

Fisheries Management Act 1991
(Commonwealth)

Fisheries Act 1988
(Northern Territory)

**NORTHERN TERRITORY
FISHERIES JOINT AUTHORITY
ANNUAL REPORTS FOR THE PERIODS**

1 July 2013 to 30 June 2014

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

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Mr Ian Curnow, Executive Director of
Fisheries, Northern Territory
Department of Primary Industry and
Fisheries

**Deputy to the Commonwealth
Member,**

Senator the Hon. Richard Colbeck,
Parliamentary Secretary to the
Minister for Agriculture

**Deputy to the Northern Territory
Member,**

The Hon. Willem R. Westra van
Holthe, Northern Territory Minister for
Primary Industry, Fisheries and
Resources

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Contents

1. Introduction4

2. Enabling legislation.....4

3. Report on the status of fisheries managed by the Joint Authority4

4. Report on activities of the Joint Authority during the reporting period.....6

Attachment A - Excerpt of the Northern Territory Government Gazette of
February 1995.....7

Attachment B - 2013 meeting of the NTFJA including record of decisions10

1. Introduction

This is the twenty third annual report of the Fisheries Joint Authority. This report details the activities undertaken during the period 1 July 2013 to 30 June 2014 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 (including the former Finfish Trawl 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. 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 Regional Development, Primary Industry, Fisheries and Resources (DRDPFR), now referred to as the Department of Primary Industries and Fisheries (DPIF).

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:

<http://www.nt.gov.au/d/Fisheries/?Header=Fishery%20Status%20Reports>

...and in the Status of Key Australian Fish Stocks Reports at:

http://www.fish.gov.au/pages/safs_report.aspx

The **Demersal Fishery** (including the previous **Finfish Trawl Fishery**) targets mainly gold-band snappers (*Pristipomoides spp.*) and red snappers (*Lutjanus malabaricus*, *L. erythropterus*) (Table 1). Red emperor (*L. sebae*) 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 gold-band 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.

Table 1 - Commercial catches of fin fish from 2008-2013. *Note figures for 2013 are preliminary

Species/stock	Fishery	2008	2009	2010	2011	2012	2013 preliminary
Goldband snappers	DF/FTF	140(DF) 46(FTF)	279(DF) 31(FTF)	92(DF) 32(FTF)	252(DF) 62(FTF)	217	332*
	TR	496	410	470	347	365	352*
Red snappers (<i>L malabaricus</i> , <i>L erythropterus</i>)	DF/FTF	106(DF) 851(FTF)	181(DF) 813(FTF)	92(DF) 846(FTF)	163(DF) 779(FTF)	1641	1852*
	TR	313	264	356	273	212	281*
Group (other) species	DF/FTF	22(DF) 307(FTF)	45(DF) 270(FTF)	24(DF) 194(FTF)	83(DF) 197(FTF)	370	446*
	TR	81	59	82	95	139	164*
Blacktip sharks (<i>C tilstoni</i> , <i>C limbatus</i>)	ONLF	323	371	342	217	356	94*
Blacktip sharks (<i>C sorrah</i>)	ONLF	111	86	127	83	75	21*
Grey mackerel (<i>S. semifasciatus</i>)	ONLF	224	457	401	423	347	368*
Other shark spp	ONLF	390	336	332	426	294	88*
Other <u>non</u> -shark spp	ONLF	21.5	31.3	35.4	46.2	42	29*

DF- Demersal Fishery (includes finfish trawl fishery FTF from 2012); TR- Timor Reef Fishery; ONLF- Offshore Net and Line Fishery, * 2013 Preliminary figures only

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

Species/stock	Stock Status
Goldband snappers (DF/FTF/TR)	Sustainably fished (2012)
Red snappers (<i>L erythropterus</i>) (DF/FTF/TR)	Sustainably fished (2012)
Red snappers (<i>L malabaricus</i>) (DF/FTF/TR)	Sustainably fished (2012)
Blacktip sharks (<i>C tilstoni</i> , <i>C limbatus</i> , <i>C sorrah</i>) (ONLF)	Sustainably fished (2011)
Grey Mackerel (ONLF)	Sustainably fished (2011)

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

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.

According to the Status of Key Australian Fish Stocks Report 2012, 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 [Fishery Status Reports](#) and in the [Status of Key Australian Fish Stocks Reports](#).

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 2013 meeting minutes and decision record. The Commonwealth and Territory members of the NTFJA for the 2013/14 reporting period, along with the deputies for both members, are listed in Table 3.

Table 3 – NTFJA Members and deputies for the period 2013/14

Role	Commonwealth	Northern Territory
Member	<p>Senator the Hon. Joe Ludwig, Commonwealth Minister for Agriculture, Fisheries and Forestry, (1 July 2013 – 18 September 2013)</p> <p>Senator the Hon. Richard Colbeck, Parliamentary Secretary to the Minister for Agriculture, (18 September 2013 – 30 June 2014)</p>	<p>The Hon. Willem Westra Van Holthe MLA, NT Minister for Primary Industry, Fisheries and Resources (1 July 2013 – 30 June 2014)</p>
Deputy	<p>Dr Nick Rayns, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA)</p>	<p>Mr Ian Curnow, Executive Director of Fisheries, Department of Primary Industry and Fisheries, Northern Territory</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 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;
- (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 - 2013 meeting of the NTFJA including record of decisions

MEETING OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

30 October 2013
Lincoln Marine Science Centre
Port Lincoln, SA

RECORD OF DECISIONS

Attendance

Members:

Deputy for the Australian Government
Minister for Agriculture, Fisheries & Forestry
Dr Nick Rayns

Deputy for the Northern Territory Minister for
Primary Industry and Fisheries
Mr. Ian Curnow

Secretary
Dr Bryan McDonald (NT DPIF)

Observers:

Andrew Thwaites (QDAFF)
Fiona Hill (AFMA)
Tim Karlov (DAFF)
Shalan Bray (DAFF)
Lindsay Joll (WA FISH)
Heather Brayford (WA FISH)

Nick Rayns (Chair) opened the meeting at 12:30pm.

1. PROCEDURAL MATTERS

Officials of the Commonwealth and NT Fisheries met on 30 October 2013 to discuss current issues relevant to the NTFJA. Details of the discussion and recommendations below from the meeting are detailed.

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. Dr Bryan McDonald (NT DPIF) acted as the secretary to the NTFJA in Mr David McKey's absence. 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 7 December 2012

The Record of Decisions arising from the NTFJA meeting of 7 December 2012 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

The Northern Territory delegate provided a summary of the Timor Reef Fishery to members and observers as follows.

The Timor Reef Fishery Regulations to introduce Individual Transferable Quota into the management arrangements of the fishery commenced on 1 February 2011.

A Memorandum of Understanding between AFMA, NT Police and NT Fisheries was signed January 2012 ensuring effective compliance of the quota arrangements in the TRF. AFMA undertakes day to day compliance activities related to the TRF on behalf of the NT Police via an agreed 'fee for service' arrangement.

Members noted no significant decision rule triggers have been met to date this year. Triggers to initiate further data collection had been met and research/monitoring programs established according to the decision framework as a result.

2.1.2 Demersal Fishery

The Northern Territory delegate provided a summary of the Timor Reef Fishery to members and observers as follows.

The management arrangements of this fishery were restructured in 2012 with the implementation of an Individual Transferable Quota system to allow for better utilisation of the resources, particularly the red snapper component.

Members noted the objectives of the NTFJA relating to better utilisation of fish stocks, particularly red snappers are being achieved.

A Memorandum of Understanding between AFMA, NT Police and NT Fisheries came into effect mid- 2012. AFMA undertakes day to day compliance activities related to the DF on behalf of the NT Police via an agreed 'fee for service' arrangement.

NT Fisheries monitors the recorded harvests from the fishery to ensure that the appropriate management action is taken when reference triggers as detailed in the Decision Rules are met. Members noted no significant decision rule triggers have been met to date this year. Triggers to initiate further data collection had been met and research/monitoring programs established according to the decision framework as a result.

2.1.3 Offshore Net & Line Fishery

Members noted the information provided in the background paper and outcomes in relation to a major review of future management and research directions for shark fisheries. The intent and likely timeline of that review was discussed and noted with the Deputy for the Australian Government noting the importance for ongoing dialogue regarding progress and outcome.

2.2 Discussion to proposal to explore development of a Regional (GOC) Joint Authority structure to accommodate effective management of shared stocks.

The proposal to develop a regional structure to shared stock management, was discussed in 2012 and supported by the Joint Authority. An update was provided by the NT delegate during the 2013 meeting outlining some key concerns arising from the NT seafood industry – particularly around timing and process uncertainty.

Members noted that concern and reiterated that the concept represented a positive way forward and shows a commitment to working across jurisdictions to reduce regulatory burden and manage stocks across boundaries.

Members provided in principle support for the development of a single joint authority management framework for the Gulf of Carpentaria to accommodate management of shared stocks as an important pilot case for how further frameworks could improve collaboration. Members also reiterated in principle support for the development of a harvest strategy framework for Red snappers (and associated finfish) in the Gulf of Carpentaria as an ideal pilot case.

3. OTHER BUSINESS

Ian Curnow provided information to the meeting indicating that discussions will be held between DOR and AFMA relating to potential for VMS services to be provided by AFMA for selected NT 'inshore' fisheries. AFMA indicated they would be amenable to provision of VMS discussions when initiated.

4. NEXT MEETING

Members agreed the next meeting of the NTFJA would be held in conjunction with NAFC 2014.

5. CLOSE

The meeting concluded at 12:25.

Dr Nick Rayns

Executive Manager, Fisheries
Australian Fisheries Management
Authority

Deputy for the Australian
Government Minister for Agriculture,
Fisheries and Forestry

Northern Territory Fisheries Joint
Authority

Mr Ian Curnow

Executive Director of Fisheries

Deputy for the Northern Territory
Minister for Primary Industry,
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