

QUEENSLAND FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2005 TO 30 JUNE 2006

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 2005 to 30 June 2006

The Hon Tony Burke MP
Commonwealth Minister for
Agriculture, Fisheries and Forestry

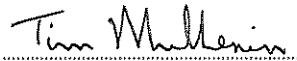
Parliament House
CANBERRA ACT 2600

The Hon Tim Mulherin MP
Queensland Minister for Primary
Industries and Fisheries

Parliament House
BRISBANE QLD 4000



Handwritten signature of Tony Burke in black ink, written over a horizontal dotted line.



Handwritten signature of Tim Mulherin in black ink, written over a horizontal dotted line.

Commonwealth of Australia 2008

ISSN 1328-4258

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Published by:

Australian Fisheries Management Authority
73 Northbourne Avenue
CANBERRA ACT 2600

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1. INTRODUCTION

This is the twelfth report of the Queensland Fisheries Joint Authority (QFJA) and outlines the activities of the Authority undertaken during the period 1 July 2005 to 30 June 2006. The QFJA undertakes the 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;
- (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 QFJA.

3. MEMBERS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY

The members of the QFJA for the reporting period were:

Senator the Hon Eric Abetz
Commonwealth Minister for Fisheries, Forestry and Conservation

Hon Henry Palaszczuk MP
Queensland Minister for Primary Industries and Fisheries

Hon Tim Mulherin
Queensland Minister for Primary Industries and Fisheries

Deputies appointed for the reporting period were:

For the Commonwealth Minister

Mr Richard McLoughlin, Managing Director, Australian Fisheries Management Authority (AFMA).

Mr Russell James, General Manager, Fisheries and Marine Environment Branch, Department of Agriculture, Fisheries and Forestry (DAFF).

For the Queensland Minister

Mr Peter Neville, Deputy Director General - Fisheries, Department of Primary Industries and Fisheries (QDPI&F) – 1 July 2005 to 5 January 2006.

Mr Grant Hall, Deputy Director - Fisheries QDPI&F – 6 Jan 2006 to 30 June 2006.

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 QDPI&F.

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; and
- (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&F) 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 22 September 2005. 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;
- Future management arrangements for shark and grey mackerel in the Queensland Gulf of Carpentaria inshore fin fish fishery; and
- *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) Strategic assessment and accreditation of QFJA fisheries.

A complete list of decisions of the meeting is provided at Annex C.

6. MANAGEMENT ADVISORY COMMITTEE

The QFJA, in undertaking its responsibilities, is required under Queensland law to consult with stakeholders when developing fishery policies, 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 QDPI&F GulfMAC, which was established in 2001, provides fisheries management advice to the QFJA.

The 2005-06 members of GulfMAC were:

Dr Joe Baker	Chair
Dave McKey	Department of Primary Industries and Fisheries, Northern Territory
David Donald	Recreational fisher
Mark Doohan	QDPI&F
Rod Garrett	QDPI&F Research
Bob Grimley	Queensland Boating and Fisheries Patrol, QDPI&F
Greg Howard	Commercial fisher – line fishery
Jack Juhel	Wellesley Island Sea Claim (Carpentaria Land Council)
Colin Limpus	Environmental Protection Agency, Queensland
David McAtamney	Seafood Marketer
Stephen Parker	Recreational fisher (Sunfish Mareeba)
John Smith	Local Government
Gary Ward	Commercial fisher – inshore net and fisheries
Russell Butterworth	Commercial fisher - offshore net fishery
Wade Whitelaw	Permanent observer (AFMA)
Chris Roberts	Observer Cape York Land Council
Kelly Gardner	Observer Carpentaria Land Council (2005)

GulfMAC met once during the period under review on 11-12 January 2006. Principal matters dealt with at the meeting included:

- proposed process to identify Commonwealth Marine Protected Areas in the Gulf of Carpentaria;
- impacts of illegal fishing by Foreign fishing fleets;
- future management options for QFJA line fisheries; and
- future management arrangements for the harvest of shark and grey mackerel by Queensland licensed fishers.

7. CONDITION OF THE FISHERY

Commercial fisheries harvesting finfish species under QFJA jurisdiction are managed under the Queensland *Fisheries Act 1994* and subordinate legislation. These fisheries are managed using a variety of input controls including:

- limited entry (commercial fishery only);
- boat and gear restrictions;
- spatial and temporal closures;
- possession limits; and
- fish size limits.

Commercial catches of finfish species under QFJA jurisdiction are contained in Table 1. These catches were made using set mesh net, line and trawl apparatus. Catch information 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). Shark catch includes all shark species, whilst other Finfish and Trawled Finfish catch includes all fish species except those otherwise listed in Table 1.

Table 1 - Commercial Catches of Finfish by Calendar Year

Species	1999	2000	2001	2002	2003	2004	2005
	Catch (t)	Catch (t)	Catch (t)	Catch (t)	Catch (t)	Catch (t)	Catch (t)
Shark	360	390	370	390	430	360	420
Grey mackerel	310	420	470	350	380	470	380
Spanish mackerel	170	150	160	220	180	220	250
Other Finfish	100	120	180	200	220	240	170
Trawled Finfish	74	13	10	199	252	366	479
Totals	1014	1093	1190	1359	1462	1656	1700

Note – Harvest is rounded to nearest 10 tonnes as catches are estimates and are converted from reported product forms (fillets, gilled and gutted, trunk) to reflect live weight as a standard reporting approach. Some totals reported are different to those reported in previous years as adjustments have been made to data due to inaccurate reporting by some fishers. Shark and grey mackerel catches include catches by operators in Queensland's Gulf of Carpentaria inshore net fishery. "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.

Shark

Shark catches have remained stable over the past seven years and are within the bounds of normal variability expected in a tropical fishery. The catch of shark is comparable to the catch recorded in 2003.

There is concern worldwide over the status of some shark species. In some cases these concerns are reflected in Gulf fisheries due to the paucity of information on respective biology and stock structure, and the unquantified impacts from illegal foreign fishing. While a stock assessment was conducted during the reporting period for black tip shark (*Carcharhinus spp.*) unfortunately the status of this species could not be fully resolved. Factors influencing the inability of the model to predict stock levels in the Gulf region will be investigated including the impact of illegal foreign fishing.

Grey mackerel

The catch of grey mackerel in 2005 was down on the very high catch recorded for the 2004 year, however catch rate has remained fairly stable since 2001. Harvest levels are within the bounds of normal variability expected in a tropical fishery.

Due to concerns about the paucity of information on the status of grey mackerel a stock assessment was carried out. The assessment also suggested that there was a slight decline in grey mackerel stocks GoC wide (although with wide confidence limits). Catches in 2005 were lower than in 2004 and this species will continue to be closely monitored. Future management arrangements for the species will be dependant on results from the ongoing FRDC-funded project *Determination of management units for grey mackerel fisheries in Queensland and the Northern Territory*.

Spanish mackerel

The commercial harvest level of Spanish mackerel in 2005 (250 t) represents the second highest catch since 1997, however catch rates were very similar to the previous year. There are no immediate resource concerns at the present level of harvest however future effort in the line fishery will need to be monitored given the possible increase in the number of fishers targeting the species. There has also been a slight increase in the harvest of Spanish mackerel by offshore net operators.

Highest catches of Spanish mackerel continue to be centered around Weipa and Mornington Island.

Red snappers

Two permits were utilised during the period. Fishing effort in 2005 was similar to 2004, however in 2005 there was a slight increase in catch rate. Increased catches are attributed to the expansion of the permitted trawl area south to 15°S, with the new fishing grounds being particularly productive for the target species. Crimson snapper (*Lutjanus erythropterus*) and Saddletail snapper (*L. malabaricus*) continue to dominate the harvest comprising about 60% of the total annual catch by weight. Overall catch composition remains similar to the long term average for the fishery from 1998 to 2004. Red emperor remains only a minor component of the overall catches. While the catch of Mangrove jack increased from 48 tonnes in 2004 to 74 tonnes in 2005 this represents only a small increase in overall percentage of the catch from 13% to 15%.

Further information on QFJA fisheries including current knowledge of target species, catch and effort statistics and their economic value is contained in the 2005 QDPI&F Annual Status Reports of the Gulf of Carpentaria Inshore Fin Fish Fishery, Gulf of Carpentaria Line Fishery and Gulf of Carpentaria Developmental Finfish Trawl Fishery. These assessments can be found at:

<http://www.environment.gov.au/coasts/fisheries/qld/index.html>

EPBC Act Accreditation

The commercial fisheries harvesting finfish species under QFJA jurisdiction have all been granted a Wildlife Trade Operation (WTO) approval under Part 13A of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

These approvals acknowledge that these fisheries are being managed in an ecologically sustainable manner. New approvals under the EPBC Act will be required if product from the fisheries is to be exported subsequent to three years from the date each fishery was granted its initial WTO approval.

Each WTO approval was declared on the condition that each fishery operates in accordance with its management regime and that annual reporting on the following is undertaken:

- Progress on implementation of the recommendations;
- Annual catch and CPUE trends and data;
- Performance against objectives, performance measures and reference points; and
- Research undertaken or completed relevant to each fishery.

While it is acknowledged that these fisheries are being managed in an ecologically sustainable manner, a number of risks and uncertainties were identified during the assessment of each fishery. The QDPI&F has agreed to action a number of recommendations to address risks and uncertainties before the next review of each fishery. These recommendations relate primarily to protected species education, performance measurement systems, ecological risk assessments, finer levels of catch and effort information and validation and reporting protected species interactions.

The QDPI&F has made significant progress in implementing a number of these recommendations, with future progress to be reported on via proposed fishery status reports.

Details of the recommendations made by the Australian Government Department of Environment and Heritage (DEH) in regard to addressing risks that were identified with these fisheries can be found at:

<http://www.environment.gov.au/coasts/fisheries/qld/index.html>.

Progress on the implementation of the WTO recommendations can be found in QDPI&F annual status reports at:

<http://www2.dpi.qld.gov.au/fishweb/17451.html>

Recent Research and Implications

The QFJA has acknowledged the need to undertake assessments and provide status reports for demersal finfish, shark, mackerels and other similar pelagic species.

In response to concerns about the impact of illegal fishing by foreign fishing vessels, a second assessment on the status of black tip sharks was initiated in 2005 using updated fishery and biological parameter estimates and an advanced age-structured model. The initial outcomes of the modeling exercise indicates that a large quantity of shark is being removed that can not be accounted for in the commercial catch data. The large catch is assumed to be from illegal foreign fishing. A major issue confronting the researchers, and in turn the advice they provide to fishery managers, is how best to incorporate the poorly quantified illegal foreign fisher harvest of these species in GOC waters in the modeling. The assessment will be further reported on in the 2006/07 report.

The CSIRO continue to progress the ACIAR funded project: *Artisanal shark and ray*

fisheries in Eastern Indonesia and their relationships with Australian resources. This project aims to allow Indonesia and Australia to jointly manage shared elasmobranch stocks while also assisting in the development of a National Plan of Action for Sharks and Rays in Indonesia. The project will be further reported on in the 2006/07 report.

DPI&F coordinates a multi-state, multi-agency collaboration in the Fisheries Research and Development Corporation (FRDC)–funded project *Determination of Management Units for Grey Mackerel Fisheries in Queensland and the Northern Territory* (FRDC Project 2005/010), which commenced in July 2005. Preliminary information suggests that Northern Territory (NT) and GOC stocks are separate from the Queensland east coast populations. Finer-scale collection of information is being undertaken to determine the degree of mixing of GOC and NT stocks and improve our management of grey mackerel.

Monitoring Programs

The QDPI&F Long Term Monitoring Program (LTMP) provides fishery-independent monitoring of fish stocks. It is proposed that the program will ultimately be expanded to monitor Spanish mackerel and several tropical snappers.

Information on red snappers, grey mackerel and shark is currently being collected through industry funded fishery observer programs. This information will be used to undertake stocks assessments in the future.

The results of future monitoring will be report in QDPI&F annual status reports.

Foreign Fishing Vessels

Illegal fishing by foreign fishing vessel (FFV) incursions into the Gulf of Carpentaria is still viewed by Australian fisheries managers as a serious threat to the sustainability of northern Australian fisheries. However the number of FFV's entering Gulf of Carpentaria waters declined substantially during 2006 and this is believed to be at least in part as a result of the substantial increase in resources that are being directed in coastal surveillance in northern Australia. FFVs appear to target sharks and other pelagics, however inshore finfish are also being taken. There are also concerns over the observed take of protected species and other species of conservation interest. The number of discarded nets and long lines along the Gulf of Carpentaria shoreline is a serious issue, however it is anticipated that this problem will decrease as numbers of FFV's decrease.

While harvest levels from FFVs are not known at present, the lack of accurate information is likely to influence the accuracy of resource assessments which in turn will influence the effectiveness of sustainable management practices in the region.

Addressing the impacts of illegal fishing activities will be required if the future sustainability of fish stocks in the northern Australia is to be achieved. QDPI&F will continue to work together with the Australian, Northern Territory and Western Australian governments on this matter.

Complementary Management

The ninth Northern Australia Fisheries Management (NAFM) Workshop was conducted in Darwin in September 2005. NAFM aims to assist in delivering on MoUs between the Commonwealth, Queensland and Northern Territory governments associated with the OCS arrangements to co-operate and consult on a variety of issues and to make available information on matters of mutual interest.

The major area of discussion at the Workshop was an appropriate risk management approach to managing Australia's northern fisheries. The Workshop discussed many issues related to the sustainability of northern fish stocks, including:

- impacts on shark and red snapper stocks resulting from illegal foreign fishing activity;
- the impacts of illegal foreign fishing on protected species such as dugongs and turtles as well as rays and sawfish;
- the Queensland grey mackerel operational plan;
- the Northern Territory spanish mackerel operational plan;
- strategies for minimizing risk in the following areas – biological, ecological, management and compliance;
- the assessment, management and reduction of shark bycatch.

The Workshop endorsed the Northern Australian Operational Plan for the Conservation and Management of Spanish Mackerel. This Plan was subsequently approved by the Northern Australian Fisheries Committee (NAFC). NAFC also approved the release of the Queensland Grey Mackerel Operational Plan for stakeholder consultation.

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.

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 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.

It also 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.

These policies have continued to be strengthened through the adoption of further policies at subsequent meetings of the QFJA.

In 2004 the QFJA, in line with the above policies, released for public comment a draft policy to deal with the future management of grey mackerel in the Gulf of Carpentaria. A number of comments were subsequently received, however progress on the implementation of this policy has been delayed pending the outcomes of the research into grey mackerel stocks.

Future management of the species will be dependent on results of the FRDC-funded project titled *Determination of management units for grey mackerel fisheries in Queensland and the Northern Territory*.

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 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 officers 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

Authority/ Symbol	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06
L4 (primary)*	82	82	82	83	83	83	40	40	40
L4 (tender)*	114	114	113	113	113	113	77	77	77
L5 (primary)*	22	23	21	22	22	22	7	7	7
L5 (tender)*	39	43	42	42	42	42	14	14	14
Permits/Authority	12	10	10	11	11	11	11	11	11
Total	269	262	268	271	271	271	149	149	149

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 in 2003-04 resulted 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

Fee levels in the QFJA fisheries are implemented on the recommendation of the QFJA by the Queensland Minister for Primary Industries and Rural Communities in *the Fisheries Regulation 1995*. These fees are therefore subject to any reviews undertaken of the fees in that Regulation.

Total revenue received by the QFJA during the 2005-06 financial year was \$30,322. This was received from licences with a QFJA authorisation (\$11,255) and from permits (\$18,477.) 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.

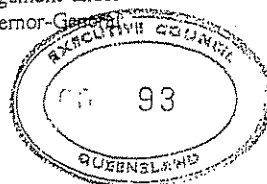
ANNEX A

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;
- (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

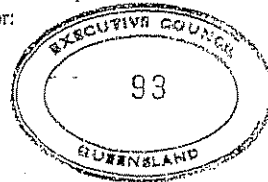


and the Governor or Governors of the State or States represented on the Joint Authority

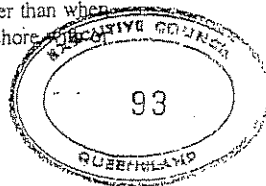
- (i) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with the State or States represented on a Joint Authority that the Joint Authority is to have the management of a particular fishery in waters relevant to that State or any of those States;
- (j) subsection 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:

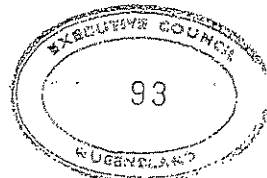
1. The Arrangement entered into between the Commonwealth and the State as listed in paragraph (c) of the recitals to this Arrangement is, pursuant to subsection 75(1) of the Management Act and subsection 133(1) of the State Act, terminated on the date of publication referred to in clause 6.
2. The Commonwealth 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) *Nibeasquamosa*, *Protonibeas diacanthus* (jewfish)
 - (vi) *Pomadasyss 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 without the use of a boat, is used;



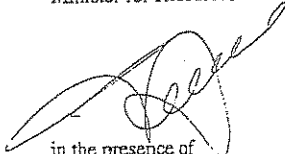
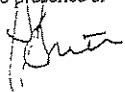
- (ii) Mollusca of the family Loliginidae (squid) when prawn trawl apparatus is used; and
 - (iii) all fish taken in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act for the fish to which paragraph (c)(i) applies, 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.

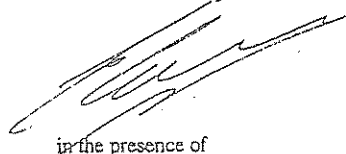
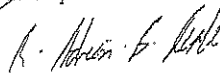


Dated the 3rd day of February 1995

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

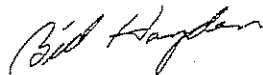
Signed for and on behalf of the
State of Queensland by the
Honourable EDMUND DENIS CASEY,
Minister for Primary Industries


in the presence of


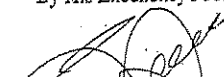

in the presence of


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 7-2-1995


Governor-General

By His Excellency's command


Minister for Resources

I, LENNEEN 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 2 day of Feb. 1995


Governor

By Her Excellency's command

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*

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.



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;

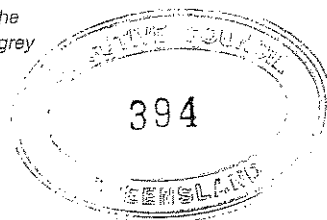
in that part of the area described as 'The adjacent area in respect of Queensland' in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* that is west of 142° 31' 49".

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.

ASMA
ing

Dated *25 June* 2003

A. S. M. Green
~~Administrator~~
~~Governor-General~~ *ASMA*

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

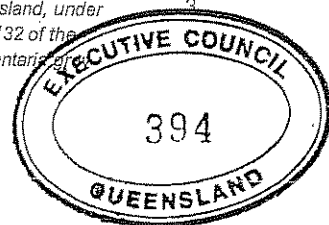
Governor

By His Excellency's Command

Henry Palaszczuk

HENRY PALASZCZUK
Minister for Primary Industries and Rural Communities

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
mackerel fishery



ANNEX C

Record of Decisions of the Queensland Fisheries Joint Authority 2005-06

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

Meeting Number 15 (22 September 2005) at Darwin

Resolutions

Confirmation of Previous Minutes

The QFJA confirmed the Record of its Meeting No 14 held on 15 September 2004 with minor wording amendments to the draft record.

GULFMAC

In recognition of GulfMAC's role in providing policy advice on the management of Queensland and QFJA fisheries in the Gulf of Carpentaria, the officials noted the resolutions arising from GulfMAC meeting held on 19-20 April 2005.

GULF OF CARPENTARIA FINFISH TRAWL DEVELOPMENTAL FISHERY

The meeting noted the status of the Gulf of Carpentaria Developmental Fin Fish Trawl Fishery as at 30 June 2005.

The QFJA determined to:

- (1) note advice received on catches and other matters relating to this fishery;
- (2) require the Management/ Scientific Advisory Committee (MSAC) to report back to the next meeting of the QFJA on
 - progress of and its consideration of the results of stock and fishery assessments presently being prepared;
 - provide recommendations on future management arrangements for the fishery resulting from those assessments, including the treatment of cross-jurisdictional differences in management approaches;
 - provide reference points and decision rules for the fishery to enable timely action should unsatisfactory outcomes arise;
 - comment upon any impacts on habitat from fish trawling in this fishery; and
 - comment upon the appropriateness of moving this fishery from its present developmental phase status.
- (3) note that a recent proposal to fund research to investigate linkages between inshore and offshore stocks of mangrove jack was not supported by the Queensland Fishing Industry Research Advisory Committee;

- (4) note that the observer program for this fishery had recommenced with three of the six planned observer trips having already taken place in the current year; and
- (5) note Northern Territory's intention to consider the issue of a further licence to undertake finfish trawling in its jurisdiction.

POLICY MATTERS

Future Management Arrangements for Grey Mackerel in the Gulf of Carpentaria Inshore Fishery

The QFJA determined to :

- (1) note that it had approved at its meeting on 19 August 2003 a Policy for the Management of Grey Mackerel in the Gulf of Carpentaria as a consequence of the OCS arrangement between the Commonwealth and the State of Queensland in relation to the Gulf of Carpentaria grey mackerel fishery, which came into effect on 4 July 2003;
- (2) delete the requirement under that policy for the installation and operation of VMS on N3 Fishery (inshore net fishing) boats as a licence condition due to practical limitations on the installation of such gear on small boats including health and safety considerations; and
- (3) note the proposed release of the draft policy in (1) above for public comment.

Consultation with Adjacent Jurisdictions

The QFJA determined to :

- (1) note the conduct of the tenth Northern Australia Fisheries Management Workshop in Darwin on 21-22 September 2005 in accordance with the formal consultative arrangements agreed under OCS arrangements, 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; and
- (2) note that the Workshop addressed in detail matters pertaining to the coordinated management of shark and red snapper stocks, both coming under the jurisdiction of the QFJA, and that workshop outcomes will be the major focus of management, research and compliance activity over the coming year.

QFJA Line Fisheries Update

The QFJA determined to :

- (1) note the current status of QFJA line fisheries in the Gulf of Carpentaria;
- (2) support the GulfMAC recommendation to establish a Working Group to consider future management of for the Gulf of Carpentaria line fisheries; and
- (3) endorse the process to consider a proposal to join the L4 and L5 fisheries into a single fishery.

Report on the Gulf of Carpentaria Inshore Fishery

The QFJA determined to :

- (1) review its 2002 policy decision in respect of the authorised length of net following advice from its next GulfMAC meeting and taking into account the industry proposed approach of 2 for 1 reduction in number of licences to as an alternative approach to a similar reduction in available net length in the fishery contained in the policy;
- (2) consider the matters of appropriate mesh sizes for the fishery, in the process looking to achieve consistency with the adjacent Northern Territory jurisdiction;
- (3) note the Gulf of Carpentaria Inshore Finfish Fishery issues of particular relevance to its jurisdiction (observer program results and review, the requirement for a Regulatory Impact Statement for proposed limitation on length of net in possession, and use of permits which may not be in compliance with National Competition Policy);
- (4) support continuing negotiations with permit holders to develop management options for QFJA net fisheries in the Gulf of Carpentaria beyond 25 n miles; and
- (5) note that the imposition of an attendance requirement and attaching the net to the boat whilst in use is achieved by licence condition.

Management Arrangements for Shark in the Gulf of Carpentaria Inshore Fishery

The QFJA determined to

- (1) note the progress of development of in-possession shark limits in the non-target shark fisheries in the Gulf of Carpentaria; and
- (2) not support the recommendation “that N3 licence holders be allowed an in-possession shark limit of 500 kg when operating under a QFJA authority to target grey mackerel on the condition that the authority only apply to the historical peak fishing grey mackerel fishing months from July to October” but support the adoption of a possession limit of 250kg considered more in keeping for a fishing activity designed not to allow target fishing for shark, noting that the change would involve the release of a Regulatory Impact Statement on the matter to obtain industry and public opinion on the proposal for change.

EPBC Assessment and Accreditation of QFJA Fisheries

The QFJA determined to note the progress on the accreditation of QFJA fisheries in the Gulf of Carpentaria under the *Environmental Protection and Biodiversity Conservation Act 1999*.

LICENSING

Report on Use of Delegated Powers

The QFJA noted the exercise of delegated responsibilities in the past financial year, using powers delegated under Section 130 of the *Fisheries Act 1994* including the renewal of licences, issue of permits for pre-existing operations and in one instance the amendment of a permit to provide for the use of a tender boat.

Appeals Lodged

The QFJA noted that no appeals had been lodged with the Fisheries Tribunal against decisions of the QFJA in the 2005/6 financial year.

Licences / Authorities Granted

The QFJA noted the number of licences and permits issued as at 1 July 2005 for fishing activities under the QFJA jurisdiction were as follows:

- L4 40 Primary Boats
 75 Tender Boats associated with those Primary Boats
- L5 7 Primary Boats
 15 Tender Boats associated with those Primary Boats

- Permits/other authorities 11

ADMINISTRATION AND FINANCIAL MATTERS

Annual Report 2004-2005

The meeting noted arrangements for the preparation and presentation of the QFJA 2004-05 Annual Report.

Fees and Charges

The meeting noted that fees and charges for licences and permits the QFJA issues have not increased in the financial year 2005-06.

Budget 2004-2005

The QFJA resolved to adopt the budget for the financial year 2004-05.

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

ACIAR	Australian Centre for International Agricultural Research
AFMA	Australian Fisheries Management Authority
CFISH	Queensland Fisheries Commercial Log Book System
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DAFF	Australian Government Department of Agriculture, Fisheries and Forestry
DEH	Australian Government Department of Environment and Heritage
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FRDC	Fisheries Research and Development Corporation
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&F	Queensland Department of Primary Industries and Fisheries
QFJA	Queensland Fisheries Joint Authority

