

**Northern Territory Fisheries Joint Authority**

**Report for the period**

**1 January 1995**

**to**

**30 June 1995**

Commonwealth of Australia 1997

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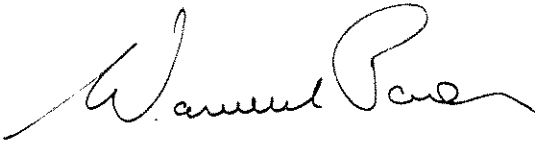
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*FISHERIES MANAGEMENT ACT 1991*  
(COMMONWEALTH)

*FISHERIES ACT*  
(NORTHERN TERRITORY)

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY  
REPORT OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY  
FOR THE PERIOD 1 JANUARY 1995 TO 30 JUNE 1995



Senator The Hon Warwick Parer  
Commonwealth Minister for  
Resources and Energy  
Parliament House  
CANBERRA ACT 2600



Hon Michael James Palmer  
Northern Territory Minister  
for Primary Industry and  
Fisheries  
Parliament House  
DARWIN NT 0800

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## 1. Introduction

This, the eighth report of the Northern Territory Fisheries Joint Authority (NTFJA), outlines the functions and activities undertaken throughout the period 1 January 1995 to 30 June 1995. The reporting period recognises a change in the reporting format, from a calendar to a financial year.

The inaugural Northern Territory Fisheries Joint Authority was established on 14 February 1983, under the then Commonwealth legislation (*Fisheries Act 1952*) for the cooperation between the Commonwealth and the Northern Territory in the management of fisheries. The NT Pearl Oyster Fishery was brought under JA jurisdiction by Offshore Constitutional Settlement, signed in 1987.

The *Fisheries Management Act 1991* provides for the Commonwealth and States including Northern Territory to establish Joint Authority fisheries comprising the relevant Commonwealth and State or Territory Ministers. Part VI of the Northern Territory *Fisheries Act* envisages the formation of such a Joint Authority.

Further arrangements, provided by OCS, were introduced on 3 February 1995. These new arrangements resulted in the legislative responsibility for the Pearl Oyster Fishery being conferred to the Northern Territory Government. The arrangements also conferred responsibility for the management of the Northern Demersal and Timor Reef Fishery (licensed separately as the Demersal Finfish Fishery and Timor Reef Fishery), the Shark Fishery and the Finfish Trawl Fishery, in waters adjacent to the Northern Territory, to the NTFJA. Management is in accordance with the laws of the Northern Territory *Fisheries Act*.

This arrangement was published in the Australian Government Gazette of 1 February 1995 and the Northern Territory Gazette of 1 February 1995 (No S7, 1 February 1995). A copy of this arrangement is provided in Appendix 1.

## 2. Members of the Joint Authority

The members of the Northern Territory Fisheries Joint Authority for the reporting period are:

Hon David Peter Beddall, MP  
Commonwealth Minister for Resources

Hon Michael James Palmer  
Northern Territory Minister for Primary Industry and Fisheries

Deputies for the NTFJA are:

For the Commonwealth Minister -  
Mr Richard Stevens  
Managing Director  
Australian Fisheries Management Authority

The person occupying the position number 14345 in the Commonwealth Department of Primary Industries and Energy.

For the Northern Territory Minister -  
Mr Darryl Grey  
Director of Fisheries  
Department of Primary Industry and Fisheries

Secretary to the NTFJA for this reporting period was Mr Peter Blake, CEO of the NT Department of Primary Industry and Fisheries.

### **3. Functions and Powers of the Northern Territory Fisheries Joint Authority**

The Northern Territory *Fisheries Act* provides for the functions of Joint Authority's Section 78 of the *Commonwealth Fisheries Management Act* 1991 provide similar provisions. In brief the Joint Authority:

“has the function of keeping constantly under consideration the condition of the fishery, formulating policies and plans for the good management of the fishery, and for the purposes of the management of the fishery exercising the powers conferred on it by this Act (Northern Territory *Fisheries Act*) and co-operating and consulting with the other authorities including other Joint Authorities within the meaning of the Commonwealth Act, in matters of common concern.”

The NTFJA has the following objectives in the performance of its functions:

- (a) ensure through proper conservation, preservation and fisheries management measures, the living resources of the waters to which the Act applies are not endangered or over exploited; and
- (b) achieving the optimal utilisation and equitable distribution of those resources.

Responsibility for the management of the recreational fisheries resides with the Northern Territory Department of Primary Industry and Fisheries.

## **4. Meetings of the Northern Territory Fisheries Joint Authority**

A meeting of the Northern Territory Fisheries Joint Authority was not convened throughout the reporting period. All Joint Authority activities were conducted by written correspondence. The activities of the NTFJA centred on implementing the licensing and administrative arrangements arising from the negotiations of the Offshore Constitutional Settlement, which were finalised on 1 February 1995.

## **5. Condition of the Fishery**

### **Pearl Oyster Fishery**

The details provided about the condition of the Pearl Oyster Fishery is for the period from the commencement of this report, that is 1 January 1995, until legislative responsibility was conferred to the Northern Territory Government on 3 February 1995.

Distribution information relating to stocks of pearl oysters accessible by this Fishery is limited. However, a precautionary approach to harvesting has been adopted in the management of this Fishery, with such an approach supported by industry members, until further details are known about this Fishery.

An annual allocated catch (AAC) is used as a key management tool. The AAC was set at 120,000 shells for the 1995 licensing year that ends on 30 June 1995.

No harvesting activity took place during the period 1 January 1995 to 3 February 1995, although reduced harvesting activity for the licensing year to date took place, compared to the level observed throughout the previous licensing years, due to:

- diving safety issues
- patchy distribution of wildstock shell
- increased reliance on hatchery reared pearl oysters for farming operations

### **Shark Fishery**

The condition of the Fishery can be considered given previous catch trends, sustainable yield estimates and associated research undertaken for the Northern Shark Fisheries.

Catch and effort data have been provided by the Taiwanese Gill Net Fishery operating throughout Northern Australia. Significant declines in catch trends became evident. However, such declines were observed after catch rates peaked at about 10,000 tonnes in the late 1970's.

It was for these reasons, and interests by Australians in participating in the Fishery, that an assessment of the status of select northern shark species was undertaken as a cooperative program by the then Commonwealth Department of Primary Industries and the Governments of Northern Territory, Western Australia and Queensland. This cooperative study, which began in 1982, suggested a sustainable yield of some 2400

tonnes for the then Commonwealth Fishery and 1500 tonnes for the NT Fishery in the coastal region for two species of black-tip shark (*Carcharhinus tilstoni* and *C. sorrah*).

Recorded commercial landings throughout the reporting period are considerably below this level.

Further evaluations of yield estimates, undertaken at the 1992 Joint Australian-Indonesian Workshop on the Arafura Sea Fisheries and a follow-up Workshop in 1994, proved inconclusive due to inconsistency in the practices and procedures for data collection.

Available data, including genetic studies and tagging programs, suggest a single stock of blacktip shark throughout northern Australia. It is likely that there is some interaction with the Indonesian Fishery targeting these species, however, the extent of mixing has not been quantified.

Biological details about other sharks and mackerel species taken by pelagic gill net is limited.

Sharks also comprise an incidental landing of coastal and inshore net , line fisheries and the Northern Prawn Fishery.

### **Demersal Finfish Fishery**

Estimates of sustainable yields for demersal finfish have been established from catch trends gathered from previous foreign fishing and joint venture arrangements, observers' reports, and logbook details. International fishing operations concluded in 1990, after some twenty years operation by Taiwanese, Thai and Chinese fleets, following increased interest by Australian participants to operate in this region.

Assessment of the Fishery, including yield estimates for Northern Australia's demersal fisheries, began in the 1990's by CSIRO and the NT Department of Primary Industry and Fisheries. Further refinement of yield estimates was undertaken in 1992 following fish aging and "effective fishing area" of trawl survey studies. Available research details were considered at the Joint Australian - Indonesian Workshop on the Arafura Sea Fisheries convened in 1992 and a follow-up Workshop in 1994. Estimated yields for red snapper within Australia's component of the Arafura Sea and the Gulf of Carpentaria are 3700-6800t and 2900 to 9000t respectively.

Details on the stock structure and composition throughout the Arafura Sea and Timor Sea, including both Australia's and Indonesia's components, is incomplete at this time. The extent of sharing, migration of the fisheries' resources has not been determined.

On the basis of available information, current harvest levels are not considered to represent a threat to the sustainability of the fisheries resources of this region.



## 6. Management Arrangements

Management of the Pearl Oyster Fishery is achieved by way of licence controls and an "Annual Allocated Catch", whereby a ceiling of 120,000 pearl shells is applied to the annual total harvest of wildstock oysters. In addition, a limit has been placed on the total number of culture licences issued. To assist in the management of the Pearl Oyster Fishery, the Northern Territory Pearl Industry Advisory Committee (NTPIAC) was appointed. Throughout the period 1 January 1995 to 3 February 1995, NTPIAC comprised a representative from each of the licensees, a representative from the Australian Fisheries Management Authority and the Northern Territory Department of Primary Industry and Fisheries. Chairman functions of the NTPIAC were provided by Mr Darryl Grey (NTDPIF), Mr Nick Paspaley (Paspaley Pearls Pty Ltd) as Deputy Chairman, with Secretariat services provided by Ms Rosemary Lea (NTDPIF). A complete list of members is provided at Appendix 2.

In general, the arrangements implemented by the NTFJA, in managing fisheries resources in which it maintains jurisdictional responsibilities, have regard for the management interventions in place immediately prior to the introduction of the Offshore Constitutional Settlement (OCS)

Inherent with the introduction of OCS arrangements for fisheries matters is the recognition of pre-existing commercial activities. Specifically, the NTFJA has recognised, in legislation, that a pre-existing access entitlement is a prerequisite for the issue of a licence entitling the holder to participate in its commercial fisheries.

The NTFJA, in implementing management arrangements under Territory law, has determined to issue fully transferable "unrestricted" licences, or alternatively, a "restricted" licences for specific fisheries. The holders of "restricted" licences must satisfy pre-determined management criteria prior to undertaking the transfer of the access entitlement. Such an approach has been implemented for the Northern Shark and Timor Reef Fisheries given concerns about excess fishing capacity, evident as latent effort. Legislative arrangements for the Northern Shark Fishery only allow the trading of licences amongst existing authorised operators. An operator, once obtaining a licence for each of three zones; that is the Coastal, Arafura Zone and Gulf of Carpentaria Zone, is to be issued a fully transferable licence. Arrangements for restructuring the Fishery were introduced given the excess fishing capacity provided under the pre-existing management regime.

The Demersal Fishery allows permanent transfers of licences on a 1 for 1 basis.

The NTFJA has issued a single licence in recognition of the pre-existing fish trawling operations to continue within specified areas. Management measures, for fish trawling, under the Northern Territory *Fisheries Act* and Regulations mirror those provided by permit conditions formerly issued by the Australian Fisheries Management Authority.

Complete details about the level of commercial participation together with the management arrangements implemented for NTFJA fisheries are provided in Appendix 3.

## **7. Fisheries Monitoring, Research, Surveillance and Enforcement**

A range of duties and functions are coordinated by the Northern Territory Department of Primary Industry and Fisheries(NTDPIF) on behalf of the Northern Territory Joint Authority(NTFJA). Specifically, the NTDPIF has established, and continues to maintain, catch and effort information from all active commercial fishers operating in NTFJA fisheries. It is from such information, together with available research data, that the condition of the fishery is kept constantly under consideration.

Surveillance and enforcement functions for NTFJA fisheries are conducted by the Marine and Fisheries Enforcement Unit of the Northern Territory Police, as part of their ongoing tasks in fisheries matters. Operationally, surveillance activities for NTFJA fisheries have been by way of in port inspections with some aerial surveillance undertaken as an adjunct to other activities. Commercial participants continue to demonstrate a high level of self regulation in recognising regional fishing boundaries.

## **8. Financial Arrangements**

No revenue was received by the NT DPIF, on behalf of the NTFJA, for licences for the period 1 February 1995 to 30 June 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(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 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(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 the Territory in relation to the:
  - (i) Pelagic Fishery, published in the Commonwealth of Australia Gazette No. S109 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. 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 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) 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 that power or of bringing the appointment or instrument into effect;
- (l) subsection 64(2) of the *Fisheries Act 1988* of the Territory (the Territory Act) empowers the Territory to terminate an arrangement under Part 5 of the Management Act;
- (m) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with a State or States represented on a Joint Authority that the Joint Authority is to have the management of a particular fishery in waters relevant to that State or any of those States;
- (n) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, section 71 is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;

- (o) subsection 64(1) of the Territory Act as amended by section 37 of the *Fisheries Amendment Act 1994* of the Territory empowers the Territory to make an arrangement under Part 5 of the Management Act;
- (p) both the Commonwealth and the Territory are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the Territory Act and of all other 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 (1) 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 fishes) 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 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 19th 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  
Northern Territory by the  
Honourable MICHAEL JAMES PALMER  
Minister for Primary Industry and Fisheries

in the presence of  
P. STEVEN

in the presence of  
A. R. SPRIGG

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 24th January 1995.

By His Excellency's command  
D. P. BEDDALL  
Minister for Resources

B. HAYDEN  
Governor-General

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1988*, hereby approve this instrument.

Given under my hand this 12th day of January, 1995.

By his Honour's command  
M. J. PALMER  
Minister for Primary Industry and Fisheries

K. J. A. ASCHE  
Administrator

ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE NORTHERN TERRITORY IN RELATION TO THE DEMERSAL AND TIMOR REEF 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(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 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(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(4) between the Commonwealth and the Territory in relation to the Demersal Fishery except with the use of trawl nets and demersal longlines, 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 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 Arrangement referred to in paragraph (e) of this Arrangement was 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) 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 that power or of bringing the appointment or instrument into effect;
- (l) subsection 64(2) of the *Fisheries Act 1988* of the Territory (the Territory Act) empowers the Territory to terminate an arrangement under Part 5 of the Management Act;
- (m) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with a State or States represented on a Joint Authority that the Joint Authority is to have the management of a particular fishery in waters relevant to that State or any of those States;
- (n) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, section 71 is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (o) subsection 64(1) of the Territory Act as amended by section 37 of the *Fisheries Amendment Act 1994* of the Territory empowers the Territory to make an arrangement under Part 5 of the Management Act;
- (p) both the Commonwealth and the Territory are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the Territory Act and of all other powers so enabling, it is mutually arranged as follows:

1. The Arrangement entered into between the Commonwealth and the Territory as referred to in paragraph (e) of the recitals to this Arrangement is, pursuant to subsection 75(1) 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 the 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", on the seaward side of a line measured 15 nm from low water mark for:

(a) all fish of the Class Osteichthyes (bony fishes) using any fishing method, excluding tuna and tuna-like fish of the following species-

- (i) *Thunnus albacares* (Yellowfin tuna)  
*Thunnus maccoyii* (Southern bluefin tuna)  
*Thunnus obesus* (Bigeye tuna)  
*Thunnus tonggol* (Longtail tuna)  
*Thunnus alalunga* (Albacore tuna)  
*Thunnus thynnus* (Northern bluefin tuna)  
*Katsuwonus pelamis* (Skipjack tuna);

(ii) fish of the families Istiophoridae and Xiphiidae (billfish);

(iii) fish taken as bait (dead or alive) by a person for his or her own use in the exercise of a fishing concession granted by the Australian Fisheries Management Authority under the Management Act to take tuna and tuna like fish of those species;

but excluding fish to which this paragraph otherwise would apply taken in the exercise of a right in relation to another fishery conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act;

(b) all fish of the Class Chondrichthyes (cartilaginous fishes) 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 Northern 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 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 19th 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  
Northern Territory by the  
Honourable MICHAEL JAMES PALMER  
Minister for Primary Industry and Fisheries

in the presence of  
P. STEVEN

in the presence of  
A. R. SPRIGG

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 24th January, 1995.

By His Excellency's command  
D. P. BEDDALL  
Minister for Resources

B. HAYDEN  
Governor-General

I, KEITH JOHN AUSTIN ASCHE , the Administrator of the Northern Territory of Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1988*, hereby approve this instrument.

Given under my hand this 12thday of January, 1995.

By His Honour's command  
M. J. PALMER  
Minister for Primary Industries and Fisheries

K. J. A. ASCHE  
Administrator

**Appendix 2:**

**NORTHERN TERRITORY PEARL INDUSTRY ADVISORY COMMITTEE**

**MEMBERSHIP**

**1 JANUARY 1995 TO 3 FEBRUARY 1995**

**CHAIRMAN:**

Mr D Grey (NT Department of Primary Industry and Fisheries)

**DEPUTY CHAIRMAN:**

Mr N Paspaley (Paspaley Pearls Pty Ltd)

**MEMBERS:**

Vacant (Australian Fisheries Management Authority)

Mr K Male (Toomebridge Pty Ltd)

Mr S Arrow (Arrow Pearls Pty Ltd)

Mr G Lucas (Tiwi Pearls Pty Ltd)

Mr A Garraway (South Seas Pearls Pty Ltd)

**SECRETARIAT:**

Mrs R Lea (NT Department of Primary Industry and Fisheries)

### Appendix 3: NTFJA Fishery Management Arrangements and Yield Estimates

Please note that the details outlined below provide a general summary of the management arrangements only and should not be relied upon as a complete description of all legislative requirements. The Northern Territory Fisheries Act and Regulations provide precise information about legislative arrangements implemented for the Fisheries nominated.

Fishery	No of Restricted Licences	No of Unrestricted Licences	Management Regime	Sustainable Yield Estimates	Landings (1 Jan 1995 to 30 Jun 1995)
Pearl	n/a	5	Licence restrictions Annual allocations of total catch by licensee	120,000 oysters/year	Nil
Shark Coastal Arafura Gulf of Carpentaria	17 13 9	- - -	Effort Controls Restriction of the total number of licences issued 2500 metres of net mesh size 150 mm to 250 mm Longline to 20 nautical miles	3900 tonnes for Northern Australia	Black Tipped shark 165 t Sharks (other than Blacktip) 36 t Mackerel 32 t
Demersal	Not Applicable	60	Effort Control Restriction of the total number of licences issues Vertical Lines with a maximum of 5 hooks Droplines with 6-40 hooks Transferability on purchase and amalgamation of two restricted licences Must hold a Demersal Licence Restrictions on the possession of sharks and mackerels	Red Snapper - up to 10, 000 tonnes	Golden Snapper 15 t Gold Band Snapper 8 t Red Snappers 3 t Tuna 4t Cods 2 t Red Emperor 2 t Other Reef Fish 4 t
Timor Box	20	1	Effort Control Restriction of the total number of licences issues Vertical Lines with a maximum of 5 hooks Droplines with 6-40 hooks Transferability on purchase and amalgamation of two restricted licences Must hold a Demersal Licence Restrictions on the possession of sharks and mackerels	Gold Band Snapper - 400-1000 tonnes	Gold Band Snapper 84 t Cods 4 t Red Snappers 5 t Red Emperor 4 t
Fish Trawl	1	Not Applicable	Effort Controls Access restricted to a single licence holder Non Transferable licence	Refer to Demersal Fishery estimates	Confidentiality provisions precludes release of landing details



