

**QUEENSLAND FISHERIES JOINT AUTHORITY**

**REPORT FOR THE PERIOD**

**1 JULY 1995 TO 30 JUNE 1996**

Commonwealth of Australia 1997

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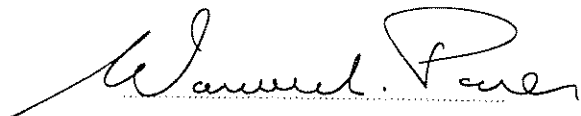
Australian Fisheries Management Authority

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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 1995 to 30 June 1996

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

A handwritten signature in black ink, reading "Warwick Parer", written over a horizontal dotted line.

Hon Trevor John Perrett  
Queensland Minister for Primary Industries,  
Forestry and Fisheries  
Parliament House  
BRISBANE QLD 4000

A handwritten signature in black ink, reading "Trevor J Perrett", written over a horizontal dotted line.

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## 1. INTRODUCTION

This, the second report of the Queensland Fisheries Joint Authority (QFJA), outlines the activities undertaken from 1 July 1995 to 30 June 1996. The QFJA was established to undertake management of all northern demersal and pelagic fin fish 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.

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.

## 2. BACKGROUND

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* (Queensland).

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. This Arrangement was published in the Commonwealth of Australia Gazette (and thereby came into effect) on 8 February 1995 and in the Queensland Government Gazette on 10 February 1995. The Arrangement provides, amongst other things, that the fishery be managed under Queensland law.

## 3. THE QUEENSLAND FISHERIES JOINT AUTHORITY AND ITS MEMBERS

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

Hon David Peter Beddall, M  
Commonwealth Minister for Resources  
(1 July 1995 - 11 March 1996)

Senator the Hon Warwick Parer  
Commonwealth Minister for Resources and Energy  
(11 March 1996 - 30 June 1996)

Hon Edmund Casey, MLA  
Queensland Minister for Primary Industries  
(1 July 1995 - 16 July 1995)

Hon Robert James Gibbs, MLA  
Queensland Minister for Primary Industries  
(16 July 1995 - 26 February 1996)

Hon Trevor John Perrett, MLA  
Queensland Minister for Primary Industries, Forestry and Fisheries  
(26 February 1996 - 30 June 1996)

Deputies appointed for the reporting period were -

For the Commonwealth Minister

Mr Richard Stevens - Managing Director, Australian Fisheries Management Authority (AFMA)

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

For the Queensland Minister

Mr John Tanzer - Chair, Queensland Fisheries Management Authority (QFMA)

The QFJA met once during the reporting period, on 14 June 1996.

The QFJA, at its meeting of 14 June 1996, appointed Mr Ray Clarke of the QFMA as Secretary to the QFJA, the previous office-holder, Mr Alan Gamble, having taken up other functions. During the reporting period, policy development, licensing, permits, administration, records and correspondence services were provided to the QFJA by officers of the QFMA.

#### **4. FUNCTIONS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY**

Under section 78 of the *Fisheries Management Act 1991*, the following functions of Joint Authorities are provided -

- "(a) to keep constantly under consideration the condition of the fishery; and
- (b) to formulate policies and plans for the management of the fishery; and
- (c) for the purposes of the management of the fishery:
  - (i) to exercise the powers conferred on it by this Division; and
  - (ii) to co-operate and consult with other Authorities (including other Joint Authorities) in matters of common concern."

The same section provides that, in performance of those functions, the Joint Authority must pursue the objectives of -

- "(a) implementing efficient and cost-effective fisheries management; and
- (b) ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of

ecologically sustainable development, in particular the need to have regard to the impact of fishing activities on non-target species and the marine environment; and

- (c) maximising economic efficiency in the exploitation of fisheries resources; and
- (d) ensuring accountability to the fishing industry and to the community generally in its management of fisheries resources."

For a Joint Authority managing a fishery under Queensland law, the following additional functions apply under section 135 of the *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 activities of the QFJA are limited to commercial fisheries. Sub-section 10(3) of the *Fisheries Management Act 1991* provides that the Act does not apply to recreational fishing other than recreational fishing that is prohibited or regulated by a plan of management. No such action has been taken to date.

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

## **5. MEETINGS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY**

The second meeting of the QFJA was convened in Brisbane on 14 June 1996. A complete list of decisions of that meeting is provided in Annex B.

## **6. CONSULTATIVE 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 Authorities.

The QFJA resolved to establish a fisheries advisory committee to meet annually to provide advice to the QFJA on management of fish stocks under its jurisdiction. The terms of reference of that committee, requirements of the Chair, manager and secretariat, operating procedures, and composition are detailed in the decision of the meeting of 14 June 1996 at

Annex B. Formation of the committee and arrangements for meetings will occur in the next reporting period.

## 7. CONDITION OF THE FISHERY

Biological information on fisheries administered by the QFJA 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. It will be from this data, together with available research information, that the condition of the fishery will be kept constantly under consideration. It is not considered that stocks are at risk of over-exploitation given the level of participation provided by the limited access licensing regime adopted by QFJA at its inaugural meeting.

Available catch and effort information indicates that Spanish mackerel is the key target species of line fishing (trolling). Total reported landings were 98.9 tonnes in 1995-96. Minor catches of grey mackerel and shark are also taken by the line fishing method, whilst catches of demersal reef fish are also made.

The QFJA has acknowledged the need to undertake fisheries assessment and status reports for demersal fin fish, shark, mackerels and similar pelagics. Such reports are to be *prepared* in consultation with adjacent jurisdictions. To facilitate such an approach, the Northern Territory and Queensland governments agreed to a Memorandum of Understanding about co-operative management of stocks in the Gulf of Carpentaria which provides, amongst other matters, for consultation and co-operation about:

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

The Memorandums of Understanding between the Commonwealth, Queensland and Northern Territory Governments associated with the Offshore Constitutional Settlement (OCS) place 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 on an approach 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
- consultation with stakeholders.

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



## 8. MANAGEMENT ARRANGEMENTS

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

That legislation, the *Fisheries Act 1994*, heralded sweeping changes to the framework underpinning fisheries management arrangements. Specifically, this legislation provides statutory requirements to ensure fair access rights and ecologically sustainable use of fisheries resources having regard to optimum community benefit from those resources. That same statutory framework applies to the QFJA.

At its inaugural meeting, the QFJA adopted policies which provided for continuance of commercial fishing activities under its jurisdiction by those persons who were actively involved in the relevant fisheries under the 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 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. This policy is provided in Annex C.

Those policies form the basis of management for the reporting period.

## 9. DELEGATION OF POWERS

For effective functioning, licensing and permit issuing powers have been delegated to the QFMA 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 has delegated the following powers to the QFMA under section 130 of the *Fisheries Act 1994*. QFMA has sub-delegated those powers to relevant staff under subsection 130(2) of that Act as follows.

- |                        |  |   |
|------------------------|--|---|
| (1) The powers under - | <b>section 55</b><br><b>section 58</b><br><b>section 61</b><br><b>section 63</b> | (issue of authorities)<br>(renewal of authorities)<br>(conditions imposed on issue or renewal of authorities)<br>(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)                      |
| (4) The powers under section 130(2) with respect to the power to sub-delegate, with the exercise of such power being limited to sub-delegation of QFJA powers to QFMA staff members only. |                    |  |

Such delegated powers were exercised during the reporting period for the grant and refusal of licences, fisheries symbols on licenses and permits.

## 10. QFJA LICENCES/FISHERY SYMBOLS AND PERMITS GRANTED

The following table indicates the number of authorisations granted by the QFJA in the reporting period.

Licence/Symbol*	1995/96
L4 (primary)	45
L4 (tender)	74
L5 (primary)	7
L5 (tender)	10
Permits	-

\* Refer to *Fisheries Regulation 1995* for details of activities authorised by the relevant symbol.

## 11. FINANCIAL ARRANGEMENTS

The financial basis for management of QFJA fisheries determined at the inaugural meeting 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 in the December 1995 Regulation gave effect to these principles.

In 1995-96 financial year, total revenue received by the QFJA was \$9,420.00. This was received from licence holders where the licence contained an authorisation (fishery symbol) granted by the QFJA. These monies were used to defray the costs incurred by the QFJA, which included licensing and administration costs as well as travel expenses.

## ANNEX A

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## 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) *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*),

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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

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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.



**QUEENSLAND FISHERIES JOINT AUTHORITY  
FRIDAY 14 JUNE 1996 - 9.00AM BRISBANE**

**DECISIONS**

Members affirmed their decision to seek the appointment of an additional Deputy for the Queensland Minister, being a person from the Queensland Department of Primary Industries Fisheries and Forestry. The appointment of an additional Deputy is to be undertaken to complement the procedural arrangements approved by the Federal Minister.

The Fishery Manager, QFMA is to be appointed as Secretary to the QFJA.

Members agreed that services for:

- keeping records of decisions;
- immediate policy development;
- keeping other records and preparing correspondence; and
- preparing the QFJA Annual Report

would be provided to the QFJA by officers of the QFMA.

Members re-confirmed their decision of 26 May 1995 that a policy of cost recovery is to apply to QFJA activities with fees being charged.

Members noted the Delegation of Powers and Functions by the Minister for Resources and Energy to the Managing Director, AFMA and Position No. 14345 Department of Primary Industries and Energy, of May 1995, in respect to:

- convening a meeting of the Joint Authority;
- appointing the Secretary to the Joint Authority;
- providing appropriate services; and
- keeping written records.

Members noted representations from operators expressing concern about performance criteria for the issue of QFJA access authorisations.

On consideration, members re-affirmed their decision of 26 May 1995 that licences/endorsements or permits be granted to those persons/companies who could demonstrate a commercial level of participation in the licensed/permitted activity in waters now under QFJA jurisdiction during the year prior to 7 February 1995. Members also agreed to note that, to afford procedural fairness, the licensing officer effecting an administrative decision under a delegation is required to assess all applications on their individual merits. The delegate, in exercising a licensing delegation, is required, for example, to consider any supporting information and documentation provided by the applicant and to give reasons why the assessment criteria should be set aside.

Members endorsed the implementation of a joint statement consistent with the provision of the Memorandum of Understanding (MOU) associated with the Offshore Constitutional Settlement Agreement agreed in February 1995. In relation to the MOU between Queensland and the Commonwealth, the parties have agreed that Queensland will manage specific trip

limits for tuna. Queensland has given effect to the MOU in relation to the trip limits in the Fisheries Regulations 1995.

By virtue of the MOU, members noted the need to immediately finalise a joint statement, between Queensland and the Northern Territory having regard to:

- establishment of programs for formal consultation on research, management, monitoring and surveillance activities, including provision for consultation between officials on an annual basis or sooner at the request of either party; and
- establishment of procedures for formal consultation with stakeholders on fisheries management arrangements for fisheries resources, subject to the Memorandum.

Members also resolved to seek adequate coordination of MOUs and Joint Authority arrangements. It was agreed that Joint Authority members would seek to have MOU meetings two calendar months prior to Annual Joint Authority meetings. Members noted that parties to the MOUs for Northern Australia (WA, NT and Qld.) are scheduled to meet in Darwin on 17 and 18 June 1996.

Members resolved to appoint a QFJA Fisheries Consultative Committee (QFJA FCC) and determined that it be bound by the following decisions:

1. FCC is to provide a forum for the discussion of matters relevant to the management of the fishery and to facilitate the two way flow of information between all stakeholders of the fishery and the QFJA, together with any relevant management and zonal advisory committees formed by AFMA or QFMA.
2. The FCC is to undertake on behalf of QFJA, and in accordance with policies determined by QFJA, such functions as the QFJA from time to time determines.
3. An independent Chair is to be appointed to the FCC. The appointment will be determined by QFJA.
4. Following each FCC meeting, the Chair of the FCC is to provide a written report to the QFJA and, where possible, attend the relevant meeting of the QFJA in person.
5. The appointee to the position of FCC Chair should preferably not represent a fishing industry body, enjoy high acceptance by the community and industry and preferably have experience in public sector management. Remuneration of the Chair is to be determined.
6. The person occupying the position of QFMA Fishery Manager is a full member of the FCC.
7. The provision of secretarial services is the responsibility of the QFJA. Aspects of the role include
  - basic secretarial requirements;

- travel arrangements;
  - compilation and distribution of papers;
  - dissemination of information to FCC members;
  - coordination of information from and to the FCC;
  - provision of additional information relative to agenda items requested by FCC members.
8. The FCC is to meet once per year with additional meetings scheduled on a "as needs" basis.
  9. Appointments will be for a three (3) year term. After a member's term of appointment has lapsed, the member will be eligible for re-appointment if so desired.
  10. Members will be notified of appointment by letter from the QFJA and will be informed of the roles and responsibilities for such membership.
  11. On resignation, members will be replaced in accordance with the nomination of the organisation from which the former member came.
  12. The FCC is to be comprised of principal stakeholder interests in each fishery taking account of the principles of ecologically sustainable development. To give effect to this the membership composition of the FCC is as follows:

Chair	1
Fishery Manager	1
Commercial Representatives (Line Fishing)	2
Commercial Representatives (Net Fishing)	2
Commercial Representative (Permit Holders)	1
Recreational Representative	1
Aboriginal Representative	1
<b>TOTAL</b>	<b>9</b>

Members agreed in relation to consultation with adjacent jurisdictions to note (i) the Queensland Government's position on fish trawling pending resolution of whether trawling is an appropriate method of harvesting fish; and (ii) preference not to grant a transferable authorisation. A transferable licence is inconsistent with general "licence splitting" policies and principles. Members resolved to consider fish trawling in accordance with an exploratory and developmental fishing policy.

Members resolved to endorse the QFMA's Exploratory and Developmental Fisheries Policy for waters under QFJA jurisdiction.

Members noted that the QFMA has exercised delegated decision making authorisations for the issue of licence endorsement and permits.

Members agreed to note the estimated budget and associated fee structure for the activities of the QFJA. Members noted that the budget estimates do not include full costs incurred by Management Agencies/Management Officers.

Members agreed that the QFJA:

- a) within the context of finalising a joint statement on inter-jurisdictional arrangements for management, research, monitoring and surveillance, develop a strategy for long-term provision of such services and arrange for their delivery;
- b) seek to finalise arrangements for short-term provision of such services with the QFMA and Queensland Department of Primary Industries, Fisheries and Forestry where appropriate and report the results of those arrangements back to the QFJA,

taking into account the matters resolved at the joint meeting with fishery representatives of the adjacent jurisdiction of WA, NT and the Commonwealth concerning MOUs.

Members agreed to convene a meeting of the QFJA prior to 30 June 1997, and on an "as needs" basis. Members sought to have MOU Meetings between WA, NT, QLD and the Commonwealth in the months preceding the JA meetings.

*EXPLORATORY AND  
DEVELOPMENTAL FISHERIES  
POLICY*

*May 1996*

**QFJA**  
*(Queensland Fisheries Joint Authority)*

## EXPLORATORY AND DEVELOPMENTAL FISHERIES POLICY

### INTRODUCTION

This policy has been developed to provide for the orderly exploration and development of new fisheries under the *Queensland Fisheries Act 1994* which requires that fisheries resources are used in an ecologically sustainable way such that optimum community, economic and other benefits obtained from fisheries resources are achieved and that access to fisheries resources is fair. A separate permit will be required for any exploratory or developmental fishery.

This policy applies to applications for permits under Regulation 7 of the *Fisheries Regulation 1995* with respect to exploratory and developmental fishing. Unless otherwise determined by the Authority, exploratory or developmental fishing is regarded as:

- all forms of fishing for a species of fish not presently utilised; or
- fishing for a presently utilised fish species using apparatus not permitted by the legislation for that purpose; or
- taking a fish species or using prescribed fishing apparatus (or both) in locations where such activities have not previously occurred; or
- combinations of the above, with an eventual objective of harvesting such fish.

### EXPLORATORY FISHING

#### Objective:

*To gather information to enable the effective planning for the possible development of new fisheries. For example, exploratory fishing could be focused on "what is out there?"*

All exploratory fishing programs will require QFJA approval.

It is expected that most exploratory fishing will be undertaken by scientists or under the supervision of scientists. However in those instances where the main participants are commercial fishers or fishing companies, a significant scientific input would also be required. It does not involve a commercial gain from the undertaking.

In some instances exploratory fishing will be a single-phase operation. In others it could involve two or more phases. For example, a first phase might involve a survey of a relatively large area using electronic searching techniques. Using data obtained from this survey, a second phase of exploratory fishing could be undertaken using fishing gear and concentrating more intensively on those areas that appear to offer the greatest prospects.

Exploratory fishing could involve the use of dedicated research vessels, chartered commercial fishing boats or, where fishers or fishing companies are involved, boats owned by those undertaking the exploratory fishing.

Exploratory fishing will be undertaken under a permit for which a fee will apply. This permit will be non-transferable. The permit may nominate an individual to supervise or be responsible for the operations under the permit. It will be a condition of any such permit that the agreed fishing program be followed, that all information collected be made available and that, where appropriate, observers nominated by QFJA be carried on board the boat or electronic surveillance be used to monitor the operations.

The initiative for an exploratory fishing program could come from QFJA, a scientific organisation, the fishing industry or from an individual entrepreneur. The cost of exploratory fishing could be met by QFJA, the research organisation, the participating fishers, some combination of these or from some other source. No preferential rights to participate in the developmental fishing phase (if any) are to be created. Where a fisher, or fishing company, meets part or all of the cost of an exploratory fishing venture, consideration will be given to prior involvement when selecting participants for any subsequent developmental fishing phase.

- Policy 1: *Exploratory fishing proposals may be initiated by QFJA, research organisations, individuals, fishing companies, or Government agencies.*
- Policy 2: *Exploratory fishing may be undertaken by persons or organisations approved by the QFJA or following a selection process organised by the QFJA to determine the suitable participants.*
- Policy 3: *Exploratory fishing will only be undertaken following appropriate consultation with independent scientific and other sources, in accordance with a program endorsed or developed by QFJA.*
- Policy 4: *Observers approved by QFJA are to be carried as required at the cost of the permit holder and all information collected made available to QFJA.*
- Policy 5: *All information collected which is crucial to the sustainability of the fishery will be publicly available. The nature, extent and method of collection of this information will generally be agreed prior to the beginning of exploratory fishing. Permit holders should be aware that with further research and collection of information, circumstances may change so as to justify alterations to the nature, extent and method of collecting information.*
- Policy 6: *Exploratory fishing will be authorised for a specific/limited period through permit under Regulation. Subject to review, the QFJA may authorise a further limited exploratory fishing period but only in cases where the QFJA determines that such further activity is necessary for the successful completion of the program.*
- Policy 7: *Where all, or a significant part, of the cost of exploratory fishing is met directly by an individual or a fishing company, full consideration will be given to this cost when determining applications for access to any consequential developmental fishery.*

## DEVELOPMENTAL FISHING

### Objective:

*To determine whether or not a potential new fishery is sustainable, commercially viable and socially acceptable. Examples: "We know what is out there, but are there sufficient stocks, etc., to support a sustainable and viable fishery?" or "Is there a more appropriate method of harvesting what we know is out there?"*

In accordance with QFJA's legislative responsibilities developmental fishing must be conducted in an ecologically sustainable manner, while minimising the impact of fishing on the marine ecosystem and on non-target species. This requires the QFJA to take a cautious approach and ensure that expansion of fishing activity does not outstrip the current level of knowledge of the resource. It may also mean that in some circumstances fishing equipment used may be restricted so as to minimise damage to the aquatic environment.

To encourage advancement of proposals for developmental fishing, the criteria for selecting participants in developmental fishing should take into consideration the contribution (if any) each applicant made to exploratory fishing.

Policy 8: *QFJA will take a cautious approach to all developmental fishing to ensure it is conducted in accordance with the principles of ecologically sustainable development and with due regard to the impact of fishing on the aquatic environment, following appropriate consultation including relevant Advisory Committees, and where relevant the Queensland Department of Environment.*

## PROCESS

In some cases exploratory fishing, either by a research vessel or commercial fishing boat, will be appropriate prior to the developmental fishing phase. Further marketing and product development aspects may also need to be covered.

In selecting participants for a developmental fishery, it is essential that QFJA is impartial. Therefore the process for determining participants in a developmental fishery will be the same regardless of whether the development was initiated by QFJA or by an individual fisher or company.

Before determining whether developmental fishing can proceed and what the access arrangements are to be, information crucial to the sustainability of the proposed fishery will be brought together in a single document which the QFJA will make publicly available to all interested parties. This includes information on the resource, its environment and potential markets, the criteria on which successful applications will be selected, the fishing operations they will be expected to undertake, the access criteria should a viable fishery be established, and all other relevant matters. Consultation will be undertaken in relation to any proposed developmental fishery with all relevant parties (or those parties considered by the QFJA to be relevant), including appropriate Advisory Committees and government agencies.



The document would also indicate what is expected of the successful applicant(s), such as completion of a work program, reporting requirements, any area or species restrictions, carriage of observers, etc. It could require interested parties to submit a proposed fishing program or it could specify a work program they must complete. It would also indicate the likely duration of the proposed developmental fishing program and the likely number of participants to be considered based on assessment of the available data. All of these elements are required in order that they may form the basis of the publicly available discussion paper and, if appropriate, a developmental fisheries program.

The duration of any developmental fishing activity should be generally sufficient to allow the seasonal pattern of fishing to be identified and assessments made of annual variations in fish availability. It should also be sufficient to allow for the development of the most effective fishing gear and techniques, and for the determination of the boat size and the configuration best suited to the fishery. Most importantly, it should be sufficient to allow the collection of adequate data so that reliable estimates of the size of the resource and other key biological parameters, as well as the impact of fishing on non-target species and the aquatic environment, can be determined. In determining the duration of the period of authorisation, the likely requirements for product and market development should also be taken into account.

The number of boats authorised to fish during the developmental phase should be nominated at the outset. In determining the appropriate number of boats, allowance would need to be made for any fishing undertaken by the same boats in established fisheries to provide a cash flow during the developmental fishing phase.

If the Authority decides to proceed with the development of the fishery the following policy guidelines are applicable:-

- Policy 9: *For all developmental fisheries proposals a written summary of the proposal forming a basis for public discussion and consultation will be prepared and provided to relevant parties.*
- Policy 10: *The document will seek expressions of interest and these will indicate the likely number of participants being sought, the proposed duration of the developmental fishing phase, performance targets or fishing program to be met by selected applicants and the type of fishing equipment and experience considered appropriate.*
- Policy 11: *In all cases, participants in developmental fisheries will be selected on a basis of merit after expressions of interest have been invited. In assessing relevant merits, QFJA may take into account an applicant's previous commitment and exploratory fishing costs, if any, which may have been incurred by applicants.*
- Policy 12: *If applications from more than the required number of participants for the fishery are received access will be determined in accordance with criteria developed during the public discussion phase.*
- Policy 13: *It will be a condition that all information collected in the course of the developmental phase will be made available to the QFJA.*

Policy 14: *All information collected which is crucial to the sustainability of the fishery will be publicly available. The nature, extent and method of collection of this information will generally be agreed prior to the beginning of exploratory fishing. Permit holders should be aware that with further research and collection of information, circumstances may change so as to justify alterations to the nature, extent and method of collecting of information.*

Policy 15: *Substantial changes to permit conditions must be progressed through the QFJA.*

## **THE DEVELOPED FISHERY**

At the end of the exploratory fishing phase all information crucial to the sustainability of the fishery submitted by the participants, including logbooks, will be made publicly available.

Where the developmental phase proves successful, and a sustainable fishery can be achieved, the allocation of fishing authorities would be a matter for the consideration of the Authority as required by the *Fisheries Act 1994*. The QFJA may grant preferential consideration to the developers provided that the number of developers does not exceed the required number of participants for the fishery.

To qualify for a fishing authority for the fishery following the developmental phase each participant must comply with any requirements determined by QFJA.



