



Australian Government



**GOVERNMENT OF
WESTERN AUSTRALIA**

WESTERN AUSTRALIAN FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2017 TO 30 JUNE 2018

Fisheries Management Act 1991
(Commonwealth)

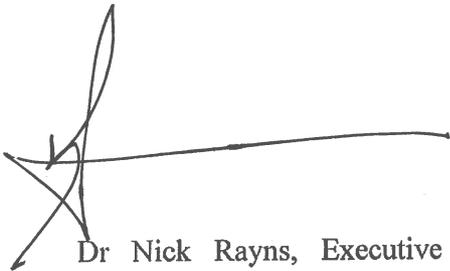
Fish Resources Management Act 1994
(Western Australia)

Western Australia Fisheries Joint Authority
Annual Report for the Period

1 July 2017 – 30 June 2018

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*.



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

**Deputy to the Commonwealth
Member,**

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



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. Dave Kelly,
Western Australian Minister for Water;
Fisheries; Forestry; Innovation and ICT;
Science

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Australian Fisheries Management Authority

CANBERRA



Australian Government
Australian Fisheries Management Authority



30 November 2018

Senator the Hon. Richard Colbeck
Assistant Minister to the Minister for Agriculture and Water Resources
Parliament House
CANBERRA ACT 2600

Dear Assistant Minister

We have much pleasure in presenting to you the annual report of the Western Australia Fisheries Joint Authority (WAFJA) for the financial year ended 30 June 2018.

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

This report has been prepared in accordance with section 10 of the *Public Governance, Performance and Accountability Rule 2014*. We are satisfied that the Joint Authority agencies have in place appropriate fraud control mechanisms to meet our needs and comply with the guidelines relevant to this annual report.

We ask that you table the WAFJA report for the period 2017-2018 in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013* and subsection 70(1) of the *Fisheries Management Act 1991*.

Thank you for your consideration of this matter.

Yours sincerely

Dr Nick Rayns
Executive Manager Fisheries
Australian Fisheries Management
Authority

Heather Brayford
Deputy Director General Sustainability and
Biosecurity
Department of Primary Industries and
Regional Development, Western Australia

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1. Introduction

This is the twenty fourth annual report of the Western Australia Fisheries Joint Authority (WAFJA). This report details the activities undertaken during the period 1 July 2017 to 30 June 2018 and information on the status of the fisheries in the most recently available reporting period (2016/17).

The WAFJA has responsibility for the management of:

- Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery
- 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 and B provide the relevant arrangements under which the WAFJA is currently operating.

3. Members of the Joint Authority

The members of the WAFJA during the reporting period of 1 July 2017 to 30 June 2018 are provided in Table 1. The 2017 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

Tables 2 and 3 below present 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 (2017/18), one WAFJA meeting was held on 27 October 2017 to discuss matters relevant to the WAFJA. A record of this meeting is at [Attachment C](#). No decisions were made in the reporting period.

Table 1 – Members and nominated deputies of the WAFJA for the period 2017 – 2018

Role	Commonwealth	Western Australia
Member	Senator the Hon. Anne Ruston, Assistant Minister for Agriculture and Water Resources, (1 July 2016 – 30 June 2017)	The Hon. Dave Kelly, MLA; Minister for Water; Fisheries; Forestry; Innovation and ICT; Science (1 July 2017 – 30 June 2018)
Deputy	Dr Nick Rayns, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA)	Heather Brayford, Deputy Director General, Sustainability and Biosecurity, Department of Primary Industries and Regional Development, Western Australia.

Table 2. Species status and catch for the Western Australia Joint Authority Southern Demersal Gillnet and Demersal Longline Fishery.

Species	Status	Catch 2016/17 (t)
Gummy shark	Adequate	415
Dusky shark	Recovering	191
Sandbar shark	Recovering	9
Whiskery shark	Adequate	138
Other sharks and rays		156
Finfish		133
Fishing level	Acceptable	

Source: Status Reports of the Fisheries and Aquatic Resources of Western Australia 2017/18 (In Prep): The State of the Fisheries eds. D.J. Gaughan and K. Santoro, Department of Primary Industries and Regional Development, Western Australia

Table 3. 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 – 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.

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* 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 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) an Arrangement was entered into under section 12H(1) of the *Fisheries Act 1952* between the Commonwealth and the State of Western Australia in relation to the:
 - (i) Demersal Gillnet Fishery in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S 109 14 April 1988;
 - (ii) Demersal Longline Fishery in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S 109 14 April 1998;
- (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 Western Australia, 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 the State hereby arrange that the fishery in waters relevant to the State, 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”, south of Latitude 33° South for:

(a) all fish of the Class Osteichthyes (bony fish) and Class Chondrichthyes (cartilaginous fish) when the methods of demersal gillnets and lines of all kinds are used, other than:

- (i) handlines;
- (ii) troll lines;
- (iii) drop lines; and
- (iv) pelagic longlines used in accordance with the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act to permit the use of pelagic longlines for the taking of tuna and tuna-like species;

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 other fish taken by the methods provided for in paragraph (a) 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 and 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

Signed for and on behalf of the
State of Western Australia by the

Honourable DAVID PETER
BEDDALL, Minister for Resources

Honourable MONTAGUE GRANT
HOUSE, Minister for Fisheries

(DAVID PETER BEDDALL)
in the presence of

(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 B – 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

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

(DAVID PETER BEDDALL)
in the presence of

(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 C: 2017 Meeting Minutes

WESTERN AUSTRALIAN FISHERIES JOINT AUTHORITY

Minutes of 2017 meeting of the WAFJA

AFMA Office
73 Northbourne Ave
CANBERRA
27 October 2017

Attendance

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

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

Secretary: Rebecca Oliver – WA Fisheries

Observers: Gabrielle Miller (AFMA), Ian Curnow (NT), Bryan Boyle (NT), Scott Spencer (QLD), Stuart Curran (DAWR), Steve Bolton (AFMA)

Meeting opened 11:40 am

AGENDA

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

1. PROCEDURAL MATTERS

a) Identification of members

Nick Rayns identified himself 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 Western Australian Minister for Fisheries and therefore the other member of the Joint Authority (JA).

The Deputies appointed Rebecca Oliver (WA Fisheries) as the secretary for the meeting.

b) Confirmation of previous Minutes

The Minutes of the meeting of 21 September 2016 were tabled. Deputies confirmed and signed the Minutes as a true record (**Attachment 2**).

2. JOINT AUTHORITY NORTHERN SHARK FISHERY (JANSF)

Status of the JANSF

The WA Deputy tabled for information the most recent stock status information for the JANSF from the Status Reports of the Fisheries and Aquatic Resources which was for 2012/13 (**Attachment 3**), noting the JANSF remained inactive and therefore no recent reports of fishing activity were available.

Northern Shark Discussion Paper

The WA Deputy advised that a workshop was convened in early 2017 with the Western Australian Fishing Industry Council (WAFIC), industry representatives, AFMA and the Northern Territory (NT), to examine the costs, benefits and risks associated with reactivating the Northern Shark Fisheries. A copy of the key outcomes of the workshop is provided at **Attachment 4**. As a result of the workshop, commercial fishers undertook to develop a proposal to trial fishing in the JANSF for consideration by the Department of Fisheries (now the Department of Primary Industries and Regional Development). The WA Deputy advised that no proposal had been received to date. It was noted that any proposal to reactivate the fishery was likely to spark interest from conservation groups.

Future Jurisdictional Arrangements

It was noted that once longer term management arrangements had been settled, consideration could be given to single jurisdiction for the JANSF.

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

EPBC Assessment Matters

Proposed Threatened Species Listing for Hammerheads

The WA Deputy advised that WA had been involved in discussions with the Department of Environment and Energy (DoEE), NT and QLD in relation to the proposed threatened species listing for hammerheads. Advice from the Threatened Species Scientific Committee (TSSC) had been finalised and provided to the Minister for the Environment and Energy, the Hon Josh Frydenberg MP, on 29 September 2017. A decision is due by 9 February 2018.

If scalloped hammerheads were listed as Conservation Dependant, harvest would be allowed to continue. National non-detriment finding (NDF) limits of 200 tonnes (scalloped), 100 tonnes (great) and 70 tonnes (smooth) would apply for the Temperate Demersal Gillnet and Demersal Longline Fisheries (TDGDLF)¹ and the Northern Shark Fisheries (if re-activated).

If scalloped hammerheads were listed as endangered (great and smooth hammerheads may also be listed under lookalike provisions), export of these species would be prohibited. The WA Deputy advised this would potentially have implications for the TDGDLF that currently takes around 60 tonnes per annum of smooth hammerhead.

Wildlife Trade Operation (WTO) Export Approval and Part 13 Accreditation Condition in relation to Australian sea lions (ASL)

The TDGDLF was reaccredited under Part 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999* in August 2015, thereby providing WTO export approval (Part 13A accreditation) until 24 August 2018.

The Part 13 Conditions (Conditions) imposed by the Commonwealth Minister for the Environment require the implementation of an effective network of gillnet exclusion zones to protect foraging ASL. The previous WA Minister for Fisheries requested that the Commonwealth Minister reconsider the matter on the basis that the exclusions were disproportionate to the environmental risks posed to ASLs by the fisheries and did not take into account economic and social consequences, including compensation for the economic impacts.

The Commonwealth Minister recently advised that he supported exploring refined gillnet exclusion zones which would focus on individual colonies rather than a “one size fits all” approach².

An Expression of Interest had been submitted to FRDC for funding to examine the potential of remote cameras as a cost-effective option for monitoring ASL colonies in WA. The Commonwealth Deputy suggested that Dr Simon Goldsworthy (SARDI) be involved in future discussions and workshops.

¹The TDGDLF comprises the JASDGDLF and the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery.

² Following the meeting, the WA Deputy confirmed that all JASDGDLF vessels are required to have Automatic Location Communicators which would assist in managing the proposed exclusion zones.

Noting the revised approach and additional work being undertaken, an extension to the gillnet exclusion zone implementation date had been granted by the Commonwealth Minister until the end of June 2018.

Transition discussions

It was noted that Commonwealth Assistant Minister for Fisheries, the Hon. Anne Ruston had written to WA Minister for Fisheries (Minister Kelly) supporting the transition of the JA fisheries to WA jurisdiction. The WA Deputy advised Fisheries was working with AFMA on OCS amendments to transition JASDGSLF as a priority to WA's jurisdiction, and to develop a harvest strategy and catch sharing arrangements for shared shark and scalefish stocks.

Subject to Minister Kelly's approval, Fisheries will commence drafting a new WA Southern Demersal Gillnet and Demersal Longline Fishery Management Plan in respect of the amendments to the OCS.

Status of the JASDGDLF

The WA Deputy tabled for information the most recent stock status information for the JASDGDLF from the Status Reports of the Fisheries and Aquatic Resources for 2015/16 (**Attachment 5**).

It was noted that the stock status of dusky and sandbar sharks were assessed as "recovering". Gummy and whiskery sharks were assessed as "adequate". Fishing levels were assessed as "acceptable" across the fishery.

South Coast Open Access Gillnet Fishery

The WA Deputy re-iterated previous advice that the sub-114 millimetre mesh demersal gillnet fishery on the south coast remains an "open-access", unregulated JA fishery (given the OCS defines the activity as using demersal gillnets or longlines and the fishery management plan prescribes a mesh size of 114mm or greater, leaving a legislative 'gap' for demersal gillnets less than 114mm). It was anticipated that the sub-144 millimetre mesh demersal gillnet fishery would transition to WA jurisdiction along with the JASDGDLF, and that the OCS would be amended accordingly.

4. JOINT AUTHORITY ANNUAL REPORTING

2016/17 WAFJA Annual Report

The signed 2016/17 report was tabled by the WA Deputy for information.

5. OTHER BUSINESS

Records of Decision - State Marine Parks

Records of Decision relating to the application of the Lalang-garram/Camden Sound Marine Park to the JANSF, and the Ngari Capes Marine Park to the JASDGDLF, were signed by the State WAFJA member

on 10 November 2016 and the Commonwealth WAFJA member on 18 January 2017. Legislation is currently being drafted under the *Fish Resources Management Act 1994* to manage pelagic gillnet methods within the Lalang-garram/Camden Sound Marine Park, and demersal gillnet and demersal longline methods within the Ngari Capes Marine Park.

The WA Deputy advised that Records of Decision relating to the application of the Lalang-garram/Horizontal Falls Marine Park, the North Lalang-garram Marine Park and the North Kimberley Marine Park to the JANSF were signed by the State WAFJA member in August 2017 and had recently been signed by the Commonwealth WAFJA member. It was expected that these parks would be implemented during 2018 with a 12 month transition period for fishing prohibitions³.

6. NEXT MEETING

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

Meeting closed 11:55 am.

³ Once the zoning schemes for the marine parks are gazetted under the *Conservation and Land Management Act 1984*, complementary legislation will be made under the *Fish Resources Management Act 1994* to manage fishing in the marine parks. The fishing prohibitions will not take effect for 12 months to ensure that any current fishing licences can be used to their full extent after zones are gazetted.

