



Australian Government



**Northern Territory
Government**

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2018 TO 30 JUNE 2019

Fisheries Management Act 1991
(Commonwealth)

Fisheries Act 1988
(Northern Territory)

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

1 July 2018 to 30 June 2019



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Member,**

**Deputy to the Northern Territory
Member,**

Senator the Hon. Jonathon Duniam,
Assistant Minister for Agriculture
and Water Resources

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

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1. Introduction

This is the 27th annual report of the Fisheries Joint Authority. This report details the activities undertaken during the period 1 July 2018 to 30 June 2019 as well as information on the status of the fisheries.

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

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

2. Enabling legislation

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

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

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

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

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

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

<http://fish.gov.au/reports/species>

The **Demersal Fishery** targets mainly red snappers (*Lutjanus malabaricus*, *L. erythropterus*) and goldband 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 goldband snapper (*P. multidens*) 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.

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.

A comprehensive management framework and Harvest Strategy for the Offshore Net and Line Fishery was introduced on 17 December 2018. The changes transitioned the Fishery to an Individual Transferable Quota management system and introduced a number of measures to address public concern regarding the harvest of sharks.

Key measures outlined in the new regulations include:

- An Individual Transferable Quota system, including the introduction of conservative Total Allowable Commercial Catch (TACC) limits for all species harvested in the fishery.
- A contemporary harvest strategy, promoting stock sustainability in line with national guidelines and the 'NT Harvest Strategy Policy'.
- Mandatory Vessel Monitoring Systems for all vessels in the ONLF.
- A requirement to land sharks with fins naturally attached.
- Electronic monitoring requirements.

A Memorandum of Understanding between AFMA, NT Police and NT Fisheries was signed in March 2019, which enables AFMA to undertake day-to-day compliance activities related to the Offshore Net and Line Fishery on behalf of NT Police.

According to the Status of Key Australian Fish Stocks Report 2018, 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 Northern Territory Fishery Status Reports and in the Status of Key Australian Fish Stocks Reports.

Table 1 - Commercial catches (tonnes) of fin fish from 2012-2018.

Species/stock	Fishery	2012	2013	2014	2015	2016	2017	2018*
Goldband snappers	DF	217	392	349	280	324	341	291
	TR	365	353	257	305	222	194	382
Red snappers (<i>L. malabaricus</i>, <i>L. erythropterus</i>)	DF	1641	1986	2160	2300	2518	2397	2526
	TR	212	240	182	250	408	337	391

Group (other) species	DF	370	419	456	527	724	729	672
	TR	139	157	154	250	268	262	202
Blacktip sharks (<i>C. tilstoni/limbatus</i>)	ONLF	356	97	66	37	36	63	30
Blacktip sharks (<i>C. sorrah</i>)	ONLF	75	23	18	10	4	15	12
Grey mackerel (<i>S. semifasciatus</i>)	ONLF	347	347	503	407	330	496	499
Other shark spp	ONLF	294	81	61	28	49	18	9
Other fin fish spp	ONLF	42	22	50	18	44	48	45

DF- Demersal Fishery; TR- Timor Reef Fishery; ONLF- Offshore Net and Line Fishery. *2018 preliminary figures only.

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

Species/stock	Stock Status
Goldband snappers (DF/TR)	Sustainably fished (2018)
Red snappers (<i>L erythropterus</i>) (DF/TR)	Sustainably fished (2018)
Red snappers (<i>L malabaricus</i>) (DF/TR)	Sustainably fished (2018)
Blacktip sharks (<i>C tilstoni</i> , <i>C limbatus</i> , <i>C sorrah</i>) (ONLF)	Sustainably fished (2018)
Grey Mackerel (ONLF)	Sustainably fished (2018)

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 2018 meeting minutes and decision record. The Commonwealth and Territory members of the NTFJA for the 2018/19 reporting period, along with the deputies for both members, are listed in Table 3.

Table 3 – NTFJA Members and Deputies for the period 2018/19

Role	Commonwealth	Northern Territory
Member	<p>Senator the Hon. Anne Ruston, Assistant Minister for Agriculture and Water Resources, (30 June 2018 – 28 August 2018)</p> <p>Senator the Hon. Richard Colbeck, Assistant Minister for Agriculture and Water Resources (28 August 2018 – 29 May 2019)</p> <p>Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries (29 May 2019 – 30 June 2019)</p>	<p>The Hon. Ken Vowles MLA, NT Minister for Primary Industry and Resources (1 July 2018 – 21 December 2018)</p> <p>The Hon. Paul Kirby MLA, NT Minister for Primary Industry and Resources (31 January 2019 – 30 June 2019)</p>
Deputy	<p>Dr Nick Rayns, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA) (1 July 2018 – 30 November 2018)</p> <p>Anna Willock, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA) (3 December 2018 – 30 June 2019)</p>	<p>Mr Ian Curnow, Executive Director Fisheries, Northern Territory Department of Primary Industry and Resources</p>

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

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

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

WHEREAS-

- (a) paragraph 4(i)(a) of the Acts Interpretation Act 1901 of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that it is not to come into operation immediately upon its enactment, is expressed to confer power, inter alia, to make an instrument of a legislative or administrative character, then, unless the contrary intention applies, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the Fisheries Management Act 1991 of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act* 1952 of the Commonwealth;
- (c) by subsection 7(3) of the Fisheries Legislation (Consequential Provisions) Act 1991 of the Commonwealth (the Consequential Provisions Act) as amended by section 24 of the Primary Industries and Energy Legislation Amendment Act 1993 Part IVA of the *Fisheries Act* 1952, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Act, the Northern Territory Fisheries Joint Authority, established by subsection 2D(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

MEETING OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

10:54AM, 18 October 2018
AFMA Offices, Northbourne Ave, Canberra, ACT
Canberra

RECORD OF DECISIONS

Attendance

Members:	Deputy for the Australian Government Assistant Minister for Agriculture & Water Resources Dr Nick Rayns
	Deputy for the Northern Territory Minister for Primary Industry and Resources Mr. Ian Curnow
	Secretary David Mckey (NT DPIR)
Observers:	Claire Anderson (QDAF) Gabrielle Miller (AFMA) Rebecca Oliver (WA FISH) Tony Harman (DAWR)

Nick Rayns (Chair) opened the meeting at 10:54am.

1. PROCEDURAL MATTERS

Officials of the Commonwealth and NT Fisheries met on 18 October 2018 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 David Mckey, Department of Primary Industry and Resources (NT DPIR) acted as the secretary to the NTFJA. Observers at the meeting were noted and are recorded as present in this record.

1.2 Confirmation of Agenda

Members confirmed the agenda.

1.3 Record of Decisions arising from the NT Fisheries Joint Authority (NTFJA) meeting of 17 October 2017

The Record of Decisions arising from the NTFJA meeting of 17 October 2017 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 has recently been completed and a proposal for permitting trawl as an approved gear is being considered by the Offshore Snapper Fisheries Management Advisory Committee as part of the broader review of management arrangements for the snapper fisheries.

2.1.2 Demersal Fishery

Member's noted the information provided in the background papers attached to the agenda. Members noted that the Department continues to work towards the development of a contemporary management framework and associated harvest strategy.

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 renewed support for an ITQ management framework and the Chair advised the NT's proposal would be put to the Cth Minister for consideration in the coming week. Members noted Industry's desire to have the new arrangements commence December 2018 if possible.

3. OTHER BUSINESS

Mr Curnow flagged an interest in keeping updated on AFMA's work in consulting with Indigenous communities and committed to sharing experiences in that space.

Both Deputies signed the 2017-18 NTFJA Annual Report in preparation for it undergoing final print review and publication. Copies of the report will be sent to NT Fisheries once available.

Members noted that this 2018 NTFJA meeting would be the last one for Dr Rayns as he is resigning from AFMA to pursue other interests. Mr Curnow thanked Dr Rayns for his valued contributions to the NTFJA over many years of service.

It was also noted that Mr Mckey would be retiring from NT Fisheries in December and as such this meeting would be his last as secretary to the NTFJA. Members thanked Mr Mckey for his contribution to the meetings attended and wished him well for the future.

4. NEXT MEETING

Members agreed the next meeting of the NTFJA would be held in conjunction with NAFC 2019.

5. CLOSE

The meeting closed at 11:02 AM



Dr Nick Rayns

Mr. Ian Curnow

Executive Manager, Fisheries
Australian Fisheries Management
Authority

Executive Director of Fisheries

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

Deputy for the Northern Territory
Minister for Primary Industry and
Resources

Northern Territory Fisheries Joint
Authority

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