

QUEENSLAND FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2001 TO 30 JUNE 2002

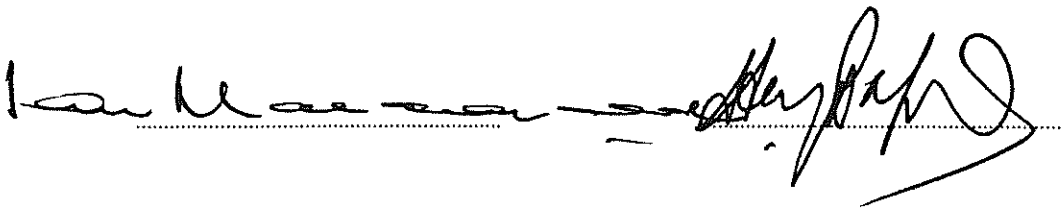
Fisheries Management Act 1991 (Commonwealth)
Fisheries Act 1994 (Qld)

Queensland Fisheries Joint Authority
Report of the Queensland Fisheries Joint Authority
for the period 1 July 2001 to 30 June 2002

Senator the Hon Ian Macdonald
Commonwealth Minister for Fisheries, Forestry
and Conservation

Parliament House
CANBERRA ACT 2600

The Hon Henry Palaszczuk MP
Queensland Minister for
Primary Industries and Rural
Communities
Parliament House
BRISBANE QLD 4000

Handwritten signatures of Ian Macdonald and Henry Palaszczuk. The signature of Ian Macdonald is on the left, and the signature of Henry Palaszczuk is on the right. Both signatures are written in black ink and are positioned above a horizontal dotted line.

Commonwealth of Australia 2003

ISSN 1328-4258

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

Published by:

Australian Fisheries Management Authority

John Curtin House
22 Brisbane Avenue
BARTON ACT 2600

August 2003

CONTENTS

1. INTRODUCTION
2. ENABLING LEGISLATION
3. MEMBERS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY
4. POWERS, FUNCTIONS AND OBJECTS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY
5. MEETINGS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY
6. CONSULTATIVE COMMITTEE
7. CONDITION OF THE FISHERY
8. MANAGEMENT ARRANGEMENTS
9. DELEGATION OF POWERS
10. QFJA LICENCES/FISHERY SYMBOLS AND PERMITS GRANTED
11. FINANCIAL ARRANGEMENTS

ANNEX

- A Queensland Government Gazette
No 23, Friday 10 February 1995, pp 445-450
- B Decisions of the Queensland Fisheries Joint Authority 2001-02
- C Statements under associated legislation:
Freedom of Information Act 1982
Occupational Health and Safety (Commonwealth Employment) Act 1991
Political Broadcasting and Political Disclosures Act 1991
- D Glossary of Terms

1. INTRODUCTION

This is the eighth report of the Queensland Fisheries Joint Authority (QFJA) and outlines its activities undertaken during the period 1 July 2001 to 30 June 2002. The QFJA was established to undertake **management of all northern demersal and pelagic finfish in waters relevant to Queensland in the Gulf of Carpentaria excluding:**

- (a) tuna and tuna like species;
- (b) inshore fin fish including barramundi, king and blue salmon, grey mackerel and others;
- (c) fish taken whilst trawling for prawns in the Northern Prawn Fishery; and
- (d) incidental catch of fishing operations for (a) and (c) above.

2. ENABLING LEGISLATION

The *Fisheries Management Act 1991* (Cth) provides for the Commonwealth to establish Joint Authorities comprised of the Commonwealth and the relevant State Minister (subsection 61(1)). A corresponding subsection (section 126(1)) is also found in the *Fisheries Act 1994* (Qld).

Under these provisions, the establishment of the QFJA was approved on 7 February 1995 by the Arrangement between the Commonwealth of Australia and the State of Queensland in relation to the Fishery for Northern Demersal and Pelagic Fish in the Gulf of Carpentaria. A complete description of jurisdiction of species and area is contained in the Arrangement between the Commonwealth of Australia and the State of Queensland, published in the Australian Government Gazette on 8 February 1995 and the Queensland Government Gazette on 10 February 1995. A copy of the Queensland Gazette Notice (which is identical to the Commonwealth Gazette Notice) is at Annex A. The Arrangement provides, amongst other things, that the fishery be managed under Queensland law.

3. MEMBERS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY

The members of the Queensland Fisheries Joint Authority for the reporting period were:

For the period 1 July 2001 to 26 November 2001:

Hon Wilson Tuckey MP

Commonwealth Minister for Forestry and Conservation

For the period 26 November 2001 to 30 June 2002:

Hon Ian Macdonald MP

Commonwealth Minister for Fisheries, Forestry and Conservation

Hon Henry Palaszczuk MP

Queensland Minister for Primary Industries and Rural Communities

Deputies appointed for the reporting period were :

For the Commonwealth Minister

Mr Frank Meere, Managing Director, Australian Fisheries Management Authority (AFMA).

Mr Glenn Hurry, General Manager, Fisheries and Aquaculture Group, Department of Agriculture, Fisheries and Forestry - Australia (AFFA).

For the Queensland Minister

Mr Peter Neville – Deputy Director General, Queensland Fisheries Service, Department of Primary Industries (QDPI).

During the reporting period, policy development, licensing, permits, data collection and monitoring, administration and consultation services were provided to the QFJA by officers of the Queensland Fisheries Service (QFS).

4. POWERS, FUNCTIONS AND OBJECTS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY

For a Joint Authority managing a fishery under Queensland law, the following functions apply under section 135 of the Queensland *Fisheries Act 1994*:

- "(a) keeping constantly under consideration the fishery's condition;
- (b) formulating policies and plans for the fishery's management;
- (c) exercising for the fishery's management powers conferred on the Joint Authority under this Act;
- (d) co-operating and consulting with other entities on issues of common interest."

The *Fisheries Act 1994* provides that a Joint Authority managing a fishery under Queensland law has, "to the exclusion of the fisheries agencies (defined as the Chief Executive, QDPI) all the functions and powers of the fisheries agencies for the fishery" (subsection 136(3)). Such functions and powers are provided at sections 20, 21, 25, 26, 27 and 28 of the *Fisheries Act 1994*.

During the year under review the QFJA has performed its functions and pursued the above objectives through its activities contained in sections 5,6,8,9,10 and 11 of this report and has reported on the condition of fisheries for which it is responsible in section 7 of this report.

Those sections outline the principal policies adopted by the QFJA since its inception, any changes to those policies during the reporting period, as well as the outcomes flowing from the application of those policies.

5. MEETINGS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY

One meeting of the QFJA was held during the period under review, on 9 August 2001. Principal matters dealt with at this meeting included:

- Reviewed and acted upon the reports of the activities of its Fisheries Advisory Committee which met on 21 April 2001;
- Resolved to source policy advice from the Gulf of Carpentaria Fisheries Management Advisory Committee (GulfMAC);
- Determined that activity in the Gulf of Carpentaria Developmental Fin Fish Fishery be monitored with a view to restarting the assessment and monitoring program when such activity shows significant increase;
- Reaffirmed its decision of 26 May 1997 on the Amendment to the Offshore Constitutional Settlement (OCS) arrangement for grey mackerel and determined that AFFA should take steps to progress the draft OCS agreement accordingly; and
- Considered the Report on the Gulf of Carpentaria Gill Net Fishery.

A complete list of decisions of this meeting is provided at Annex B.

6. ADVISORY COMMITTEE

The QFJA, in undertaking its responsibilities, is required under Queensland law to consult with stakeholders in developing fishery management plans and regulations.

The *Fisheries Act 1994* provides the power for a Joint Authority to establish Advisory Committees consisting of such persons as it thinks fit to provide information and advice to the Joint Authority.

The QFJA established a Fisheries Advisory Committee comprised of representatives of stakeholder interests to meet and to provide advice to the QFJA on management of fish stocks under its jurisdiction at its second meeting in 1996. This committee continued until 30 June 2002. The QFJA reviewed its approach towards obtaining advice and consulting with stakeholders. It supported, in conjunction with the Chief Executive, QDPI, the formation of GulfMAC covering all fisheries (other than the Northern Prawn Fishery) in the Gulf region.

GulfMAC was formed in November 2001. It provides advice to the QFJA on finfish fisheries, and to the QFS on the species managed under Queensland law and is further capable of providing linkages with the Commonwealth and Northern Territory governments. Its membership is drawn from principal stakeholders of the Gulf fishery. Members of GulfMAC include:

Dr Joe Baker	Chair
Des Callope	Gkuthaarn People
Ray Clarke	Department of Business, Industry and Resource Development, Northern Territory Fisheries
David Donald	Recreational Fisher
Mark Doohan	QFS
Rod Garrett	Research QDPI
Sue Gould	NGO Environment (Weipa Catchment Coordinating Committee)
Bob Grimley	Queensland Boating and Fisheries Patrol, QFS
Greg Howard	Commercial fisher – line fishery
Lance Jarrett	Recreational fisher
Jack Jules	Wellesley Island Sea Claim (Carpentaria Land Council)
Colin Limpus	Environmental Protection Agency, Queensland
David McAtamney	Marketer
Stephen Parker	Recreational fisher (Sunfish Mareeba)
John Smith	Local Government
Gary Ward	Commercial fisher – inshore net fishery and Crab
David Wren	Commercial fisher - offshore net fishery
Kim Parkinson	Permanent observer (AFMA).

GulfMAC held its inaugural meeting on 21-22 November 2001. Matters dealt with at that meeting included:

- Procedural matters in relation to the role and responsibility of MACs;
- Progress of legislative amendments;
- *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act)(Cth) issues;
- N3/N9 Fishery Observer Program;
- Use of sonic devices to reduce interactions of mammals with fishing nets;
- The process for development of a national plan of action for shark in accordance with international obligations for the management of shark stocks;
- Progress at the Northern Australia Fisheries Management Workshop on the preparation of a strategic plan for shark (and for demersal fishes);
- QFS Report on the Offshore Gill Net Fishery (Bycatch Action Plan);
- Clarification of the N9 Fishery area;
- Harvest levels of shark and grey mackerel;
- Development of a separate Gulf of Carpentaria Crab Fishery;
- Update on proposed developmental fisheries; and
- Membership and terms of reference of the MAC.

7. CONDITION OF THE FISHERY

The principal target fish stocks managed by the QFJA include mackerels, shark and demersal finfish. Biological information on the distribution and abundance of those species in the Gulf of Carpentaria is limited.

To assist in examining the condition of the fishery, the QFJA has implemented formal arrangements for the collection of catch and effort information from commercial participants. Once a time series of this data has been collected, the data, together with available research information, will be used to establish the condition of the fishery. At the present time, it is not possible to determine with certainty the status of stocks of those species. Research assessments are underway and levels of knowledge are improving. This uncertainty underpins the restrictive limited entry licensing policies adopted by QFJA at its inaugural meeting in 1995 and maintained and enhanced since that time.

Commercial catches of finfish for species under QFJA jurisdiction are contained in table 1. Such catches were made using net and line fishing apparatus. Information provided has been drawn from the Queensland Fisheries Commercial Log Book System (CFISH) for waters adjacent to Queensland west of 142° 30' east longitude (at Cape York) as at 9 August 2002. Sharks include all shark species, whilst other Finfish and Trawled Finfish include all fish species except those otherwise listed.

Table 1 - Commercial Catches of Finfish by calendar year

Species	1997	1998	1999	2000	2001
	<i>Catch – tonnes</i>	<i>Catch – tonnes</i>	<i>Catch – tonnes</i>	<i>Catch – tonnes</i>	<i>Catch – tonnes</i>
Shark	137.3	152.0	174.0	165.3	215.6
Mackerel-Grey	297.5	309.1	249.3	331.9	399.2
Mackerel-Spanish	174.3	104.4	142.5	109.9	125.9
Other Finfish	131.7	126.8	202.2	334.3	242.4
Trawled Finfish	-	83.3	73.5	11.5	10.5
Totals	740.8	775.6	841.5	952.9	993.6

Note - Catches recorded in this table have been reported using new standard weight conversion codes which better reflect the recovery rate for each species. Catches are converted from reported product forms (fillets, gilled and gutted, trunk) to reflect live weight as a standard reporting approach. These catches include small catches by operators in the Inshore Gill Net Fishery administered by the QFS, however barramundi, blue salmon and king salmon have been excluded.

The QFJA has acknowledged the need to undertake fisheries assessment and status reports for demersal finfish, shark, mackerels and other similar pelagic species. Such reports are to be prepared in consultation with adjacent jurisdictions. To facilitate such an approach, the Northern Territory and Queensland governments agreed to a Memorandum of Understanding (MoU) on co-operative management of stocks in the Gulf of Carpentaria, which includes consultation and co-operation on:

- catch and effort data;
- results of scientific research;
- monitoring and surveillance; and
- proposed management regimes.

The MoU between the Commonwealth, Queensland and Northern Territory governments associated with the OCS arrangements places obligations on those governments, and thus the QFJA, to co-operate and consult on a variety of issues and to make available information on matters of mutual interest.

Those governments have also agreed to formal consultation between the parties and with stakeholders, having released a joint statement in August 1995 on how such consultation is to occur. Matters covered in the statement include:

- research;
- management;
- monitoring;
- surveillance; and
- consultation with stakeholders.

Consistent with the provisions of the joint statement, Queensland, Western Australia, the Northern Territory and the Commonwealth conducted the sixth Northern Australia Fisheries Management Workshop in Darwin on 9-10 August 2001. The seventh workshop has been scheduled for September 2002 in Darwin and will be reported in the next Annual Report of the QFJA.

Logbook data from commercial operators are being collected on behalf of the QFJA by QFS under its QFISH system. Surveillance and enforcement has been integrated with other existing tasks of the Queensland Boating and Fisheries Patrol. Prioritisation of fisheries research and monitoring needs are undertaken by the QFJA on the advice of its Fisheries Advisory Committee.

Limited information is available on the impacts of fishing on non-target species and the marine environment. The QFJA has adopted a cautious approach towards allowing access to fish stocks under its jurisdiction as a consequence of this limitation. Policies in force limit the number of licences and permits granted, whilst fishing apparatus available for use is also restricted. In the case of the developmental Finfish Trawl Fishery special arrangements have been adopted to monitor and report on bycatch levels, and impacts on benthos through an independent observer program. Further details on the administration of the observer program are contained in Section 8 following.

8. MANAGEMENT ARRANGEMENTS

The formation of the QFJA on 8 February 1995 coincided with the implementation of the new fisheries legislation in Queensland proclaimed on 27 January 1995.

That legislation, the *Fisheries Act 1994*, introduced changes to the framework of fisheries management arrangements in Queensland at that time. The legislation provides statutory requirements to ensure fair access rights and ecologically sustainable use of fisheries resources whilst having regard to optimum community benefit from those resources. This statutory framework applies to the QFJA.

At its inaugural meeting in 1995, the QFJA adopted policies which provided for continuance of commercial fishing activities under its jurisdiction by those persons who were actively involved in the relevant fisheries under previous management arrangements. In particular, the QFJA:

- (a) continued the developmental fishery status for access to resources under its jurisdiction in the Central Gulf of Carpentaria (beyond 25 nautical miles of the territorial sea baseline);
- (b) continued access to resources now under QFJA jurisdiction for those Queensland licence holders who participated in the fishery during the year prior to the changeover day; and
- (c) determined that no additional or new access authorisations be granted for commercial harvesting of fish stocks under QFJA jurisdiction pending:
 - (i) in the case of harvesting activities for presently licensed or permitted activities, completion of a fishery assessment and status report; and
 - (ii) in the case of new activities, consideration only under an exploratory or developmental fishery policy framework approved by the QFJA.

Those policies have continued to be strengthened through the adoption of further policies at subsequent meetings of the QFJA as follows:

- Boat replacement policy and licensing of tender boats;
- Licensing of shark fisheries in adjacent jurisdictions; and
- Data collection from authority holders.

Details of those policies are contained in the Record of Decisions of meetings of the QFJA and are reported in previous Annual Reports of the QFJA.

The QFJA at its meeting on 26 May 1997 determined to approve the conduct of a developmental Trawl Fishery for finfish under a range of strict conditions. Full details of that policy decision are contained in the Record of Decisions of the meeting of 26 May 1997. Five authorities were subsequently approved for operators to undertake activities in the developmental fishery during 1997-98. Two of those operators commenced fishing in June 1998 and continued until December 1998.

Since December 1998, returns from the Fishery have been depressed with reduced demand overall for target species and particular difficulties with marketing the predominant species in the catch, red snapper (*Lutjanus erythropterus*). Due to continuing market decline, the fishing program was suspended in December 1998 and has recommenced only in a very limited way since that time. Catches for 2001 totalled approximately 10.5 tonnes. However, improved market circumstances have emerged in June 2002 leading to an expectation of increased fishery activity in the forthcoming year.

9. DELEGATION OF POWERS

For effective functioning, licensing and permit issuing powers have been delegated to those QFS staff associated with QFJA processes. Powers were also delegated for the detention, seizure, forfeiture and disposal of fisheries resources and other things such as equipment.

In particular, the QFJA at its inaugural meeting delegated the following powers under section 130 of the *Fisheries Act 1994* to relevant staff as follows:

- (1) The powers under -
 - section 55 (issue of authorities)
 - section 58 (renewal of authorities)
 - section 61 (conditions imposed on issue or renewal of authorities)
 - section 63 (amendment of authorities)
 - section 65 (transfer of authorities)
 - section 71 (replacement of authorities)

- (2) The powers under -
 - section 59 (refusal to issue or renew authorities)
 - section 67 (suspension or cancellation of authorities)

- (3) The powers under -
 - section 160 (disposal of seized fisheries resources)
 - section 161 (Authority may return seized things)
 - section 162 (obligation to return seized things)
 - section 163 (obligation to pay net proceeds of sale)
 - section 164 (Authority may order forfeiture of unclaimed things)
 - section 178 (dealing with forfeited things)

Such delegated powers were exercised during the reporting period for the grant and refusal of licences, fisheries symbols on licenses and permits. This is further detailed in Section 10.

10. QFJA LICENCES/FISHERY SYMBOLS AND PERMITS GRANTED

Table 2 indicates the number of authorisations issued by the QFJA in the reporting period and in the preceding years.

Table 2 – Number of authorisations issued by the QFJA

Licence/Symbol	95/96	96/97	97/98	98/99	99/00	00/01	01/02
L4 (primary)*	45	83	82	82	82	83	83
L4 (tender)*	74	114	114	114	113	113	113
L5 (primary)*	7	14	22	23	21	22	22
L5 (tender)*	10	26	39	43	42	42	42
Permits/Authority	-	8	12	10	10	11	11
Totals	136	245	269	262	268	271	271

Note - * Refer to *Fisheries Regulation 1995* for full details of activities authorised by the relevant symbol. In summary, the symbol L4 authorises commercial fishing activities in waters of Gulf of Carpentaria to a distance of 25 nautical miles from the Territorial Sea baseline using rod and line or handline fishing apparatus. The symbol L5 authorises similar line fishing activities. Tender boats are licensed boats that operate in conjunction with an associated primary boat.

11. FINANCIAL ARRANGEMENTS

The financial basis for management of QFJA fisheries is that a policy of cost recovery should apply to QFJA activities and that fees charged for authorisations should reflect that philosophy. Fees payable are to be based on recovery of attributable management costs. Fee levels implemented on the recommendation of the QFJA by the Queensland Minister for

Primary Industries and Rural Communities in the December 1995 Regulation gave effect to these principles. Those fees have been varied in line with consumer price index increases in subsequent periods.

The QFJA at its meeting on 26 May 1997 identified specific items and determined that their costs were attributable costs of management and were to be recovered from authority holders as beneficiaries of those managed fisheries. Those items were:

- logbook data collection and analysis;
- observer program;
- monitoring including vessel monitoring systems (VMS);
- consultation;
- administration;
- contribution to research;
- compliance costs; and
- fisheries agency (QFS) overheads.

In the 2001-02 financial year, total revenue received by the QFJA was \$57,600. This was received from licences with a QFJA authorisation (\$29,000) and from permits (\$28,600) granted by the QFJA. These monies were used to pay costs incurred by the QFJA, which included licensing and administration costs, as well as meeting expenses. Full details of income and expenditure are reported as part of the Annual Report of the QDPI of which the QFS is a part.

ANNEX A: Queensland Government Gazette No 23, Friday 10 February 1995, pp 445-450.

ARRANGEMENT BETWEEN THE COMMONWEALTH OF AUSTRALIA AND THE STATE OF QUEENSLAND IN RELATION TO THE FISHERY FOR NORTHERN DEMERSAL AND PELAGIC FIN FISH IN THE GULF OF CARPENTARIA

AN ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the State of Queensland (the State) of the other part.

WHEREAS-

- (a) Part 5 of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act), which provides for co-operation with the States and the Northern Territory in the management of fisheries, commenced on 3 February 1995 upon the ceasing to have effect of the *Fisheries Act 1952* of the Commonwealth;
- (b) Paragraph 7 (4)(b) of the *Fisheries Legislation (Consequential Provisions) Act 1991* (the Consequential Provisions Act) provides that upon the commencement of Part 5 of the Management Act, any Arrangement made with a State or Territory under subsection 12H(1) or (4) of the *Fisheries Act 1952* that was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;
- (c) an Arrangement was entered into under section 12H(4) between the Commonwealth and the State of Queensland in relation to the Demersal Gillnet Fishery, published in the Commonwealth of Australia Gazette No. S104 on 1 June 1987;
- (d) 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;
- (e) subsection 236(1) of the *Fisheries Act 1994* of Queensland (the State Act) provides that an arrangement in force under Part 6A of the *Fisheries Act 1976* of Queensland has effect if it had been entered into under Part 7 of the State Act on the commencement of Part 7;

- (f) subsection 133(1) of the State Act provides that the State may terminate, under Part 5 of the Management Act, an arrangement;
- (g) subsection 61(1) of the Management Act provides that the Commonwealth may make an arrangement with a State or States for the establishment of a Joint Authority consisting of the Commonwealth Minister together with the appropriate Minister or Ministers of that State or States;
- (h) subsection 61(2) of the Management Act provides that each arrangement under subsection 61(1) is to be made by instrument approved by the Governor-General and the Governor or Governors of the State or States represented on the Joint Authority;
- (i) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with the 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;
- (j) subsection 71(2) of the Management Act provides that an Arrangement with only one State may provide that the fishery is to be managed in accordance with the law of the State;
- (k) subsection 74(1) of the Management Act provides that an arrangement under, inter alia, section 71 is to be made by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (l) subsection 132(1) of the State Act empowers the State to make an arrangement, under Part 5 of the Management Act, for the management of a particular fishery; and
- (m) both the Commonwealth and the State desirous of exercising their powers to make further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

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

1. The Arrangement entered into between the Commonwealth and the State as listed in paragraph (c) of the recitals to this arrangement is, pursuant to subsection 75(1) of the Management Act and subsection 133(1) of the State Act, terminated on the date of publication referred to in clause 6.

2. The Commonwealth and the State hereby arrange for the establishment of the Queensland Fisheries Joint Authority consisting of the Commonwealth Minister and the State Minister to manage the fishery to which this Arrangement applies in accordance with the law of the State.
3. The fishery to which this Arrangement applies is the fishery (which in accordance with Section 9 of the Management Act does not extend to or in relation to the Protected Zone as defined in the *Torres Strait Fisheries Act 1984* or to the area adjacent to the Protected Zone to which area the *Torres Strait Fisheries Act 1984* applies by virtue of a Proclamation under subsections 15(1) or (2) of that Act) in the waters relevant to the State, being coastal waters and waters of the Australian fishing zone that lie within the areas described in Schedule 2 to the Petroleum (Submerged Lands) Act 1967 under the heading "Area that includes that adjacent Area in respect of Queensland", west of Longitude 142° 31' 49" East, for all species of fish of the Class Osteichthyes and Class Chondrichthyes, except for:
 - (a) the following fish taken in the fishery for tuna and tuna like 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 family Bramidae (pomfrets)
 - (iii) fish of the families Istiophoridae and Xiphiidae (billfish);
 - (iv) those fish taken in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act allowing the taking of the fish specified in paragraphs (i), (ii) and (iii);

- (v) excluding the fish specified in paragraphs (i), (ii) and (iii) when taken in the exercise of a right conferred by a licence or other authority granted by the State;
 - (vi) fish taken as bait (dead or alive) by a person for his or her own use in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act to take tuna and tuna like species as listed above.
- (b) fish of the following species:
- (i) *Lates calcarifer* (barramundi)
 - (ii) *Polydactylus sheridani* (king salmon)
 - (iii) *Eleutheronema tetradactylum* (blue salmon)
 - (iv) *Scomberomorus semifasciatus* (grey mackerel)
 - (v) *Nibea squamosa*, *Protonibea diacanthus* (jewfish)
 - (vi) *Pomadasyds kaakan* (spotted grunter-bream)
 - (vii) *Scomberoides lysan*, *S. commersonianus* (queenfish)
- (c) fish taken whilst trawling for prawns in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act for the Northern prawn Fishery, which is described as the fishery for:
- (i) decapod crustacea of the families Penaeidae, Aristeidae, Solenoceridae (prawns), Nephropidae (Scampi), Scyllaridae (bugs) and the Infraorder Caridae (shrimps) and Mollusca of the family Pectinidae (Scallops) other than when a bait net or a haul net, set from the shore and drawn to the shore with or without the use of a boat, is used;
 - (ii) Mollusca of the family Loliginidae (squid) when prawn trawl apparatus is used; and
 - (iii) all fish taken in the exercise of a right and conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act for the fish to which paragraph (c)(i) applies, but excluding pearl shell (*Pinctada* spp), trochus (*Trochus niloticus*),

and fish listed in paragraph (b) of this Arrangement;

- (d) all fish specified in paragraph (a) taken in the exercise of a right conferred by a licence or other authority granted by the State for the fish to which this Arrangement applies;
 - (e) but excluding those fish to which this arrangement applies taken in the exercise of a right conferred by the Australian Fisheries Management Authority under the Management Act for the fisheries described in paragraphs (a) and (c).
4. Where for the purposes of this Arrangement it is necessary to determine the position on the surface of the earth of a point, line or area, that position shall be determined by reference to the Australian Geodetic Datum, that is, by reference to the spheroid having its centre at the centre of the earth and a major (equatorial) radius of 6,378,160 metres and a flattening of 1/298.25 and by reference to the Johnston Geodetic Station in the State of Queensland of Australia. That station shall be taken to be situated at Latitude 25° 56' 54.5515" South and at Longitude 133° 12' 30.0771" East and to have a ground level of 571.2 metres above the spheroid referred to above.
 5. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish, the subject of paragraphs 3(d) and 3(e), that may be taken from time to time under licence or other authority referred to in that paragraph and on matters of mutual interest in relation to the fishery.
 6. The arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the commonwealth and the Governor of the State, take effect on the date of publication in the Gazette.
 7. 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 this Arrangement and of that provision shall be constructed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this

Arrangement.

Dated the 3rd of February 1995

Signed for and on behalf of the
Commonwealth of Australia by the
Honourable DAVID PETER
BEDDALL, Minister for Resources

Signed for and on behalf of the
State of Queensland by the
Honourable EDMUND DENIS
CASEY, Minister for Primary
Industries

D P Beddall

E D Casey

in the presence of

in the presence of

P Steven

A B Peake

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, in pursuance
of paragraph subsection 74(1) and 75(1) of the *Fisheries Management
Act 1991*, hereby approve this instrument.

Dated 7th February 1995

Bill Hayden
Governor-General

By His Excellency's command

D P Beddall
Minister for Resources

I, LENEEN FORDE, the Governor of the State of Queensland, acting
by and with the advice of the Executive Council in pursuance of the
provisions of the *Fisheries Act 1994* hereby approve this instrument.

Given under my hand this 2nd day of February 1995

Leneen Forde
Governor

By Her Excellency's Command

E D Casey
Minister for Primary Industries.

ANNEX B: Record of Decisions of the Queensland Fisheries Joint Authority 2001-02

NOTE: Reference to details which would identify individual licence holders or applications has been omitted from the text of the following decisions.

Meeting Number 10 (9 August 2001)

Resolutions and Action Sheet from 21 April 2001

The QFJA:

- noted the resolutions and action list of meeting No.1/2001 of the QFJA Fisheries Advisory Committee held on 21 April 2001 at Cairns;
- discussed the reasons advanced by Queensland for the transfer of management jurisdiction for longtail tuna to Queensland. The principle reasons advanced were that the stocks were neritic and were thus caught in inshore fisheries, the species were associated with spanish mackerel which are managed by Queensland and the association of the species was leading to high bycatch rates for which the Commonwealth had set different retention rules between Queensland and the Northern Territory. The Northern Territory supported the call for a transfer of jurisdiction; and
- agreed that Queensland and the Northern Territory should write to AFMA formally proposing amendment of the MoU between the Commonwealth of Australia and the Queensland Government for the management of tuna and tuna like species to allow the retention of longtail tuna taken in the course of fishing under authorities granted for fishing for State managed species, to bring it into line with arrangements in the adjacent Northern Territory jurisdiction. The Commonwealth would then consider whether to accede to the request and liaise with Queensland and the Northern Territory.

QFJA-FAC: Expiry of membership

The QFJA:

- noted the expiry of membership of all persons appointed to the QFJA-Fisheries Advisory Committee and resolved to write to them recognising their contributions to fisheries management in the region.

Proposal to form a GulfMAC

The QFJA:

- resolved to source policy advice from the Gulf of Carpentaria Fisheries Management Advisory Committee (GulfMAC) presently being formed by the QFS to provide policy advice on the management of all fisheries in the region. AFMA

will be granted observer status at GulfMAC and will be sent all papers for meetings at the same time as other participants.

Gulf of Carpentaria Finfish Trawl Developmental Fishery – Status of Program

The QFJA:

- noted the status of the Gulf of Carpentaria Developmental Fin Fish Fishery as at June 2001;
- determined that activity in the fishery be monitored with a view to restarting the assessment and monitoring program when such activity shows significant increase;
- noted that future consideration of a proposal to join two existing operations is likely to come forward for consideration; and
- determined to review the matter of reissue of authorities at the end of the 2001-02 financial year based on the commercial level of participation of holders of those authorities in the fishery over the period since inception of the developmental fishery.

Amendment to OCS arrangement for grey mackerel

The QFJA:

- reaffirmed its decision of 26 May 1997 “to recommend to the [then] Commonwealth Minister for Resources and Energy, and the Queensland Minister for Primary Industries, Forestry and Fisheries:
 - i. an amendment to the current Offshore Constitutional Settlement (OCS) Arrangement for the fishery for northern demersal and pelagic finfish in the Gulf of Carpentaria to include the species grey mackerel (*Scomberomorus semifasciatus*);
 - ii. a concurrent amendment to the *Fisheries Regulation 1995* to enable holders of L4 and L5 symbols to retain grey mackerel and;
 - iii. noting that the amendments are to correct a procedural error in the existing OCS Arrangement”; and
- determined that AFFA should take steps to progress the draft OCS agreement (attached) accordingly.

Consultation with Adjacent Jurisdictions

The QFJA:

- noted the conduct of the sixth Northern Australia Fisheries Management Workshop in Darwin on 9-10 August 2001 in accordance with the formal consultative arrangements agreed under OCS arrangements and associated MoUs, and that matters discussed at the Workshop are being acted upon by

participants at that workshop in accordance with the cooperative management approach envisaged under the OCS arrangements.

Consideration of Report on the Gulf of Carpentaria Gill Net Fishery

The QFJA was presented with a draft of a QFS report on bycatch issues in the Gulf of Carpentaria Gill Net Fishery. A broad outline of the report and its recommendations was given to the QFJA by Queensland. The QFJA was informed that Queensland would make the report available to the Northern Territory, the public and interested persons including industry. It was agreed that the outcomes of the consultative process be reported back to the QFJA on receipt of responses for immediate attention and that the matter be placed on the agenda for next year's QFJA session.

Queensland indicated its support for the approach of the Western Australian Fisheries Joint Authority to have an assessment performed by CSIRO of the benefits of a closure of the undeveloped Western Australian Northern Shark Fishery, including the possible flow-on effects on shark stocks in the adjacent jurisdictions of Northern Territory and Queensland.

Report on Use of Delegated Powers

The QFJA noted that no new applications for additional authorities were lodged or approved in the last financial year by a QFJA delegate with the use of powers sub-delegated under Section 130 of the *Fisheries Act 1994*.

Appeals Lodged

The QFJA noted that no new appeals have been lodged with the Fisheries Tribunal against decisions of the QFJA whilst the three appeals from the previous period have been dismissed.

Licenses/ Authorities Granted

The QFJA noted the number of licences and permits issued as at 30 June 2001 for fishing activities under its jurisdiction as follows:

L4	82	Primary Boats
	113	Tender Boats associated with those Primary Boats
L5	21	Primary Boats
	42	Tender Boats associated with those Primary Boats

Permits/other authorities 10

Issue of new authorities for applications recently received

The QFJA agreed to consider the matter at a separate meeting occasion.

Annual Report 2000-01

The QFJA noted arrangements for the preparation and presentation of its 2000-01 Annual Report.

Fees and Charges

The QFJA noted that fees and charges for licences and permits it issues are not to increase in the financial year 2001-02.

Budget 2000-01

The QFJA resolved to adopt the budget for the financial year 2001-02.

Excess Capacity in QFJA Line Fisheries

The QFJA determined to have a paper developed out of session on dealing with excess capacity in the L4 and L5 fisheries.

Record of Meeting of the Queensland Fisheries Joint Authority on 9 August 2001.

Signed:

.....
Glenn Hurry
DEPUTY FOR THE COMMONWEALTH MINISTER FOR FORESTRY AND
CONSERVATION

.....
Frank Meere
DEPUTY FOR THE COMMONWEALTH MINISTER FOR FORESTRY AND
CONSERVATION

.....
Peter Neville
DEPUTY FOR THE QUEENSLAND MINISTER FOR PRIMARY INDUSTRIES AND
RURAL COMMUNITIES
ARRANGEMENT BETWEEN THE COMMONWEALTH AND STATE OF
QUEENSLAND IN RELATION TO THE FISHERY FOR GREY MACKEREL IN THE
GULF OF CARPENTARIA

AN ARRANGEMENT entered into between the Commonwealth of Australia of the one part ("the Commonwealth") and the State of Queensland ("the State") of the other part

WHEREAS
(a) Part 5 of the *Fisheries Management Act 1991* of the Commonwealth ("the

- Management Act") provides for co-operation with the States and the Northern Territory in the management of fisheries;
- (b) The Queensland Fisheries Joint Authority was established by an arrangement made by the Commonwealth and the State of Queensland under section 61 of the Management Act and this arrangement was gazetted on 8 February 1995;
 - (c) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with the 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; (c) subsection 74(1) of the Management Act provides that an arrangement under, inter alia, subsection 71(1) is to be made by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
 - (d) subsection 132 (1) of the *Fisheries Act 1994* of Queensland ("the State Act") empowers the State to make an arrangement referred to in section 71 of the Management Act for the management of a particular fishery; and
 - (e) both the Commonwealth and the State are desirous of exercising their powers to make an arrangement in relation to the fishery referred to in clause 1 of this Arrangement.

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

1. The fishery (which in accordance with section 9 of the Management Act does not extend to or in relation to the Protected Zone as defined in *the Torres Strait Fisheries Act 1984* or to the area adjacent to the Protected Zone to which the *Torres Strait Fisheries Act 1984* applies by virtue of a Proclamation under subsections 15(1) or (2) of that Act) in the waters relevant to the State, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged lands) Act 1967* under the heading "Area that includes the Adjacent Area in respect of Queensland" west of Longitude 142° 31' 49" East, for:
 - i. *Scomberomorus semifasciatus* (Grey Mackerel); and
 - ii. all fish taken in the exercise of a right conferred by license or other authority granted by the State which allows the taking of fish to which this Arrangement applies;

is to be managed by the Queensland Fisheries Joint Authority in accordance with the law of Queensland.

2. The origin of geographical co-ordinates used in this Arrangement is the Australian Geodetic Datum 1966 (AGD66).
3. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish, the subject of
4. paragraph 1(ii), that may be taken from time to time under a license or other authority referred to in that paragraph, and on matters of mutual interest in relation to the fishery.
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 the 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.

6. This Arrangement shall, upon being executed on behalf of the Commonwealth and the State and upon being approved by the Governor-general of the Commonwealth and the Governor of the State, take effect on the date of publication in the Commonwealth Gazette.
7. Unless the contrary intention is indicated words used in this Arrangement shall have the same meaning as in the Management Act.

Signed for and on behalf of the Commonwealth of Australia by the Honourable [INSERT DETAILS] Minister for [INSERT DETAILS] in the presence of

Signed for and on behalf of the State of Queensland by the Honourable [INSERT DETAILS] Minister for [INSERT DETAILS] in the presence of

I, (Insert name) the GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of subsection 74(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.
Dated this day of 2001

Governor-General
By His Excellency's command

Minister for [INSERT DETAILS]

I, [INSERT DETAILS] the GOVERNOR of the State of Queensland acting with the advice and consent of the Executive Council in pursuance of the provisions of the *Fisheries Act 1994* hereby approve this instrument.
Given under my hand this day of 2001

Governor
By His Excellency's command
Minister for [INSERT DETAILS]
Annex C

STATEMENTS UNDER ASSOCIATED LEGISLATION

Freedom of Information Act 1982

Information relating to the Freedom of Information Act 1982 with respect to a Queensland Fisheries Joint Authority fishery is contained within the annual report issued by the Queensland Department of Primary Industries.

Occupational Health and Safety (Commonwealth Employment) Act 1991

Information relating to Occupational Health and Safety issues with respect to a Queensland Fisheries Joint Authority fishery is contained within the annual report issued by the Queensland Department of Primary Industries.

Political Broadcasting and Political Disclosures Act 1991

The Queensland Fisheries Joint Authority has undertaken no advertising or market research activities during the period under review.

Annex C

GLOSSARY OF TERMS

AFFA	Department of Agriculture, Fisheries and Forestry - Australia
AFMA	Australian Fisheries Management Authority
CFISH	Queensland Fisheries Commercial Log Book System
CSIRO	Commonwealth Scientific and Industrial Research Organisation
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GulfMAC	Gulf of Carpentaria Fisheries Management Advisory Committee
MAC	Management Advisory Committee
MoU	Memorandum of Understanding
NGO	Non-government Organisation
OCS	Offshore Constitutional Settlement
QDPI	Queensland Department of Primary Industries
QFISH	Queensland Fisheries Commercial Log Book System
QFJA	Queensland Fisheries Joint Authority
QFS	Queensland Fisheries Service