck,
Assistant Minister for Agriculture
and Water Resources

**Deputy to the Northern Territory
Member,**

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

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Australian Fisheries Management Authority
CANBERRA



18 October 2018

Senator the Hon. Richard Colbeck
Assistant 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 2018.

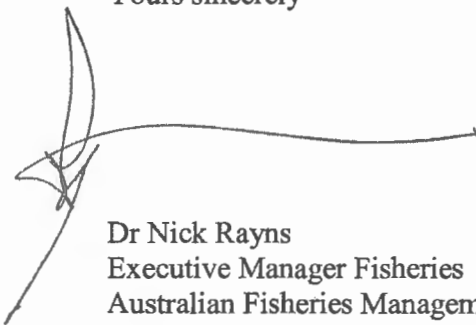
The report reflects the Joint Authorities legislative reporting requirements and has been prepared in accordance with subsection 70(1) of the *Fisheries Management Act 1991*, which requires us to provide a report for you to present to the Parliament.

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 2017-2018 in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013* and subsection 70(1) of the *Fisheries Management Act 1991*.

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

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1. Introduction

This is the twenty seventh annual report of the Fisheries Joint Authority. This report details the activities undertaken during the period 1 July 2017 to 30 June 2018 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://dpiir.nt.gov.au/_data/assets/pdf_file/0007/546640/FR119.pdf

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

[Status of Key Australian Stocks Northern Territory Report](#)

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 2012-2017. *Note figures for 2017 are preliminary

Species/stock	Fishery	2012	2013	2014	2015	2016	2017* Preliminary
Goldband snappers	DF	217	392	349	280	324	358*
	TR	365	353	257	305	222	284*
Red snappers (<i>L. malabaricus</i> , <i>L. erythropterus</i>)	DF	1641	1986	2160	2300	2518	2375*
	TR	212	240	182	250	408	346*
Group (other) species	DF	370	419	456	527	724	729*
	TR	139	157	154	250	268	262*
Blacktip sharks (<i>C tilstoni</i> , <i>C limbatus</i>)	ONLF	356	97	66	37	36	63*
Blacktip sharks (<i>C sorrah</i>)	ONLF	75	23	18	10	4	15*
Grey mackerel (<i>S. semifasciatus</i>)	ONLF	347	347	503	407	330	497*
Other shark spp	ONLF	294	81	61	28	49	17*
Other <u>non</u> - shark spp	ONLF	42	22	50	18	44	50*

DF- Demersal Fishery; TR- Timor Reef Fishery; ONLF- Offshore Net and Line Fishery, 2017* Preliminary figures only.

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

Species/stock	Stock Status
Goldband snappers (DF/TR)	Sustainably fished (2016)
Red snappers (<i>L erythropterus</i>) (DF/TR)	Sustainably fished (2016)
Red snappers (<i>L malabaricus</i>) (DF/TR)	Sustainably fished (2016)
Blacktip sharks (<i>C tilstoni</i> , <i>C limbatus</i> , <i>C sorrah</i>) (ONLF)	Sustainably fished (2016)
Grey Mackerel (ONLF)	Sustainably fished (2016)

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 Northern Territory Fish Stocks Report 2016, 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 Status of Key Northern Territory [Fish Stocks Report](#) and in the [Status of Key Australian Fish Stocks Reports](#).

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 2017 meeting minutes and decision record. The Commonwealth and Territory members of the NTFJA for the 2017/18 reporting period, along with the deputies for both members, are listed in Table 3.

Table 3 – NTFJA Members and Deputies for the period 2017/18

Role	Commonwealth	Northern Territory
Member	Senator the Hon. Anne Ruston, Assistant Minister for Agriculture and Water Resources, (1 July 2017 – 30 June 2018)	The Hon. Ken Vowles, MLA, NT Minister for Primary Industry and Resources (1 July 2017 – 30 June 2018)
Deputy	Dr Nick Rayns, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA)	Mr Glenn Schipp, Director Fisheries and Aquaculture, Northern Territory Department of Primary Industry and Resources.

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 i2H(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;
- (1) 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 BEDDAL,
Minister for Resource

In the presence of
P. STEVEN

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
A.R. SPRIGG

MEETING OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

11:50AM, 27 October 2017
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 Cumow

Secretary
Brian Boyle (NT DPIR)

Observers:

Scott Spencer (QDAF)
Steve Bolton (AFMA)
Gabrielle Miller (AFMA)
Rebecca Oliver (WA FISH)
Heather Brayford (WA FISH)
Stuart Curran (DAWR)

Nick Rayns (Chair) opened the meeting at 11:50am.

1. PROCEDURAL MATTERS

Officials of the Commonwealth and NT Fisheries met on 27 October 2017 to discuss current issues relevant to the Northern Territory Fisheries Joint Authority (NTFJA). Discussion and recommendations from the meeting are detailed below.

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 Brian Boyle, 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 21 September 2016

The Record of Decisions arising from the NTFJA meeting of 21 September 2016 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)

Member's noted the information provided in the background papers attached to the agenda and in particular the trawl trial assessment has been undertaken and a proposal for permitting trawl as an approved gear has been submitted to the Director of Fisheries for consideration.

2.1.2 Demersal Fishery

Member's noted the information provided in the background papers attached to the agenda. Members noted that the MoU with AFMA for compliance services was operating well.

2.1.3 Offshore Net & Line Fishery

Member's noted the information provided in the background papers attached to the agenda. In particular members noted industry support for an ITQ management framework and provided 'in principle' support for putting forward a proposal to the Minister.

3. OTHER BUSINESS

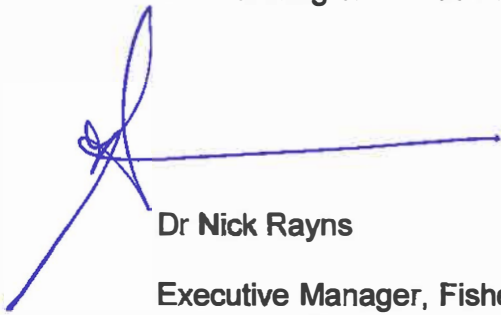
No other business was discussed.

4. NEXT MEETING

Members agreed the next meeting of the NTFJA would be held in conjunction with NAFC 2018.

5. CLOSE

The meeting closed at 11:59 AM



Dr Nick Rayns

**Executive Manager, Fisheries
Australian Fisheries Management
Authority**

**Deputy for the Australian Government
Assistant Minister for Agriculture and
Water Resources**

**Northern Territory Fisheries Joint
Authority**



Mr. Ian Curnow

Executive Director of Fisheries

**Deputy for the Northern Territory
Minister for Primary Industry and
Resources**

**Northern Territory Fisheries Joint
Authority**

