

**QUEENSLAND FISHERIES JOINT AUTHORITY**

**REPORT FOR THE PERIOD**

**1 JULY 2003 TO 30 JUNE 2004**

Commonwealth of Australia 2004

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

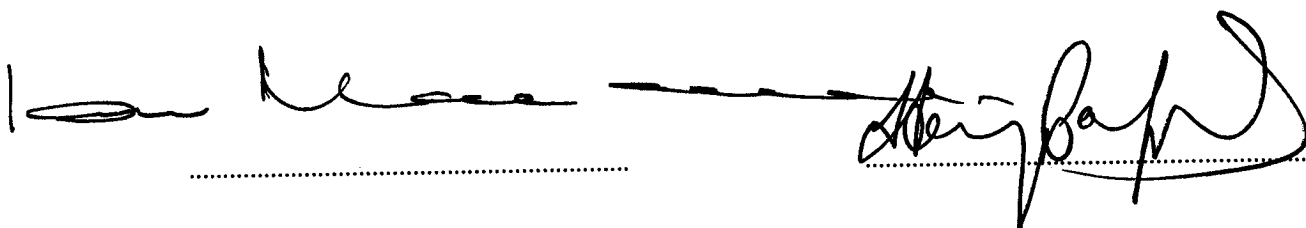
Queensland Fisheries Joint Authority  
Report of the Queensland Fisheries Joint Authority  
for the period 1 July 2003 to 30 June 2004

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 Fisheries

Parliament House  
BRISBANE QLD 4000



The image shows two handwritten signatures. On the left is the signature of Senator the Hon Ian Macdonald, and on the right is the signature of The Hon Henry Palaszczuk MP. Both signatures are written in black ink and are positioned above a dotted line.

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## 1. INTRODUCTION

This is the tenth report of the Queensland Fisheries Joint Authority (QFJA) and outlines its activities undertaken during the period 1 July 2003 to 30 June 2004. 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* (Commonwealth) 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.

A further arrangement between the Commonwealth and the State of Queensland, under section 71 of the *Fisheries Management Act 1991* and section 132 of the *Fisheries Act 1994* of Queensland, in relation to the Gulf of Carpentaria grey mackerel fishery was approved by the Administrator of the Commonwealth of Australia on 25 June 2003. That arrangement was published in the Commonwealth of Australia Gazette No. GN 26 on 2 July 2003 and in the Queensland Government Gazette No. 60 on 4 July 2003. A copy of the Queensland Gazette Notice (which is identical to the Commonwealth Gazette Notice) is at Annex B. The Arrangement provides, amongst other things, that this fishery be also managed under Queensland law by the Queensland Fisheries Joint Authority.

### **3. MEMBERS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY**

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

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

Hon Henry Palaszczuk MP  
Queensland Minister for Primary Industries and Fisheries

Deputies appointed for the reporting period were:

For the Commonwealth Minister

Mr Frank Meere, Managing Director, Australian Fisheries Management Authority (AFMA) – 1 July 2003 to 7 November 2003

Mr Les Roberts, Acting Managing Director, Australian Fisheries Management Authority (AFMA) - 8 November 2003 to 9 May 2004.

Mr Peter Witheridge, Acting Managing Director, Australian Fisheries Management Authority (AFMA) - 19 December 2003 to 26 January 2004 (overlap while Mr Les Roberts on leave).

Mr Richard McLoughlin, Managing Director, Australian Fisheries Management Authority (AFMA) - 10 May 2004 to 30 June 2004.

Mr Glenn Hurry, General Manager, Fisheries and Aquaculture Branch, Department of Agriculture, Fisheries and Forestry (DAFF).

For the Queensland Minister

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

Mr Colin Bishop – Acting Deputy Director General, Queensland Fisheries Service, Department of Primary Industries (QDPI) – 13 September 2003 to 25 October 2003.

Mr James Gillespie – Acting Deputy Director General, Queensland Fisheries Service, Department of Primary Industries (QDPI) – 26 October 2003 to 13 December 2003.

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 then 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 chief executive (defined as the Chief Executive, QDPI) all the functions and powers of the chief executive for the fishery" (subsection 136(3)). Such functions and powers are provided at sections 20, 20A, 21 and 22 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 19 August 2003. Principal matters dealt with at the meeting included:

- Review and action of the reports of the Gulf of Carpentaria Fisheries Management Advisory Committee (GulfMAC);
- Review of activities of the developmental fin fish trawl fishery;
- Approval of future management arrangements for grey mackerel; and
- Agreement on in-possession shark limits in QFJA line, trap and fin fish trawl fisheries;

A complete list of decisions of these meetings is provided at Annex C.

## 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 supported, in conjunction with the Chief Executive, QDPI who manages the inshore finfish fisheries in the Gulf of Carpentaria (GOC), the formation of a Gulf Management Advisory Committee (GulfMAC) in November 2001. Gulf MAC had been preceded by a Fisheries Advisory Group to the QFJA for the preceding period from 1996 to 2001.

The 2003 and 2004 members of GulfMAC were:

Dr Joe Baker	Chair
Des Callope	Gkuthaarn People
Steve Sly	Department of Business, Industry and Resource Development, Northern Territory Fisheries
David Donald	Recreational Fisher
Mark Doohan	Queensland Fisheries Service (QFS)
Rod Garrett	QDPI Research
Sue Gould	Weipa Catchment Coordinating Committee
Bob Grimley	Queensland Boating and Fisheries Patrol, QFS
Greg Howard	Commercial fisher – line fishery
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
Ryan Murphy	Permanent observer (AFMA) 2003
Wade Whitelaw	Permanent observer (AFMA) 2004

GulfMAC met on two occasions during the period under review, on 24/25 July 2003 and 6/7 May 2004. Principal matters dealt with at these meetings included.

### 24/25 July 2003

- Progress of legislative amendments relating to the shark fishery;
- Excess capacity in Gulf of Carpentaria Line Fisheries;
- Draft Bycatch Action Plan;
- Overview of the National Plan of Action for Sharks; and
- Management of shark stocks in the GOC.

### 6/7 May 2004



- Indigenous representation on the MAC and consultation processes with Aboriginal communities;
- Recreational in-possession limits for shark;
- Management of grey mackerel stocks in the GOC;
- In-possession net limits in GOC net fisheries;
- Impact on protected species;
- Draft By-catch Action Plan; and
- Ghost net fishing.

## **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 September 2004. Sharks include all shark species, whilst other Finfish and Trawled Finfish include all fish species except those otherwise listed in Table 1.

Shark catches declined significantly between 2002 and 2003 (Table 1) due to the decline in active operators. These operators targeted shark in another jurisdiction. Small catches of shark and grey mackerel from Queensland's inshore net fishery have also been included in Table 1. "Other finfish" are species caught by both QFJA authority holders and Queensland licence holders. Landings of barramundi and threadfin salmon are not included in the "Other finfish" category as these species are individually identified and recorded in CFISH logbooks and are not QFJA managed species. Barramundi and threadfin salmon are taken as bycatch by QFJA authority holders, but the quantities involved are insignificant.

**Table 1 - Commercial Catches of Finfish by calendar year**

Species	1997	1998	1999	2000	2001	2002	2003
	<i>Catch (t)</i>	<i>Catch (t)</i>	<i>Catch (t)</i>	<i>Catch (t)</i>	<i>Catch (t)</i>	<i>Catch (t)</i>	<i>Catch (t)</i>
Shark	322.3	346.8	368.5	389.2	476.8	625.0	478.0
Mackerel-Grey	378.8	372.1	310.8	425.4	500.4	358.3	379.6
Mackerel-Spanish	214.5	130.8	176.6	146.3	174.9	220.9	187.4
Other Finfish	132.6	126.4	201.2	336.0	243.2	348.0	263.2
Trawled Finfish	-	79.0	74.0	12.9	9.7	199.3	252.4
Totals	1048.2	1055.0	1131.1	1309.9	1405.0	1751.4	1560.6

**Note** - Catches recorded in this table have been reported using new standard weight conversion codes which better reflect the recovery rate for each species and as a consequence have changed in years previously reported. 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 Queensland's Gulf of Carpentaria Inshore Net Fishery, however landings of barramundi, blue salmon and king salmon have been excluded. Significant changes have been reported in catches for past years. This is as a result primarily of changes to the weight conversion factors converting fillet, trunk and gilled and gutted product forms to a standard data set for all years since 1997 when catch data were first reported by the QFJA.

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. In 1995, 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 MoUs 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 eighth Northern Australia Fisheries Management Workshop in Darwin on 19-20 August 2003. The ninth workshop has been scheduled for 15-16 September 2004 in Darwin and will be reported in the next Annual

Report of the QFJA.

A number of issues were considered at the August 2003 workshop. These are set out below.

- (a) The need to undertake compliance risk assessments for each jurisdictions shark, Spanish Mackerel and demersal fisheries.
- (b) The need to establish management trigger points/reference points that are consistent in all northern Australian shark, Spanish mackerel and demersal fisheries.
- (c) The need to establish consistent fishery independent data collection techniques in (bycatch/byproduct & target) all northern Australian shark, Spanish mackerel and demersal fisheries
- (d) Establishing a working party to standardise logbooks across jurisdictions for these northern Australian shark, Spanish mackerel and demersal fisheries. Logbooks to incorporate provision for recording of bycatch and byproduct.
- (e) Future Management Arrangements for Squid as the species is an important component of State, Territory and Commonwealth fisheries. Arrangements need to be implemented to ensure the sustainable harvest of squid stocks by these fisheries.

To assist in the delivery of complementary management of shared stocks, Workshop participants agreed that operational plans for northern shark, grey mackerel, Spanish mackerel and tropical snappers should be developed. It was agreed that timeframes to undertake fishery and, ultimately, stock assessments would be established within these plans.

It was envisaged that the operational plan for northern sharks would be developed in response to the National Plan of Action for the Conservation and Management of sharks.

## **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 main purpose of the Act is to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to –

- (a) apply and balance the principles of ecologically sustainable development; and
- (b) promote ecologically sustainable development

This statutory framework applies to the QFJA.

At its inaugural meeting in 1995, the QFJA adopted policies that provided for the 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;
- Data collection from authority holders;
- Arrangements for the conduct of a developmental finfish trawl fishery; and
- Policy for the management of the L4 and L5 line fisheries in the Gulf of Carpentaria.

During the period under review, the QFJA approved the introduction of a new policy to deal with the future management of grey mackerel in the Gulf of Carpentaria. Details of that policy are contained in the Records of Decisions at Annex C to this report.

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

## **9. DELEGATION OF POWERS**

For effective functioning, licensing and permit issuing powers have been delegated to those Queensland Department of Primary Industries and fisheries (QDPI&F) 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 - | <b>section 55</b>  | (issue of authorities)                                  |
|                        | <b>section 58</b>  | (renewal of authorities)                                |
|                        | <b>section 61</b>  | (conditions imposed on issue or renewal of authorities) |
|                        | <b>section 63</b>  | (amendment of authorities)                              |
|                        | <b>section 65</b>  | (transfer of authorities)                               |
|                        | <b>section 71</b>  | (replacement of authorities)                            |
| (2) The powers under - | <b>section 59</b>  | (refusal to issue or renew authorities)                 |
|                        | <b>section 67</b>  | (suspension or cancellation of authorities)             |
| (3) The powers under - | <b>section 160</b> | (disposal of seized fisheries resources)                |
|                        | <b>section 161</b> | (Authority may return seized things)                    |
|                        | <b>section 162</b> | (obligation to return seized things)                    |
|                        | <b>section 163</b> | (obligation to pay net proceeds of sale)                |
|                        | <b>section 164</b> | (Authority may order forfeiture of unclaimed things)    |
|                        | <b>section 178</b> | (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***

Authority/ Symbol	95/96	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04
L4 (primary)*	45	83	82	82	82	83	83	83	40
L4 (tender)*	74	114	114	114	113	113	113	113	77
L5 (primary)*	7	14	22	23	21	22	22	22	7
L5 (tender)*	10	26	39	43	42	42	42	42	14
Permits/Authority	-	8	12	10	10	11	11	11	11
Total	136	245	269	262	268	271	271	271	148

Note - \* Refer to *Fisheries Regulation 1995* for full details of activities authorised by the relevant fishery symbol. In summary, the fishery 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 fishery symbol L5 authorises similar line fishing activities to a distance of 3 nautical miles from the Territorial Sea baseline. Tender boats are licensed boats that operate in conjunction with an associated primary boat.

The decrease in the number of L4 and L5 fishery symbols results from the application of the QFJA “Policy for the management of the L4 and L5 line fisheries in the Gulf of Carpentaria” This policy was developed to remove excess fishing capacity (under-utilised licences) from these fisheries.

## **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 not 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 2003-04 financial year, total revenue received by the QFJA was \$29260. This was received from licences with a QFJA authorisation (\$11239) and from permits (\$18021) granted by the QFJA. These moneys were used to pay costs incurred by the QFJA, which included licensing and administration costs, as well as meeting expenses. Details of income and expenditure are reported as part of the Annual Report of the QDPI&F.

**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 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 as if it had been entered into under Part 7 of the State Act on the commencement of Part 7;



## 12

- (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 are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the State Act and of all other powers so enabling, 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 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 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) *Pomadasys 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 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 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 a fishing concession granted 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 a licence or other authority referred to in that paragraph and on matters of mutual interest in relation to the fishery.
  6. This arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the Commonwealth and the Governor of the State, take effect on 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 construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this

## Arrangement.

Dated the 3rd day of February 1995

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

D P Beddall  
in the presence of  
P Steven

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

E D Casey  
in the presence of  
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 subsections 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.



**Arrangement between the Commonwealth  
and the State of Queensland, under  
section 71 of the Fisheries Management  
Act 1991 and section 132 of the Fisheries  
Act 1994 of Queensland, in relation to the  
Gulf of Carpentaria grey mackerel fishery**

made under the

*Fisheries Management Act 1991 and Fisheries Act 1994 of  
Queensland*

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**1 Commencement**

This arrangement commences on gazettal.

**2 Origin of geographical coordinates**

For this arrangement, the origin of geographical coordinates is the Australian Geodetic Datum 1966 (AGD66).

**3 Arrangement**

- (1) This arrangement is made under subsection 71(1) of the *Fisheries Management Act 1991* and subsection 132(1) of the *Fisheries Act 1994* of Queensland.
- (2) The fishery specified in section 4 is to be managed by the Queensland Fisheries Joint Authority in accordance with the law of Queensland.

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**Section 4**

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**4 The fishery**

The fishery:

- (a) is commercial fishing for grey mackerel (*Scomberomorus semifasciatus*); and
  - (b) includes the taking of incidental catch of finfish by a person fishing for grey mackerel under an authority granted under Queensland law;
- in that part of the area described as 'The adjacent area in respect of Queensland' in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* that is west of 142° 31' 49".

*Note* The fishery does not include Protected Zone, within the meaning given in the *Torres Strait Fisheries Act 1984*, or an area adjacent to the Protected Zone: see section 9 of the *Fisheries Management Act 1991*.

**5 Ministers may make agreement**

The Commonwealth and State Ministers may agree in writing about:

- (a) the amount of fish that may be taken by a person under an authority of a kind mentioned in paragraph 4 (b); and
- (b) other matters in relation to the fishery.

GUY STEPHEN MONTAGUE GREEN, Administrator  
 I, ~~PETER JOHN HOLLINGWORTH, Governor-General~~ of the Commonwealth of  
 Australia, acting with the advice of the Federal Executive Council, approve this  
 instrument.

Dated 25 June 2003

*A.M.S.*  
*W.*  
*A.M.S.*  
 Administrator  
~~Governor-General~~

By His Excellency's Command

*Ian Macdonald*

IAN MACDONALD  
 Minister for Fisheries, Forestry and Conservation

I, MAJOR GENERAL PETER ARNISON, Governor of the State of Queensland,  
 acting by and with the advice of the Executive Council of that State, approve this  
 instrument.

Dated 8 May 2003

*Peter Arnison*

Governor

By His Excellency's Command

*Henry Palaszczuk*

HENRY PALASZCZUK  
 Minister for Primary Industries and Rural Communities

## **ANNEX C: Record of Decisions of the Queensland Fisheries Joint Authority 2003-04**

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

### **Meeting Number 13 (19 August 2003) at Darwin**

#### **Resolutions**

##### **CONFIRMATION OF PREVIOUS MINUTES**

That the minutes of the previous QFJA meetings held on 18 September 2002 in Darwin and 2 May 2003 in Canberra be confirmed.

##### **APPOINTMENT OF SECRETARY TO THE QFJA**

That Mr Mark Doohan be appointed as secretary of the QFJA.

##### **GULF OF CARPENTARIA FINFISH TRAWL – MANAGEMENT/SCIENTIFIC**

That the QFJA amend all finfish trawl permits to:

- Allow for the take of golden snapper, Moses perch, striped snapper, maroon perch and mangrove jack with the condition that these species not exceed 50% of the red snapper catch;
- Allow for larger/stronger mesh size (12"- 4mm diameter) to be used in the forward part of the net;
- Provide for an in possession limit of 20 fish for the following non-target species; Black jewfish, queen fish, king salmon, blue salmon, grey mackerel and spotted grunter bream;
- Provide an in possession limit of 20 squid; and
- Given concerns about status of Spanish mackerel stocks that the QFJA also agrees to include an in-possession limit of 20 Spanish mackerel or any Spanish mackerel product whilst operating under the permit.

That the QFJA does not amend the southern boundary of the fishery as the southern boundary of 13 degrees 30 minutes south was introduced to separate finfish trawl from the main areas of the Northern Prawn Fishery. It was not introduced to restrict the movement of foreign trawlers as purported by the permit holders.

That the QFJA amend permits to include the condition that, if required by written notice from the QFJA, the holder must carry on board the boat a person (the observer) to observe and report on the operations of the boats under this permit for such relevant purpose as the QFJA requires. This includes for scientific assessment or other purpose related to the management of the developmental fishery that the QFJA determines. The observer must be suitably qualified and authorised by the QFJA. The holder must pay for all reasonable costs of the



observer, including professional fees, accommodation and expenses where applicable. The holder must cooperate with any reasonable request made by an authorised observer to enable the observer to adequately perform the observer's functions.

It was agreed that the observer program aim to cover/observe at least 10% of all fishing activities.

That the QFJA does not support a review on the current size limits for red snappers at this time, noting that the proposed observer program could collect appropriate information on the species to enable such a review to be undertaken in the future.

That the QFJA agree that management costs should be kept at a reasonable level and advised all management agencies did their utmost to keep management costs down.

## **POLICY MATTERS**

### **OCS arrangement for grey mackerel**

That the QFJA note:

- that the OCS arrangement between the Commonwealth and the State of Queensland, under section 71 of the Fisheries Management Act 1991(Cth) and section 132 of the Fisheries Act 1994 (Qld), in relation to the Gulf of Carpentaria grey mackerel fishery, came into effect on 4 July 2003; and
- that an amendment to the Fisheries Regulation 1995 was made in December 2002 to enable holders of L4 and L5 fishery symbols to retain grey mackerel on the gazettal of the above arrangement.

### **Future management arrangements for grey mackerel in the Gulf of Carpentaria inshore fishery.**

The meeting noted that the QFJA, at it's meeting in September 2002, approved as policy:

- That grey mackerel be taken as a target species in the offshore net fishery (N9 fishery symbol) under a condition of licence.
- That licence holders authorised to fish in the inshore net fishery (fishery symbol N3) who can demonstrate that they have taken commercial quantities of grey mackerel prior to 1999 be granted QFJA authorisations enabling them to target fish for grey mackerel.
- That licence holders authorised to fish in the inshore net fishery (fishery symbol N3) who can not meet the requirement of (b) be limited to a specified in possession catch limit to accommodate the non-target catch of grey mackerel.
- That GulfMAC be requested to recommend an appropriate catch history for the purpose of granting authorisations under (b) and an appropriate in-possession limit for the purpose under (c).

In response to QFJA's request, GulfMAC at its meeting on 24/25 July 2003 recommended:

That subject to the conditions listed under (ii), primary commercial fishing boat licences endorsed with an N3 fishery symbol be authorised by the QFJA (upon application) to target fish for grey mackerel only if:

- a catch history of 500 kg or more of grey mackerel prior to 31 December 1998 can be demonstrated (onus of proof on applicant); or
- a catch history of 10 tonnes or more of grey mackerel between 1 January 1999 and 31 December 2002 (inclusive) can be demonstrated (onus of proof on applicant). This criterion was developed to reflect current fishery involvement.

That the following operational conditions be attached to eligible licences:

- Primary commercial fishing boat be under survey;
- Licence holders fund and participate in a fishery observer program. The program is to collect biological and fishery information on grey mackerel, and other information as required, which is necessary for assessing the status, condition and use of Gulf of Carpentaria stocks. An appropriate fee should be prescribed in the *Fisheries Regulation 1995* or a licence condition applied to achieve the same outcome;
- An in possession net limit of 600 metres apply when targeting grey mackerel under QFJA authorisation (ie. in possession of more than 100 kg of grey mackerel); and
- VMS be installed and operational on all primary commercial fishing boats when targeting grey mackerel under QFJA authorisation. A VMS, to be purchased, installed and maintained by the licence holder, is required to minimise conflict between offshore QFJA, N9 and N3 boats.

To address the incidental catch of grey mackerel in the net fishery, GulfMAC also recommended that all primary commercial fishing boats without a QFJA authorisation to target fish for grey mackerel be allowed to possess up to 100 kg of grey mackerel per N3 fishery symbol.

That the QFJA approve the "Policy for Management of Grey Mackerel in the Gulf of Carpentaria."

### **Consultation with Adjacent Jurisdictions**

The meeting noted the conduct of the eighth Northern Australia Fisheries Management Workshop in Darwin on 19-20 August 2002 in accordance with the formal consultative arrangements agreed under Offshore Constitutional Settlement arrangements and associated Memoranda of Understanding, 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.

### **Excess capacity in the QFJA line fisheries**

The meeting noted:

That the “Policy for the management of the L4 and L5 line fisheries in the Gulf of Carpentaria” had been approved by the QFJA at its meeting on 18 September 2002.

The Policy was later amended and subsequently approved by the QFJA at its meeting in May 2003 to incorporate new objectives of the Fisheries Act 1994.

That all L4 and L5 fishery symbol holders were forwarded a copy of the above policy in May 2003

That the decision-making process had commenced and would continue for at least another 12 months.

### **Report on the Gulf of Carpentaria Inshore Fishery**

The meeting noted:

That a final draft of the Bycatch Action plan (BAP) of Gulf of Carpentaria fisheries was endorsed by GulfMAC at its meeting on 24/25 July 2003.

That the BAP was now being considered by QFS.

That many of the actions contained in the BAP had already been implemented by the QFS and by Industry under their Code of Conduct and other initiatives.

The meeting also noted that the following policy in relation to net fisheries, which was approved by the QFJA at its September 2002 meeting, had not yet been applied.

- (a) a reduction in the authorised length of nets used in all QFJA net fisheries in the Gulf of Carpentaria from 2500 metres to 1200 metres;
- (b) the introduction of a 100 metres net attendance rule;
- (c) the introduction of a requirement to fix or anchor nets with at least end fixed to the primary fishing vessel;
- (d) the mandatory use of a Vessel Monitoring System, with the requirement to notify QFS when going inside the 25 nautical mile line; and
- (e) that the policy be implemented on licence renewal.

The QFJA noted that this policy was required to reduce the risk of capturing protected species.

The QFJA reaffirmed that this policy be implemented on licence renewal as soon as possible and agree to amend the policy to include a maximum in-possession net limit of 1200 metres.

### **Management arrangements for shark in the Gulf of Carpentaria inshore fishery**

The meeting noted that the in-possession shark limit of 550 kg wet weight with a 10 to 1 fillet to fin ratio proposed for the N3 fishery was likely to be introduced next year.

To further assist in the conservation of shark species in the Gulf of Carpentaria, the QFJA agree to the following in possession shark/shark product limits:

- (a) QFJA trap fisheries – nil possession
- (b) QFJA line fisheries – nil possession
- (c) QFJA fin fish trawl fishery – nil possession

## **LICENSING**

### **Report on Use of Delegated Powers**

The meeting noted that no new applications for an additional authority were lodged in the last financial year:

### **Appeals Lodged**

The meeting noted that no new appeals had been lodged with the Fisheries Tribunal against decisions of the QFJA.

### **Licences/ Authorities Granted**

The meeting noted the number of licences and permits issued as at 31 May 2003 for fishing activities under the QFJA jurisdiction were as follows:

- L4                      83        Primary Boats  
                                 113      Tender Boats associated with those Primary Boats
- L5                      22        Primary Boats  
                                 42        Tender Boats associated with those Primary Boats
- Permits/other authorities      10

### **Issue of new authorities for applications recently received**

The meeting was advised that an application from A Raptis and Sons Pty Ltd for a general fisheries permit authorising activity in the QFJA managed developmental fin fish trawl fishery had been lodged.

The QFJA agreed:

- that should a permit be issued then permit conditions should reflect those conditions on other finfish trawl permits;
- that permits issued for developmental finfish trawling conveyed no long-term rights in the fishery;
- that the next status report on the fishery to the QFJA includes an update on the fishery's move towards a permanent status.

## **ADMINISTRATION AND FINANCIAL MATTERS**

### **Annual Report 2002/2003**

The meeting noted arrangements for the preparation and presentation of the QFJA 2002/3 Annual Report and noted that an electronic copy would be forwarded to the Department of Agriculture, Fisheries and Forestry.

### **Fees and Charges**

The meeting noted that fees and charges for licences and permits the QFJA issues are not to increase in the financial year 2003/2004, but may, however, be subject to CPI increases.

### **Budget 2002/2003**

The QFJA adopted the budget for the financial year 2003/2004.

## **ANNEX D**

### **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 E

### **GLOSSARY OF TERMS**

DAFF	Australian Government Department of Agriculture, Fisheries and Forestry
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
QDPI&F	Queensland Department of Primary Industries and Fisheries
QFISH	Queensland Fisheries Commercial Log Book System
QFJA	Queensland Fisheries Joint Authority
QFS	Queensland Fisheries Service