

NORTHERN TERRITORY FISHERIES
JOINT AUTHORITY

REPORT FOR PERIOD

1 July 1998
to
30 June 1999

Commonwealth of Australia 1999

ISSN 1033-9574

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part maybe reproduced by any process without written permission.

Published by;

Australian Fisheries Management Authority
CANBERRA

Compiled by

Ray Clarke
Aquatic Resources Manager
Department of Primary Industry and Fisheries
DARWIN NT 0801

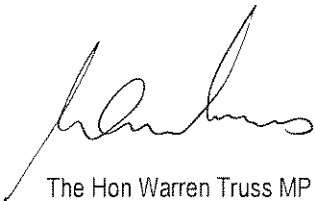
*FISHERIES MANAGEMENT ACT 1991
(COMMONWEALTH)*

*FISHERIES ACT 1988
(NORTHERN TERRITORY)*

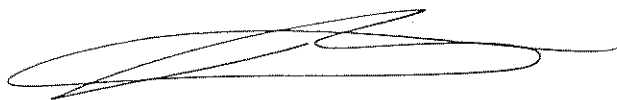
NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

REPORT OF THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

FOR THE PERIOD: 1 JULY 1998 TO 30 JUNE 1999



The Hon Warren Truss MP
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA



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

Contents

	Page No.
1. Introduction	1
2. Members of the Joint Authority	1
3. Functions and Powers of the Northern Territory Fisheries Joint Authority	2
4. Meeting of the Northern Territory Fisheries Joint Authority	3
5. Advisory Committees	3
6. Condition of the Fisheries	4
7. Management Arrangements	7
8. Fisheries Monitoring, Research, Surveillance and Enforcement	8
9. Financial Arrangements	10
Annex A: Northern Territory Government Gazette	
Annex B: Record of Decisions of the Northern Territory Fisheries Joint Authority	

1. Introduction

This, the twelfth annual report of the Northern Territory Fisheries Joint Authority (NTFJA), details the functions and activities undertaken throughout the period 1 July 1998 to 30 June 1999.

The NTFJA provides for the Commonwealth and the Northern Territory to jointly manage certain fisheries and other aquatic resources in water adjacent to the NT. At the Premiers Conference of June 1979, the Commonwealth, States and the Territory agreed on the need for a formal framework to resolve a range of contentious and complex offshore constitutional issues. Prior to this time, State laws generally applied inside 'territorial limits' consisting of the outer limit of the 3 nautical mile territorial sea, and Commonwealth laws beyond. The Offshore Constitutional Settlement (OCS) provides a framework for the States/Territory to either manage fisheries resources in all adjacent waters, or pass management responsibility to the Commonwealth, or alternatively, for the Commonwealth and the Territory to come together and jointly manage a fishery.

On 3 February 1995, the Northern Territory Fisheries Joint Authority, subject to the provisions of the *Fisheries Management Act 1991* and the *Fisheries Act 1988*, assumed responsibility for the management, in waters adjacent to the Northern Territory, of the:

- Demersal fishery;
- Finfish trawl fishery;
- Timor Reef fishery; and,
- Shark fishery.

Management is achieved under the Northern Territory *Fisheries Act 1988*.

The Arrangement between the Commonwealth of Australia and the Northern Territory, published in the Australian Government Gazette of 1 February 1995 and the Northern Territory Gazette of 1 February 1995 (No. S7, 1 February 1995) provides the jurisdictional arrangements necessary for the operation of the NTFJA. A copy of this Arrangement is provided at Annex A.

2. Members of the Joint Authority

The members of the NTFJA are:

Senator The Hon Warwick Parer
Commonwealth Minister for Resources and Energy
(1 July 1998 to 20 October 1998)

The Hon Mark Vaile MP
Commonwealth Minister for Agriculture, Fisheries and Forestry
(21 October 1998 to 30 June 1999); and,

The Hon Michael James Palmer
Northern Territory Minister for Primary Industry and Fisheries
(1 July 1998 to 30 June 1999).

Deputies for the NTFJA are:

For the Commonwealth Minister –

Mr Richard Stevens
Managing Director
Australian Fisheries Management Authority (AFMA)
(1 July 1998 to 6 November 1998)

Mr Frank Meere
Acting Managing Director
AFMA
(10 November 1998 to 30 June 1999)

Mr Glenn Hurry
Assistant Secretary
Commonwealth Department of Agriculture, Fisheries and Forestry (AFFA)
(1 July 1998 to 30 June 1999)

For the Northern Territory Minister -

Mr David Hall
Director of Fisheries
Northern Territory Department of Primary Industry and Fisheries (NTDPIF)
(1 July 1998 to 24 May 1999)

Dr Nicholas Rayns
Acting Director of Fisheries
NTDPIF
(24 May 1999 to 30 June 1999)

A Fisheries Management Officer with the Northern Territory Department of Primary Industry and Fisheries (NTDPIF) provided secretariat services to the NTFJA.

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

Section 62 of the *Fisheries Management Act 1991* together with Section 66 of the Northern Territory *Fisheries Act 1988* provides for the function of the NTFJA, viz:

“ 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 the 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 Commonwealth Act also provides that in undertaking these functions, the Joint Authority must pursue the objectives of –

(a) *implementing cost-effective fisheries management; and,*

- (b) *ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle, in particular the need to have regard to the impact of fishing activities on non-target species and the marine environment; and,*
- (c) *maximising economic efficiency in the exploitation of fisheries resources; and,*
- (d) *ensuring accountability of the fishing industry and to the community generally in its management of fisheries resources.*

The Northern Territory *Fisheries Act 1988* provides that the Authority must pursue the objectives of –

- (a) *ensuring, through proper conservation, preservation and fisheries arrangement measures, that 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.*

Management of the recreational component of NTFJA fisheries resides with the NTDPIF.

4. Meetings of the Northern Territory Fisheries Joint Authority

The NTFJA met on two occasions throughout the reporting period.

The key issues considered by the NTFJA include a request for the issuance of an additional shark fishery licence; a vessel replacement policy for the Gulf of Carpentaria shark fishery; consideration of the transferability of the single finfish trawl fishery licence and the revocation of a Regulation precluding new entrants from acquiring three restricted shark fishery licences necessary for the issuance of an unrestricted licence.

Decisions made by the NTFJA are provided in Annex B.

5. Advisory Committees

The Northern Territory *Fisheries Act* provides for stakeholder involvement in the formulation of management arrangements and advising the Director of Fisheries on operational arrangements through the appointment of Fishery Management Advisory Committees (FMACs).

Members of the Shark Fishery Management Advisory Committee (SharkFMAC) were appointed in early 1993.

In March 1999, the Northern Territory Minister for Primary Industry and Fisheries repealed all appointments to the Demersal Fishery Management Advisory Committee (DemersalFMAC), as most of the original members had stood down. At that time, a call for nominations for appointment to the DemersalFMAC was made to the industry association. No nominations have been received.

Membership to the Timor Reef Fisheries Management Advisory Committee (TimorFMAC) was confirmed in May 1999.

Meetings of the Fishery Management Advisory Committees are convened on an “as needs” basis. No meetings of the Fishery Management Advisory Committees, appointed for NTFJA fisheries, were convened throughout the reporting period.

6. Condition of the Fisheries

The demersal fisheries resources are harvested by operators in three separately managed fisheries; the Timor Reef fishery, demersal fishery and the finfish trawl fishery.

Timor Reef Fishery

The Timor Reef fishery operates in a remote region to the north and northwest of Darwin to the outer limit of the Australian Fishing Zone (AFZ). The key fish species landed by commercial operators are goldband snapper (*Pristipomoides sp.*), red snappers (*Lutjanus malabaricus* & *L. erythropterus*) and cods (*Epinephelus sp.*). Commercial operators again experienced erratic catch rates in concert with unseasonal water temperatures. The link between water temperatures and catch rates is unknown.

Demersal Fishery

Access has been granted to sixty operators to participate in the demersal fishery. The demersal fishery operates in waters seaward of 15 nautical miles (nm) from the shore to the outer limit of the AFZ, other than in the area of the Timor Reef fishery. Little commercial activity has been evident since the declaration of this fishery in 1995.

Finfish Trawl Fishery

A single trawl operator continues to harvest demersal finfish in offshore waters adjacent to the Northern Territory, to the east of Darwin and includes the northern region of the Gulf of Carpentaria. The principal species landed are red snappers (*L. malabaricus* & *L. erythropterus*).

History

The demersal fish resources of northern Australia have been commercially explored by Japanese stern trawlers during 1959-1963, and extensively fished by Taiwanese pair trawlers from 1971 to 1990. In addition, stern trawlers operated in the Arafura Sea during 1985-1990 whilst Chinese pair trawlers operated in the Timor Sea in 1989. Feasibility studies by Japanese vessels using droplines saw substantial landings throughout 1975-1982 within the Timor Reef region.

With the passage of the revised jurisdictional arrangements contained in the Offshore Constitutional Settlement (OCS) of 1988, management responsibility for all line fishing and trapping passed to the Northern Territory.

An industry-sponsored moratorium on the issuance of demersal fishery licences occurred in December 1991. Following concerns that excess fishing capacity may lead to the over-exploitation of goldband snapper stocks, access to the Timor Reef fishery was restricted to participating fishers and licence holders who had previously expressed their interest in entering the fishery.

In 1991, six domestic operators were authorised by the Commonwealth to operate in what was then known as the Northern Trawl Fishery. Further management interventions were introduced to link access with sustainable yield estimates. The remote location and associated high costs of operation

hindered the development of the fishery with only one operator maintaining an ongoing interest in the fishery.

The ratification of the OCS in early 1995 saw the NTFJA assume responsibility for the management of the offshore demersal fisheries. At that time, the Timor Reef fishery was annexed from the demersal fishery due to concerns regarding the long term biological sustainability of goldband snapper stocks.

The regulatory controls implemented at that time saw the demersal fishery near shore boundary moved from 2 nm to 15 nm offshore. This approach sought to separate the low capital base inshore coastal fishery from the demersal fishery.

Resources Estimates

Yield estimates have been determined from catch and effort information gathered from Taiwanese, Thai and Chinese trawling activities, trawl research surveys, biological details gathered from commercial fishers and statutory reporting by licensees on their fishing operations.

Resource estimates, provided by CSIRO, were updated in 1992 following trawl surveys undertaken by NTDFIP.

A co-operative approach, in managing what are likely to be straddling stocks, was engendered with the 1992 Joint Australian-Indonesian Workshop on the Arafura Sea Fisheries. As an outcome of this Workshop, sustainable red snappers yield estimates were 7,500 to 19,500 tonnes for the Australian and Indonesian components of the Arafura Sea, 4,000 to 10,000 tonnes for Australian waters of the Arafura Sea and 4,100 to 16,500 tonnes for the Gulf of Carpentaria.

The earlier resource estimates were revised to 3,700 to 6,800 tonnes for the Australian component of the Arafura Sea and between 2,900 and 9,000 tonnes for the Gulf of Carpentaria following the second Australian-Indonesian Workshop held in October 1994.

In 1996, the "Towards the Sustainable Use of Northern Territory Fisheries Resources: Review Workshop Led by Carl Walters" further revised these earlier yield estimates for red snappers and goldband snapper. As an outcome of this workshop the biological sustainable harvest for red snappers were revised to 1,500 to 2,500 tonnes for the Arafura Sea, assuming an unfished stock level of 50,000 tonnes. This workshop also found that only a small portion can be harvested each year due to their slow growth rates and low natural mortality. This means that current landings are considerably lower than long-term biological sustainable harvest estimates.

For the Timor Reef goldband snapper fishery, yield estimates range from 300 to 20,000 tonnes or more, due to varying interpretations of previous catch rates, age and survey details. Refinement of the biological sustainable yield estimates for the Timor Reef fishery will only be possible with an improved understanding of the level of mixing between the Australian and Indonesian fisheries, details on fishing effort in both jurisdictions together with the refinement of fishery independent survey techniques.

Shark Fishery

History

The shark resources of northern Australia were commercially fished by a Taiwanese gillnet fleet from 1974 until about mid 1986. Prior to 1978, the Taiwanese fished to within 12 nautical miles of the coast. With the declaration of the Australian Fishing Zone (AFZ) in 1979, the foreign fishing fleets exclusion

zone adjacent to Arnhem Land and the Wessel Islands increased to between 40 and 50 nautical miles offshore. Foreign fishing vessels were excluded from the Gulf of Carpentaria in 1979.

A subsequent agreement allowed 30 gillnet vessels to land up to 7000 tonnes of shark throughout northern Australian waters. Fishing operations continued until 1978 with minor changes in overall catch levels. Throughout this time, joint venture arrangements were encouraged in an attempt to seek greater involvement by Australian operators.

Further restrictions were introduced in 1986 in response to declining trends in shark catch rates and concerns about the incidental capture of dolphins. These controls rendered Taiwanese gillnet vessels uneconomical, and despite the permitted use of baited longlines, fishing operations in northern Australian waters ceased in late 1986.

Direct involvement in the Northern Shark Fishery by domestic fishers commenced in the early 1980's. Since 1985 overall landings of all species in the NT shark fishery have been about 600 tonnes and reached 872 tonnes in 1992 as fishers sought to meet a minimum catch criteria to retain access to the fishery.

Sharks are also taken as an incidental catch of line, bait and inshore netting operations, and as a non-target species of prawn trawling. Catch limitations have been imposed for some of these fisheries.

Resource Estimates

Evaluation 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 inconsistencies in data collection.

The joint NTDPFI-CSIRO Pelagic Fish Stock Assessment program estimated that, in waters adjacent to the Northern Territory, the maximum sustainable yield (MSY) for *Carcharinus tilstoni* (black tip reef shark) and *C. sorrah* (white spot reef shark) is 3,400 tonnes annually. This estimated yield consists of 1,900 tonnes in the Arafura and Gulf of Carpentaria zones and 1,500 tonnes in the NT zone.

CSIRO tagging studies suggest that *C. tilstoni* and *C. sorrah* form a single large stock throughout northern Australia. However, movement rates both onshore and offshore are relatively restricted, indicating slow exchange rates (1-10 percent/year) between the northern Australia/Arafura area where most Taiwanese gillnetting took place, versus the Gulf of Carpentaria and Bonaparte Gulf where foreign fishing was either reduced or excluded.

The ratio of catch to fishing effort is referred to as Catch per Unit of Effort (CPUE). CPUE statistics corrected for shark targeting (square root variation in CPUE with stock size) suggest that the Taiwanese fishery of the 1970s and 80s reduced the northern Australia/Arafura component of the stock by about 60-70 percent. Modelling suggests that the Gulf of Carpentaria (GoC) stock component may not have declined by more than 30 percent during the period when the northern Australia/Arafura component was being depleted, ie. there was probably "hyperdepletion" in the overall CPUE statistics due to a substantial part of the stock in the GoC not being available to the Taiwanese fleet due to closures imposed by the Commonwealth.

Combining potential yields over the heavily fished and Gulf of Carpentaria stock components results in a combined potential yield estimate for WA, the NT, and Queensland of at least 2000 tonnes per year, with an optimum annual exploitation rate on the gillnet vulnerable component of the stock of 6-7 percent per year. This means that while there may be a large population of sharks, only a small amount can be

sustainably harvested each year. The optimum annual exploitation rate is determined from annual mortality, growth, selectivity, and pup production rate data; what we are mainly uncertain about is how large a stock this rate should be applied to in calculations of the total annual catch.

Age-structure modelling indicates that the overall stock (northern Australia/Arafura plus Gulf of Carpentaria components) should have been increasing since the mid-1980s when Taiwanese catches were greatly reduced, at a rate of between 5 percent and 10 percent per year in spite of more recent domestic catches. However, CPUE data from the NT gillnet fishery indicate a substantial decline in relative abundance since the mid 1980s (catches per boat have been increasing slowly, but catches per length of net set have decreased by around 50 percent since 1985).

To reproduce this pattern of decline while still estimating stock sizes in 1985 large enough to account for the Taiwanese catches and impact on relative abundance, we have to assume that there has been a continuing unreported removal of around 1500 tonnes per year from the northern Australian stock component (as compared to an average reported catch of only 300 tonnes per year by all domestic fisheries combined). This may be due to foreign fishing in the Arafura region, perhaps combined with unreported domestic catches.

It is also possible that declines in domestic CPUE have been due to slow depletion of an inshore, resident component of the overall stock, without there being a major impact of recent fishing on the stock as a whole (ie. overall stock may be recovering, but inshore density being reduced by domestic fishing in spite of overall increase).

The tagging work undertaken by CSIRO is not totally inconsistent with this hypothesis, when data is corrected for bias in apparent movement patterns due to higher offshore fishing efforts during the period when the study was conducted. However, if there is a distinctive inshore stock component being fished by NT and Queensland fishers, this stock component has a much lower sustainable yield than we would estimate for the stock as a whole based on the offshore Taiwanese removals.

For this assessment we have had to rely almost entirely on highly dubious CPUE statistics from both the Taiwanese and domestic gillnet fisheries, the validity of which is questionable for stock management purposes. It is not known whether the observed fishing strategy is linked to the availability of sharks or the targets of other pelagic fish in other regions. There are various reasons to suspect that neither of these fisheries have provided CPUE trends proportional to changes in the actual stock size.

7. Management Arrangements

Timor Reef Fishery

The limited entry management arrangements, a licence reduction program and limits on the type of fishing gear are the principal management controls for the Timor Reef fishery.

To reduce the number of entitlements, new entrants to the fishery must surrender two "restricted" Timor Reef licences for the issue of a (transferable) unrestricted Timor Reef fishery licence, or alternatively, acquire an unrestricted licence.

Timor Reef fishers must also hold a demersal fishery licence.

Demersal Fishery - other than Timor Reef

A limited entry management regime has been established for the demersal fishery, with sixty licences issued. Commercial fishermen may use vertical lines with up to five hooks attached, droplines with 6-40 hooks and fish traps. By-catch restrictions apply to key managed species, including Spanish mackerel and sharks.

Demersal fishery licences are freely transferable.

Finfish Trawl Fishery

Management controls for the finfish trawl fishery mirror the permit conditions in force prior to the introduction of revised OCS arrangements in early 1995. Area and fishing gear restrictions apply.

Shark Fishery

Management arrangements in place for the shark fishery place limits on the overall number of commercial licensees, together with restrictions on the construction and type of fishing apparatus used.

Commercial operators may use a maximum of 2,500 m of pelagic gillnet constructed of twine not less than 0.9 mm in diameter with a mesh size between 150 mm and 250 mm. Pelagic longline may be used in all regions (restrictions apply to the Coastal zone) of the shark fishery, or demersal longline in the Arafura or Gulf of Carpentaria (GoC) region, provided the total length of all lines used does not exceed 20 nm at any time.

A licence reduction program requires existing licensees to transfer three restricted shark fishery licences to the Territory for the issuance of an unrestricted shark fishery licence. New entrants must acquire an unrestricted licence to participate in the commercial fishery.

8. Fisheries Monitoring, Research, Surveillance and Enforcement

The NTDFIP undertakes a range of tasks on behalf of the NTFJA. Specifically, the NTDFIP has established, and continues to maintain, catch and effort information from commercial fishers operating in NTFJA fisheries. It is from such information, together with available research data, that the condition of the fishery is kept under constant consideration.

The NTDFIP is collaborating with CSIRO and Agriculture, Fisheries and Forestry Australia in an Australian Centre for International Agricultural Research (ACIAR) assisted project to examine the "Biology, stock assessment and management of shared snapper fisheries in northern Australia and eastern Indonesia" .

This four-year project, which commenced in 1999, seeks to examine the genetic structure of red and goldband snappers and the early life history of red snappers in order to establish the degree of mixing of straddling stocks. Socio-economic research, to be undertaken as part of this study, seeks to consider the potential impact of future management arrangements and gather data on the importance of these fishes in southeast Indonesia. As an outcome, the project is to provide the details necessary for complementary conservation, management and utilisation of shared stocks.

Management Arrangements and Landings for NTFJA Fisheries

Fishery	No. of Restricted Licences	No. of Unrestricted Licences	Management Regime	Sustainable Yield Estimates	Landings (1998/99)
Shark Coastal Arafura GOC	- 15 11 7	2 - - -	Effort Controls Restriction of the total number of licences issued 2500 m of net mesh size 150 mm to 250 mm Longline to 20 nautical miles 3:1 licence reduction program	2000 tonnes for northern Australia	Black Tipped shark 97 t Other shark 265 t Grey mackerel 153 t Spanish mackerel 7t Other 6t
Demersal	Not Applicable	60	Effort Controls Limit on licences issues Vertical Lines with a maximum of 5 hooks Droplines with 6-40 hooks Restrictions on the possession of sharks and mackerels	Red Snapper – 1500 t	Confidentiality considerations preclude publication of catch data
Timor Reef	8	7	Effort Controls Limit on licences issues Vertical Lines with a maximum of 5 hooks Droplines with 6-40 hooks Transferability on amalgamation of two restricted licences Must hold a Demersal Licence Restrictions on the possession of sharks and mackerels	Gold Band Snapper - 300-20,000 t	Goldband Snapper 241 t Red Snappers 46 t Red Emperor 7 t Other Reef Fish 20 t
Fish Trawl	Not Applicable	1	Effort Controls Restrictions on the use of fishing gear	Refer to Demersal Fishery estimates	Confidentiality considerations preclude publication of catch data

Please note that the details outlined 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.

The NTDPIF undertakes a range of research on behalf of the NTFJA, including:

- ageing of goldband snapper to assist in a predictive age structure population model; and,
- on board monitoring of species composition and length data for the Timor Reef fishery.

These projects commenced in 1988 and are ongoing.

The Northern Territory is also participating in a Fisheries Research and Development Corporation funded project to investigate the stock structure of goldband snapper (*P. multidentis*) across northern Australia. This project is to assist, using otolith stable isotopic composition, in the sustainable development of appropriate management plans for the deepwater snapper fisheries of the Northern Territory and Western Australia. A report of this research is expected in 1999/2000. The Fisheries Division is also canvassing other methods to assess the level of migration and immigration of goldband snapper to assist in refining yield estimates.

The NTDPIF, in collaboration with the Northern Territory Seafood Council, has gained financial assistance from the Fisheries Research and Development Corporation to "*Review the factors affecting the profitability of the Northern Territory Demersal Fishery*". A workshop, to be convened in 1999/2000, is to examine the effects of economics, marketing, environmental influences, and alternative fishing technology and will lead to a research and development plan for the demersal fishery.

The Marine and Fisheries Enforcement Unit of the Northern Territory Police, Fire and Emergency Services undertake surveillance and enforcement functions for NTFJA fisheries, as part of its ongoing tasks in fisheries matters. Operationally, surveillance activities for NTFJA fisheries have been by way of in-port inspections of fishing gear to ensure compliance with effort controls and as an adjunct to compliance activities for other fisheries.

9. Financial Arrangements

The Northern Territory Department of Primary Industry and Fisheries received \$56,500 in licence fees for Joint Authority fisheries.

**Annex 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(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 it is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention applies, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth (the Consequential Provisions Act) as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Act, the Northern Territory Fisheries Joint Authority, established by subsection 12D(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 the 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 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 (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 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.

Our Ref: F98/0257

5 June 2000

Mr Frank Meere
Deputy
Northern Territory Fisheries Joint Authority
C/- AFMA
PO Box 7051
CANBERRA MAIL CENTRE ACT 2610

Attention: Mandy Goodspeed

Dear Mr Meere

**ANNUAL REPORT OF THE NORTHERN TERRITORY
FISHERIES JOINT AUTHORITY**

Please find enclosed a copy of the Annual Report detailing the activities of the Northern Territory Fisheries Joint Authority (NTFJA) throughout the 1998/99 financial year. The NT member has now endorsed the NTFJA Annual Report.

The draft Annual Report required further formatting and for this reason the enclosed electronic copy should replace the "camera ready" copy maintained by your Agency. With the inclusion of Annex A "*Excerpt of the Northern Territory Government Gazette of 1 February*" (previously provided for the 1997/98 Annual Report) and signature by the Commonwealth member, the document will be print ready.

Please contact me direct on (08) 8999 2179 should you require any further details.

Yours sincerely

Ray Clarke
Aquatic Resources Manager &
Secretary to the NTFJA

HEAD OFFICE
Berrimah Farm
Makagon Road Berrimah
Phone 08 8999 2144
Fax 08 8999 2065

DARWIN AQUACULTURE
CENTRE
Channel Island
Phone 08 8924 4259
Fax 08 8924 4277

DEPARTMENT OF
PRIMARY INDUSTRY
AND FISHERIES

