



Australian Government



**GOVERNMENT OF
WESTERN AUSTRALIA**

WESTERN AUSTRALIAN FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2019 TO 30 JUNE 2020

Fisheries Management Act 1991
(Commonwealth)

Fish Resources Management Act 1994
(Western Australia)

Western Australia Fisheries Joint Authority
Annual Report for the Period

1 July 2019 – 30 June 2020

Presented to the Commonwealth Parliament pursuant to section 70 of the *Fisheries Management Act 1991*.

Presented to the Western Australian Parliament pursuant to section 21 of the *Fish Resources Management Act 1994*.



Anna Willock, Executive Manager,
Fisheries, Australian Fisheries
Management Authority

**Deputy to the Commonwealth
Member,**

Senator the Hon. Jonathon Duniam,
Assistant Minister for Forestry and
Fisheries



Heather Brayford, Deputy Director
General, Department of Primary
Industries and Regional Development
Fisheries Division, Western Australia;

**Deputy to the Western Australian
State Member,**

The Hon. Peter Tinley, Western
Australian Minister for Housing;
Fisheries; Veterans Issues; Asian
Engagement

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Australian Fisheries Management Authority

CANBERRA

Contents

1. Introduction.....	4
2. Enabling legislation	4
3. Members of the Joint Authority	4
4. Report on the status of fisheries managed by the Joint Authority	4
5. Report on activities of the Joint Authority during the reporting period	4
Attachment A – Termination of an Arrangement between the Commonwealth and the State of Western Australia in relation to the Joint Authority Demersal Gillnet and Longline Fishery in waters south of latitude 33° south	6
Attachment B – Amendment to an Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the fishery for fish and other aquatic biological resources in waters relevant to Western Australia	8
Attachment C – Arrangement between the Commonwealth and the State of Western Australia in relation to the Northern Shark Fishery in waters east of Koolan Island ..	12
Attachment D – 2019 Meeting Minutes.....	16

1. Introduction

This is the twenty sixth annual report of the Western Australia Fisheries Joint Authority (WAFJA). This report details the activities undertaken during the period 1 July 2019 to 30 June 2020 and information on the status of the fisheries in the most recently available reporting period (2019/20).

The WAFJA has responsibility for the management of:

- Joint Authority Northern Shark Fishery.

2. Enabling legislation

Sections 61-70 of the Commonwealth [Fisheries Management Act 1991](#) set out the establishment, functions, administration and reporting requirements for Joint Authorities.

Part 3 of the Western Australia [Fish Resources Management Act 1994](#) sets out complementary State legislation and other matters relating to the establishment, functions, administration and reporting requirements of the Joint Authority and the management of Joint Authority fisheries in Western Australia (WA). Attachments A, B and C provide the relevant arrangements under which the WAFJA operates.

3. Members of the Joint Authority

The members of the WAFJA during the reporting period of 1 July 2019 to 30 June 2020 are provided in Table 1. The 2019 WAFJA meeting was attended by nominated deputies on behalf of the members (Table 1).

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

Table 2 presents a summary of the status of the fisheries managed by the WAFJA. Detailed catch and effort statistics are compiled annually and presented in the WA Fishery Status Reports, available for download at the WA Department for Primary Industries and Regional Development website at: <http://www.fish.wa.gov.au/About-Us/Publications/Pages/State-of-the-Fisheries-report.aspx>.

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

During the reporting period (2019/20), one WAFJA meeting was held on 28 November 2019 to discuss matters relevant to the WAFJA. A record of this meeting is at [Attachment D](#). No decisions were made in the reporting period.

Table 1. Members and nominated deputies of the WAFJA for the period 2019 – 2020

Role	Commonwealth	Western Australia
Member	Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries, (1 July 2019 – 30 June 2020)	The Hon. Dave Kelly, MLA; Minister for Water; Fisheries; Forestry; Innovation and ICT; Science (1 July 2019 – 17 December 2019) The Hon. Peter Tinley AM MLA, Minister for Housing; Fisheries; Veterans Issues; Asian Engagement (17 December 2019 – 30 June 2020)
Deputy	Anna Willock, Executive Manager Fisheries, Australian Fisheries Management Authority, (1 July 2019 – 30 June 2020)	Heather Brayford, Deputy Director General, Sustainability and Biosecurity, Department of Primary Industries and Regional Development, Western Australia. (1 July 2019 – 30 June 2020)

Table 2. Species status and catch for the Western Australian Joint Authority Northern Shark Fishery*.

Species	Status	Catch (2011/12)	Tonnes
Sandbar shark	Recovering	Total sharks	0
Blacktip shark	Adequate		0
Fishing level	Acceptable		

*Note this fishery has been inactive since 2008/09 and therefore has not been reported in Status Reports of the Fisheries and Aquatic Resources of Western Australia since 2012/13). Source: Status Reports of the Fisheries and Aquatic Resources of Western Australia 2012/13: The State of the Fisheries eds. W.J. Fletcher and K. Santoro, Department of Fisheries, Western Australia, pp. 216-217.

Attachment A – Termination of an Arrangement between the Commonwealth and the State of Western Australia in relation to the Joint Authority Demersal Gillnet and Longline Fishery in waters south of latitude 33° south

This ARRANGEMENT is made between the Commonwealth of Australia (“the Commonwealth”) and the State of Western Australia (“the State”).

WHEREAS:

- (a) The Commonwealth and the State entered into the “Arrangement between the Commonwealth and the State of Western Australia in relation to the Joint Authority Demersal Gillnet and Longline Fishery in waters south of Latitude 33° South” as was published in the Commonwealth of Australia Gazette No. GN 4 at page 349 to 352 on 1st February 1995 (“the Joint Authority Arrangement”).
- (b) The Joint Authority Arrangement provides that, pursuant to section 71 of the *Fisheries Management Act 1991* (“the Commonwealth Act”) and the then section 8H of the *Fisheries Act 1905* (WA) (“the Repealed State Act”), fishing for specified species of fish by means of demersal gillnet and longline within coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the then *Petroleum (Submerged Lands) Act 1967* (“the Repealed Petroleum Act”) under the heading “Area that includes the Adjacent Area in respect of Western Australia” south of Latitude 33° South is to be managed by the Western Australian Fisheries Joint Authority in accordance with the law of Western Australia.
- (c) Despite the repeal of the Repealed Petroleum Act, the reference in clause 2 of the Arrangement to the “Area that includes the Adjacent Area in respect of Western Australia” in Schedule 2 to the Repealed Act is now read to be a reference to the “Scheduled area for Western Australia” in item 5 of Schedule 1, to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, by the application of paragraph 10(c) of the *Acts Interpretation Act 1901*.
- (d) Item 7 of Schedule 3 to the *Fish Resources Management Act 1994* (WA) (“the State Act”) provides that an arrangement made under section 8H of the Repealed State Act and in force immediately before the commencement of the State Act continues in force, on commencement of the State Act, as if the arrangement had been made under section 22 of the State Act.
- (e) Subsection 75(1) of the Commonwealth Act provides that an arrangement made under, *inter alia*, section 71 of the Commonwealth Act may be terminated by instrument approved by the Commonwealth Minister responsible for administering the Commonwealth Act and the State Minister responsible for administering the State Act.
- (f) Subsection 22(2) of the State Act provides that an arrangement made under section 71 of the Commonwealth Act may be terminated as provided by subsection 75(1).

NOW IT IS MUTUALLY ARRANGED as follows:

- (1) The Joint Authority Arrangement as described in paragraph (a) of the recitals to this instrument is, pursuant to subsection 75(1) of the Commonwealth Act and subsection 22(2) of the State Act, terminated.
- (2) This Arrangement to terminate the Joint Authority Arrangement will take effect for the purpose of subsection 75(2) of the Commonwealth Act on 1 December 2018.

The Hon. Anne Ruston

Assistant Minister for Agriculture and Water Resources

on behalf of the Commonwealth under the *Fisheries Management Act 1991* in the presence of

Date: 30 July 2018

The Hon. David Kelly

Minister for Water; Fisheries; Forestry; Innovation and ICT; Science on behalf of the State

under the *Fish Resource Management Act 1994* in the presence of

Date: 14 July 2018

Attachment B – Amendment to an Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the fishery for fish and other aquatic biological resources in waters relevant to Western Australia

This ARRANGEMENT is made between the Commonwealth of Australia (“the Commonwealth”) and the State of Western Australia (“the State”).

WHEREAS:

- (a) The Commonwealth and the State have entered into the “Arrangement between the Commonwealth and the State of Western Australia in relation to the fishery for fish and other aquatic biological resources in waters relevant to Western Australia” as was published in the Commonwealth of Australia Gazette GN No. 4 on 1st February 1995 at pages 353 to 365 (“the Arrangement”).
- (b) The Arrangement provided that, in accordance with section 72 of the *Fisheries Management Act 1991* (Cth) (“the Commonwealth Act”) and the then section 8H of the *Fisheries Act 1905* (WA) (“the Repealed State Act”), the fishery described in clause 2 of the Arrangement, being coastal waters and all waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* (“the Repealed Petroleum Act”) under the heading “Area that includes the Adjacent Area in respect of Western Australia”, is to be managed in accordance with the law of Western Australia subject to exceptions described therein.
- (c) Despite the repeal of the Repealed Petroleum Act, the reference in clause 2 of the Arrangement to the “Area that includes the Adjacent Area in respect of Western Australia” in Schedule 2 to the Repealed Act is now read to be a reference to the “Scheduled area for Western Australia” in Schedule 1, item 5 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, by the application of paragraph 10(c) of the *Acts Interpretation Act 1901* (“the Interpretation Act”).
- (d) Subclauses 2(b) and 2(e) of the Arrangement provide, *inter alia*, that the Great Australian Bight Trawl Fishery and the Joint Authority Southern Demersal Gillnet and Longline Fishery are excluded from being managed by Western Australia in accordance with the law of Western Australia.
- (e) Item 7 of Schedule 3 to the *Fish Resources Management Act 1994* (WA) (“the State Act”) provides that an arrangement made under section 8H of the State Repealed Act and in force immediately before the commencement of the State Act continues in force, on commencement of the State Act, as if the arrangement had been made under section 22 of the State Act.
- (f) Pursuant to subsection 33(3) of the Interpretation Act and section 22 of the State Act, the Arrangement was amended by a further arrangement between the Commonwealth and the State as was published in the Commonwealth of

Australia Gazette GN No. 38 on 23rd September 1998 at pages 3,200 to 3,205 (“the First Amending Arrangement”).

- (g) Clause 1 of the First Amending Arrangement provided that, *inter alia*, the description of the Great Australian Bight Trawl Fishery for the purposes of subclause 2(b) of the Arrangement was to be amended as provided in subclause 1(c) of the First Amending Arrangement.
- (h) Subsection 74A(1) of the Commonwealth Act provides that an instrument made under, *inter alia*, section 72 of the Commonwealth Act may be amended by instrument approved by the Commonwealth Minister responsible for administering the Commonwealth Act and the State Minister responsible for administering the State Act.
- (i) The parties now wish to further amend the area of the Great Australian Bight Trawl Fishery having regard to more accurate available data, pursuant to subsection 74A(1) of the Commonwealth Act, wish to amend the Arrangement to accommodate the termination of Western Australian Fisheries Joint Authority’s management of the Joint Authority Southern Demersal Gillnet and Longline Fishery and to provide for the management of that fishery in accordance with the law of Western Australia, pursuant to subsection 74A(1) of the Commonwealth Act (“the Second Amending Arrangement”) and to amend references to the Schedules to correct drafting errors, pursuant to subsection 74A(1) of the Commonwealth Act.

NOW IT IS MUTUALLY ARRANGED that the Arrangement will be varied as follows:

1. The description of the area of the Great Australian Bight Trawl Fishery in Schedule 1 of the Arrangement as referred to in subclause 2(b) of the Arrangement is deleted and replaced by the description provided in the Schedule to this variation arrangement.
2. Subclause 2(d) is deleted and replaced with the following:
 - (d) all of the fish of the Class Osteichthyes and Class Chondrichthyes in the waters of the fishery described in Schedule 4 when any methods of pelagic gillnetting, demersal gillnetting and demersal longlining are used;

Schedule 4 (Joint Authority Northern Shark Fishery)

3. Subclause 2(e) and Schedule 3 of the Arrangement are deleted.
4. The paragraph immediately after subclause 2(g) is deleted and replaced with the following:
 - but including fish to which paragraphs (a), (d) and (f) would otherwise apply when taken in the exercise of a right conferred by a licence or

other authority granted by the State for the species to which this Arrangement applies.

5. Clause 4 of the Arrangement is deleted and replaced with the following:

The Commonwealth Minister responsible for administering the Commonwealth Act and the State Minister responsible for the State Act may in writing agree about:

(a) the maximum quantity of fish, the subject of paragraph 2(g) and the paragraph immediately thereafter, that may be taken from time to time under a licence or authority issued by the State;

(b) any other matter of mutual interest in relation to the fishery.

6. The heading for Schedule 4 is deleted and replaced with the following:

AREA OF THE JOINT AUTHORITY NORTHERN SHARK FISHERY

7. Any agreements already in place under clause 4 of the Arrangement continue to be in force.
8. This variation to the Arrangement will take effect for the purpose of subsection 74A(2) of the Commonwealth Act on 1 December 2018.
9. The Arrangement may be terminated in accordance with section 75 of the Commonwealth Act as is specified in subsection 22(2) of the State Act.

SCHEDULE

- a) commencing at the intersection of the 200 metre isobath south of Australia with the meridian of longitude 115° 08' 06'' E;
- b) running south along that meridian to its intersection with the outer limit of the Australian fishing zone;
- c) generally easterly along that outer limit to its intersection with the meridian of longitude 129° E;
- d) north along that meridian to its intersection with the outer limits of coastal waters off southern Australia;
- e) generally westerly along the outer limit of the coastal waters of Western Australia to its intersection with the meridian of longitude 125° 00' 05'' E;
- f) south along that meridian to its intersection with the 200 metre isobath;
- g) generally westerly along that isobath to the point where the line began.

The Hon. Anne Ruston

Assistant Minister for Agriculture and Water Resources
on behalf of the Commonwealth under
the *Fisheries Management Act 1991*
in the presence of

_____ Date: 30 July 2018

The Hon. David Kelly

Minister for Water; Fisheries; Forestry; Innovation and ICT;
Science on behalf of the State
under the *Fish Resource Management Act 1994*
in the presence of

_____ Date: 14 July 2018

Attachment C – Arrangement between the Commonwealth and the State of Western Australia in relation to the Northern Shark Fishery in waters east of Koolan Island

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

WHEREAS-

- (a) paragraph 4(1)(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 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 appears, 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* (the Consequential Provisions Act) of the Commonwealth 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 on 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 Management Act, the Western Australian Joint Authority, established by subsection 12D(1) 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 Western Australia in relation to the:
 - (i) North West Pelagic Gillnet Fishery, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (ii) Line Fishery East of 120° East, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
- (f) paragraph 7(4)(b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, any arrangement made with a State or Territory under subsection 12H(1) 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 IVA 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) 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;
- j) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* of the State empower the State to terminate an arrangement as provided for by the Management Act;
- (k) subsection 71(1) of the Management Act provide 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 or any of those States;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, subsection 71 (1) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of the State empower the State to make an arrangement referred to in, *inter alia*, subsection 71(1) of the Management Act for the management of a particular fishery;
- (n) both the Commonwealth and the State 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 State Act and of all other powers so enabling:

1. The Arrangements entered into between the Commonwealth and the State referred to in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75 (1) of the Management Act and subsection 8H(2) of the State Act terminated.
2. The Commonwealth and State hereby arrange that the fishery in waters relevant to Western Australia, 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 Western Australia”, east of the meridian of longitude 123° 45’ East and north of parallel latitude 17° South for:

(a) all fish of the Class Chondrichthyes (cartilaginous fishes) when any methods of pelagic gillnetting, demersal gillnetting and demersal longlining are used;

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

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

is to be managed by the Western Australian Fisheries Joint Authority in accordance with the law of Western Australia.

3. The Minister responsible for administering the Management Act and the Minister responsible for administering the State 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 State and upon being approved by the Governor-General of the Commonwealth the Governor of the State, 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 and of this Arrangement shall be construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.

Dated the 19th day of December 1994

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

(DAVID PETER BEDDALL)
in the presence of

Signed for and on behalf of the
State of Western Australia by the
Honourable MONTAGUE GRANT
HOUSE, Minister for Fisheries

(MONTAGUE HOUSE)
in the presence of

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 24 - 1 - 1995.

By His Excellency's command

(DAVID PETER BEDDALL)
Minister for Resources

(BILL HAYDEN)
Governor-General

I, Michael Jeffery, the governor of the State of Western Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1905*, hereby approve this instrument.

Given under my hand this 4th day of Jan 1995.

By His Excellency's Command

(MONTAGUE HOUSE)
Minister for Fisheries

(MICHAEL JEFFERY)
Governor

Attachment D – 2019 Meeting Minutes

WESTERN AUSTRALIAN FISHERIES JOINT AUTHORITY

Minutes of 2019 meeting of the WAFJA

Teleconference
28 November 2019

Attendance

Members: Anna Willock, Executive Manager, Australian Fisheries Management Authority (AFMA); Deputy for the Commonwealth Minister for Fisheries (Chair)

Heather Brayford, Deputy Director General, Fisheries, Department of Primary Industries and Regional Development, Western Australia (DPIRD); Deputy for the Western Australian (WA) Minister for Fisheries

Secretary: Nick Blay (DPIRD)

Observers: David Power (AFMA), Ian Curnow (NT), Bec Oliver (NT), Tony Harman (DAWR)

AGENDA

The draft agenda for the meeting (**Attachment 1**) was adopted.

1. PROCEDURAL MATTERS

a) Identification of members

Anna Willock identified herself as the Deputy for the Commonwealth Minister for Fisheries and therefore the Chair of the meeting.

Heather Brayford identified herself as the Deputy for the WA Minister for Fisheries and therefore the other member of the Joint Authority (JA).

The Deputies appointed Nick Blay (DPIRD) as the secretary for the meeting.

b) Confirmation of previous Minutes

The Minutes of the meeting of 18 October 2018 were tabled and endorsed as a true and accurate record.

2. JOINT AUTHORITY NORTHERN SHARK FISHERY (JANSF)

Status of the JANSF

The WA Deputy noted that the JANSF remained inactive and therefore no recent reports of fishing activity were available.

Wildlife Trade Operation (WTO) Application and recommencement of fishing

The WA Deputy advised that work was still ongoing regarding the WTO application with industry leading updates to the application.

Transition from JA to State managed

The Deputies agreed to continue discussions regarding transitioning the JANSF to single jurisdiction over the coming year.

3. JOINT AUTHORITY SOUTHERN DEMERSAL GILLNET AND DEMERSAL LONGLINE MANAGED FISHERY (JASDGDLF)

Transition discussions (OCS and Management Plan)

The transition of the JASDGDLF to single jurisdiction management by the State of Western Australia took effect on 1 December 2018. This follows changes in the Offshore Constitutional Settlement (OCS) with documents co-signed on 6 August 2018 by Hon. David Kelly MLA, Minister for Fisheries (WA) and the Assistant Minister for Agriculture and Water Resources, Senator the Hon. Anne Ruston and published in the Commonwealth Gazette to amend the Offshore Constitutional Settlement (OCS).

Consequently, the *Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan 2018* (Management Plan) has been implemented. The Management Plan reflects the arrangements and access rights currently for under the *Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan 1992*. The Management Plan commenced on 1 December 2018, in line with the changes to the OCS arrangements.

4. JOINT AUTHORITY ANNUAL REPORTING

2018/19 WAFJA Annual Report

The Deputies noted the 2018/19 report was under development and would be finalised in the coming months with input from WA on latest catch effort figures.

5. OTHER BUSINESS

Nil reports.

6. NEXT MEETING

At a date to be determined and, if possible, in conjunction with NAFC (or similar).

Meeting closed.

