



Australian Government



**Northern Territory
Government**

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

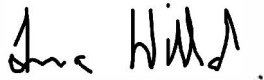
1 JULY 2020 TO 30 JUNE 2021

Fisheries Management Act 1991
(Commonwealth)

Fisheries Act 1988
(Northern Territory)

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

1 July 2020 to 30 June 2021



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



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**Deputy to the Northern Territory
Member,**

The Hon. Nicole Manison, Northern
Territory Minister for Agribusiness
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ISSN 1033-9574

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Published by:

Australian Fisheries Management Authority
CANBERRA

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1. Introduction

This is the 29th annual report of the Northern Territory Fisheries Joint Authority (NTFJA). This report details the activities undertaken during the period 1 July 2020 to 30 June 2021 as well as information on the status of the fisheries.

The NTFJA 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 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 Industry, Tourism and Trade.

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 related fish stocks are compiled annually and presented in the Status of Key Australian Fish Stocks Reports at: <http://fish.gov.au/reports/species>

The **Demersal Fishery** targets mainly red snappers (*Lutjanus malabaricus*, *L. erythropterus*) and goldband snappers (*Pristipomoides spp.*). Painted sweetlips (*Diagramma pictum*) and cods (Family *Serranidae*) are key byproduct species. Fish traps and finfish trawl gear are the main fishing methods used in the fishery.

The **Timor Reef Fishery** primarily targets the higher-valued goldband snapper (*P. multidens*) and other *Pristipomoides* species. Significant quantities of red snappers (*L. malabaricus*, *L. erythropterus*), red emperors (*L. sebae*) and cods (Family *Serranidae*) are also harvested. The main fishing method used is fish traps, however between 2014 and 2018, a finfish trawl trial was conducted in the Timor Reef Fishery. This resulted in an increase in red snapper catch which is typical of trawl gear (Table 1).

The **Offshore Net and Line Fishery** targets black-tip sharks (*Carcharhinus tilstoni*, *C. limbatus* and *C. sorrah*) and grey mackerels (*Scomberomorus semifasciatus*). A variety of other sharks and pelagic finfish are also caught as byproduct.

Exploitation by the Fishing Tour Operator and recreational sectors is considered to be low across all three fisheries.

According to the Status of Key Australian Fish Stocks Report 2020, 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 Australian Fish Stocks Reports.

Table 1 - Commercial catches (tonnes) of finfish from 2012-2020.

| Species/stock | Fishery | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|--|---------|------|------|------|------|------|------|------|------|------|
| Goldband snappers | DF | 217 | 392 | 349 | 280 | 324 | 341 | 291 | 223 | 230 |
| | TR | 365 | 353 | 257 | 305 | 222 | 194 | 382 | 256 | 254 |
| Red snappers (<i>L. malabaricus</i>, <i>L. erythropterus</i>) | DF | 1641 | 1986 | 2160 | 2300 | 2518 | 2397 | 2526 | 2685 | 2653 |
| | TR | 212 | 240 | 182 | 250 | 408 | 337 | 391 | 136 | 62 |
| Group (other) species | DF | 370 | 419 | 456 | 527 | 724 | 729 | 672 | 621 | 825 |
| | TR | 139 | 157 | 154 | 250 | 268 | 262 | 202 | 123 | 91 |
| Blacktip sharks (<i>C. tilstoni/limbatus</i>) | ONLF | 356 | 97 | 66 | 37 | 36 | 63 | 30 | 65 | 138 |
| Blacktip sharks (<i>C. sorrah</i>) | ONLF | 75 | 23 | 18 | 10 | 4 | 15 | 12 | 28 | 40 |
| Grey mackerel (<i>S. semifasciatus</i>) | ONLF | 347 | 347 | 503 | 407 | 330 | 496 | 499 | 391 | 420 |
| Other shark spp | ONLF | 294 | 81 | 61 | 28 | 49 | 18 | 9 | 65 | 144 |
| Other fin fish spp | ONLF | 42 | 22 | 50 | 18 | 44 | 48 | 45 | 77 | 45 |

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

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

| Species/stock | Stock Status |
|---|---------------------------|
| Goldband snappers (DF/TR) | Sustainably fished (2020) |
| Red snappers (<i>L. erythropterus</i>) (DF/TR) | Sustainably fished (2020) |
| Red snappers (<i>L. malabaricus</i>) (DF/TR) | Sustainably fished (2020) |
| Blacktip sharks (<i>C. tilstoni</i> , <i>C. limbatus</i> , <i>C. sorrah</i>) (ONLF) | Sustainably fished (2020) |
| Grey Mackerel (ONLF) | Sustainably fished (2020) |

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

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 2020 meeting minutes and decision record. The Commonwealth and Territory members of the NTFJA for the 2020/21 reporting period, along with the deputies for both members, are listed in Table 3.

Table 3 – NTFJA Members and Deputies for the period 2020/21

| Role | Commonwealth | Northern Territory |
|--------|---|---|
| Member | Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries | The Hon. Nicole Manison MLA, NT Minister for Agribusiness and Aquaculture |
| Deputy | Anna Willock, Executive Manager, Fisheries, Australian Fisheries Management Authority | Mr Ian Curnow, Executive Director Fisheries, Northern Territory Department of Industry, Tourism and Trade |

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;
- (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

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

Attachment B - 2020 meeting of the NTFJA including record of decisions

**MEETING OF THE NORTHERN TERRITORY
FISHERIES JOINT AUTHORITY**

9 December 2020

Teleconference

RECORD OF DECISIONS

Attendance

Members:

Ms Anna Willock
Deputy for the Australian Government
Assistant Minister for Forestry and Fisheries

Mr Ian Curnow
Deputy for the Northern Territory Minister for
Agribusiness and Aquaculture

Secretary:

Rebecca Oliver
Department of Industry, Tourism and Trade (NT
DITT)

Observers:

Darci Wallis
Australian Fisheries Management Authority
(AFMA)

Ms Anna Willock (Chair) opened the meeting at 9:05 am (ACST).

1. PROCEDURAL MATTERS

Officials of the Commonwealth and NT DITT met on 9 December 2020 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 DITT confirmed that their status as members' deputies was in order. Ms Rebecca Oliver was appointed as the secretary to the NTFJA for the purpose of the meeting.

1.2 Confirmation of Agenda

Members confirmed the agenda.

1.3 Record of Decisions arising from the NTFJA meeting of 28 November 2019

The Record of Decisions arising from the NTFJA meeting of 28 November 2019 was reviewed and minor revisions made. The Deputies deemed the Record to be an accurate reflection of the meeting and agreed to sign out-of-session.

2. MATTERS FOR CONSIDERATION / INFORMATION

2.1 Update on status of NTFJA fisheries

2.1.1 Timor Reef and Demersal Fisheries

Members noted the information provided in the background papers attached to the agenda.

The Deputies noted that stock structure research (completed in 2018) for Goldband Snapper, Saddletail Snapper and Red Emperor identified that all three species have multiple stocks within NT's offshore waters. These results have been incorporated into stock assessments for the Demersal Fishery (DF) and Timor Reef Fishery (TRF) and used to inform the development of the proposed management framework for the offshore snapper fisheries, which recognises the shared stocks.

The management framework includes a harvest strategy, which provides explicit trigger levels, and management decision rules to ensure that the offshore snapper fishery resource is utilised in a sustainable and socially

acceptable manner, while promoting optimum utilisation of the resource to the benefit of the community.

On 6 March 2020, the NT Minister endorsed the management framework which proposed the merger of the TRF and DF to form the Northern Offshore Fishery and provide for stock-based management of the offshore snapper resources. At this time, the NT Minister also approved the Department to prepare a draft management plan Northern Offshore Fishery for the consideration of the NTFJA.

In accordance with the NT Minister's approval on 6 March 2020, the Department commenced work with the Office of Parliamentary Counsel to prepare a draft management plan.

On 8 April 2020, Australia Bay Seafoods Pty Ltd (a licence holder in the DF) commenced proceedings in the Federal Court against the Northern Territory of Australia (by DPIR) (First Respondent) and the NT Minister for Primary Industry and Resources (Second Respondent). The NTFJA was originally named as Third Respondent, now amended to the Commonwealth Assistant Minister for Forestry and Fisheries.

The First and Second Respondents filed an interlocutory application seeking for Australia Bay Seafoods' application to be set aside or dismissed, essentially because no decision to endorse or approve the management plan had been made by the Second or Third Respondents. The interlocutory application was supported by the Third Respondent.

The interlocutory application was heard on 23 June 2020. Deputies noted that a judgment has not yet been delivered.

Deputies noted that the Wildlife Trade Operation (WTO) accreditation (export approval) granted by the Department of Agriculture, Water and Environment for the DF and TRF had expired on 13 June 2020 as the fisheries were unable to meet DAWE's requirements, specifically the implementation of a harvest strategy that recognised the shared stocks.

2.1.2 Offshore Net and Line Fishery

Members noted the information provided in the background papers attached to the agenda.

Deputies noted a contemporary management framework and Harvest Strategy for the Offshore Net and Line Fishery (ONLF) was introduced in December 2018. The changes transitioned the fishery to an Individual Transferable Quota (ITQ) management system and introduced a number of measures to address public concern regarding the harvest of sharks.

The ONLF has WTO accreditation until 27 March 2022. NT Fisheries had introduced a number of measures to meet the WTO conditions for management, reporting and data validation, including those relevant to Scalloped Hammerhead's 'Conservation Dependent' listing under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

It was noted that recent research has better defined the stock structure of Scalloped Hammerhead populations in Australia. The research indicated that Scalloped Hammerhead comprises multiple stocks in Australia, and that movement outside Australian waters is likely limited over shorter timeframes. The Department has undertaken a joint stock assessment with QLD Fisheries of Scalloped Hammerhead. The preliminary results suggest that the stock is well above concerning biomass levels (estimated to be currently above 60% of unfished levels).

NT Fisheries had been collaborating with QLD Fisheries on a Joint Scalloped Hammerhead Management Strategy for the shared stock within Gulf of Carpentaria to meet the requirements of the Threatened Species Scientific Committee. At a recent workshop, it was noted that some form of data validation for Scalloped Hammerhead needed to be implemented as soon as possible in QLD waters. When initially negotiating the listing of hammerheads as 'conservation dependent', the TSSC advised that a type of plan of management needed to be implemented by September 2018. NT Fisheries has met the plan of management through the Offshore Net and Line Management Framework.

If the jurisdictions are not able to meet the requirements then there is a very high risk that Scalloped Hammerhead listing will be increased from conservation dependent and become a 'no take' species. NT Fisheries has offered to assist QLD Fisheries to meet the requirements before the TSSC's next meeting in February 2021.

2.2 Update on Offshore Constitutional Settlement Arrangements

Both Deputies reaffirmed support to transition the offshore snapper fisheries and ONLF to single jurisdiction as soon as practicable noting it formed part of a long standing objective to streamline management.

3. JOINT AUTHORITY ANNUAL REPORTING

Members noted that the 2019-20 JA Annual Report had been prepared and would be circulated to Deputies to sign out-of-session, prior to it undergoing final print review and publication.

4. OTHER BUSINESS

No other business was tabled.

5. NEXT MEETING

Members agreed the next meeting of the NTFJA would be held in conjunction with the Australian Fisheries Management Forum meeting to be convened in September/October 2021.

6. CLOSE

The meeting closed at 9:45 am (ACST).

Ms. Anna Willock

Executive Manager, Fisheries
Australian Fisheries Management
Authority

Deputy for the Australian Government
Assistant Minister for Forestry and
Fisheries

Northern Territory Fisheries Joint
Authority



Mr. Ian Curnow

Executive Director of Fisheries

Deputy for the Northern Territory
Minister for Primary Industry and
Resources

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