



Australian Government



**Northern Territory
Government**

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD


1 JULY 2021 TO 30 JUNE 2022

Fisheries Management Act 1991
(Commonwealth)

Fisheries Act 1988
(Northern Territory)

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

1 July 2021 to 30 June 2022



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Fisheries, Australian Fisheries
Management Authority

**Deputy to the Commonwealth
Member,**

Senator the Hon. Murray Watt,
Minister for Agriculture, Fisheries and
Forestry



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Member,**

The Hon. Paul Kirby, Northern
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1. Introduction

This is the 30th annual report of the Northern Territory Fisheries Joint Authority (NTFJA). This report details the activities undertaken during the period 1 July 2021 to 30 June 2022 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 (the 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 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 every two years and presented in the Status of Key Australian Fish Stocks Reports at: <http://fish.gov.au/reports/species>

The **Demersal Fishery (DF)** 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 (TRF)** primarily targets the higher-valued goldband snapper (*P. multidentis*) 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 in the Timor Reef Fishery resulted in an increase in red snapper catch (Table 1).

The **Offshore Net and Line Fishery (ONLF)** 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.

Key target species were assessed in the 2020 Status of Australian Fish Stocks (SAFS) Report available at: <https://www.fish.gov.au/>.

In the TRF and DF there are three stocks of saddletail snapper, three stocks of crimson snapper and four stocks of goldband snapper. All three stocks of saddletail snapper were classified as sustainable. Crimson snapper stocks were all classified as sustainable apart from the Joseph Bonaparte Gulf where they were undefined. Goldband snapper stocks were classified as sustainable in the Timor and Arafura seas and undefined in the Gulf of Carpentaria and Joseph Bonaparte Gulf. Preliminary results from Sustainability Assessment for Fishing Effect (SAFE) research indicated no species analysed were medium or high risk. This included bycatch and byproduct species and species of conservation concern.

In the ONLF, all target species (grey mackerel, Australian and common blacktip shark, and spot-tail shark) were classified as sustainable, with the exception of the Gulf of Carpentaria Australian and common blacktip shark stocks, which were classified as undefined.

Table 1 Commercial catches (tonnes) of finfish from 2012-2021 by calendar year for DF-Demersal Fishery; TR-Timor Reef Fishery; ONLF-Offshore Net and Line Fishery

Species/stock	Fishery	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Goldband snappers	DF	217	392	349	280	324	341	291	223	230	194
	TR	365	353	257	305	222	194	382	256	254	423
Red snappers (<i>L. malabaricus</i> , <i>L. erythropterus</i>)	DF	1641	1986	2160	2300	2518	2397	2526	2685	2653	2097
	TR	212	240	182	250	408	337	391	136	62	149
Group (other) species	DF	370	419	456	527	724	729	672	621	825	751
	TR	139	157	154	250	268	262	202	123	91	128
Blacktip sharks (<i>C. tilstoni/limbatus</i>)	ONLF	356	97	66	37	36	63	30	65	138	112
Blacktip sharks (<i>C. sorrah</i>)	ONLF	75	23	18	10	4	15	12	28	40	37
Grey mackerel (<i>S. semifasciatus</i>)	ONLF	347	347	503	407	330	496	499	391	420	494
Other shark spp	ONLF	294	81	61	28	49	18	9	65	144	114
Other fin fish spp	ONLF	42	22	50	18	44	48	45	77	45	41

Table 2 Summary of status of assessed stocks in NTFJA Fisheries
DF-Demersal Fishery; TR-Timor Reef Fishery; ONLF-Offshore Net and Line Fishery

Species/stock	Stock Status
Goldband snappers (DF/TR)	Sustainably fished (2021)
Red snappers (<i>L. erythropterus</i>) (DF/TR)	Sustainably fished (2021)
Red snappers (<i>L. malabaricus</i>) (DF/TR)	Sustainably fished (2021)
Blacktip sharks (<i>C. tilstoni</i> , <i>C. limbatus</i> , <i>C. sorrah</i>) (ONLF)	Sustainably fished (2021)
Grey Mackerel (ONLF)	Sustainably fished (2021)

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 2021 meeting minutes and decision record. The Commonwealth and Territory members of the NTFJA for the 2021/22 reporting period, along with the deputies for both members, are listed in Table 3.

Table 3 NTFJA Members and Deputies for the period 2021/22

Role	Commonwealth	Northern Territory
Member	<p>Senator the Hon. Murray Watt, Minister for Agriculture, Fisheries and Forestry 1 June 2022 – 30 June 2022</p> <p>The Hon. Jonathon Duniam Assistant Minister for Forestry and Fisheries 1 July 2021 – 23 May 2022¹</p>	The Hon. Paul Kirby MLA, NT Minister for Agribusiness and Fisheries
Deputy	Anna Willock, Executive Manager, Fisheries, Australian Fisheries Management Authority	Ian Curnow, Executive Director Fisheries, Northern Territory Department of Industry, Tourism and Trade

¹ The Federal election was held on 21 May 2022 and a new Ministry, including the new Minister for Agriculture, Fisheries and Forestry, was sworn in on 1 June 2022.

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 12D(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 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 - 2021 meeting of the NTFJA including record of decisions

MEETING OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

8 December 2021
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:	Ms Melanie Brenton Department of Industry, Tourism and Trade (NT DITT)
Observers:	Ms Darci Wallis Australian Fisheries Management Authority (AFMA)
	Ms Patti Kuhl Department of Industry, Tourism and Trade (NT DITT)

Ms Anna Willock (Chair) opened the meeting at 10:00 am (ACST).

1. PROCEDURAL MATTERS

Officials of the Commonwealth and NT DITT met on 8 December 2021 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 Melanie Brenton was appointed as the secretary to the NTFJA for the purpose of the meeting.

1.2 Confirmation of Agenda

Members confirmed the agenda, with an amendment to the date to reflect the agreed rescheduling of the meeting from 29 November 2021.

1.3 Record of Decisions arising from the NTFJA meeting of 9 December 2020

The Record of Decisions arising from the NTFJA meeting of 9 December 2020 was confirmed as an accurate reflection of the meeting and the Deputies 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 advancing the management arrangements for the proposed Northern Offshore Fishery (NOF) was important and that the draft NOF management plan is currently being progressed through NTFJA statutory processes.

It was also noted that the legal appeal by Australia Bay Seafoods was heard in Court on 8 November 2021 and that judgement is pending.

Deputies discussed and agreed that shared compliance arrangements between the Australian Fisheries Management Authority and NT Police were working well and supported a commencement of dialogue to potentially expand the same services to additional NT fisheries (e.g. Coastal Line, Spanish mackerel) in 2022.

2.1.2 Offshore Net and Line Fishery

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

Deputies discussed the Commonwealth Threatened Species Scientific Committees' (TSSC) draft Endangered listing of Scalloped Hammerhead shark. The NT member noted the listing process had highlighted procedural/timing issues that could be improved. This related to different views being held between the National Scalloped Hammerhead Shark Stock Assessment Working Group and the TSSC on the interpretation of key elements of the stock assessment, but

inadequate time being provided for the parties to engage and resolve those differences.

Deputies also briefly discussed the growing issue of shark depredation in some jurisdictions and noted their support for further work in this area.

2.2 Update on Offshore Constitutional Settlement Arrangements

The Deputies reaffirmed support to transition the offshore snapper fisheries and ONLF to a single jurisdiction as soon as practicable.

3. JOINT AUTHORITY ANNUAL REPORTING

Members noted the 2020-21 NTFJA 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

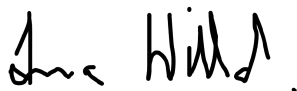
No other business was tabled.

5. NEXT MEETING

Members agreed the next meeting of the NTFJA would be convened at a similar time in 2022, potentially in conjunction with the meeting of the Australian Fisheries Management Forum.

6. CLOSE

The meeting closed at 10:40 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
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Mr. Ian Curnow

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