

**QUEENSLAND FISHERIES JOINT AUTHORITY**

**REPORT FOR THE PERIOD**

**1 JULY 1996 TO 30 JUNE 1997**

Commonwealth of Australia 1997

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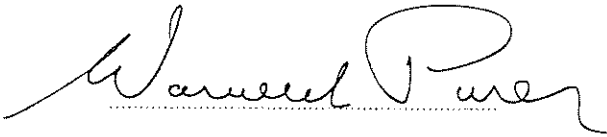
September 1997

*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 1996 to 30 June 1997

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

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

A handwritten signature in cursive script, reading "Warwick Parer", written over a horizontal dotted line.A handwritten signature in cursive script, reading "Trevor Perrett", written over a horizontal dotted line.

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No 23, Friday 10 February 1995, pp 445-450
- B Decisions reached by the Queensland Fisheries  
Joint Authority - 26 May 1997

## 1. INTRODUCTION

This is the third report of the Queensland Fisheries Joint Authority (QFJA) and outlines its activities undertaken during the period 1 July 1996 to 30 June 1997. The QFJA was established to undertake management of all northern demersal and pelagic finfish in waters relevant to Queensland in the Gulf of Carpentaria excluding:

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

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. MEMBERS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY

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

Senator the Hon Warwick Parer  
Commonwealth Minister for Resources and Energy

Hon Trevor John Perrett, MLA  
Queensland Minister for Primary Industries, Forestry and Fisheries

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 (DPIE)

For the Queensland Minister

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

Mr John Pollock - Acting Executive Director (Fisheries), Queensland Department of Primary Industries (QDPI) (commencing 26 May 1997)

The QFJA met once during the reporting period, on 26 May 1997.

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 QFMA.

#### **4. FUNCTIONS 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 *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.

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 third meeting of the QFJA was convened on 26 May 1997. A complete list of decisions of that meeting is provided at 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 and to provide advice to the QFJA on management of fish stocks under its jurisdiction at its second meeting. The terms of reference of that committee, requirements of the Chair, manager and secretariat, operating procedures, and composition were determined at the second meeting also. At its third meeting the QFJA appointed the following committee:

- Dr J Baker - Independent Chair
- Mr M Elmer - Fishery Manager QFMA
- Mr D Donald - Recreational Fishing Interests
- Mr M Willis - Commercial Line Fishing Interests
- Mr B Davey - Commercial Line Fishing Interests
- Mr G Ward - Commercial Net Fishing Interests
- Mr A Vickers - Commercial Net Fishing Interests
- Mr R Davies - Commercial Fisheries Under Permit Arrangements and
- Mr F Pascoe - Indigenous Fishing Interests.

The inaugural meeting of the Advisory Committee will occur in the next reporting period.

## **7. CONDITION OF THE FISHERY**

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

To assist in examining the condition of the fishery, the QFJA has implemented formal arrangements for the collection of catch and effort information from commercial participants. Once a time series of this data has been collected, the data, together with available research information, will be used to establish the condition of the fishery. At the present time, it is not considered that stocks are at risk of over-exploitation given the constraints on levels of participation provided by the limited access licensing regime adopted by QFJA at its inaugural meeting.

Commercial catches of finfish under QFJA jurisdiction reported to the CFISH logbook system for 1996 were as follows:

- shark 213 tonnes
- grey mackerel 291 tonnes
- spanish mackerel 160 tonnes
- other mackerel 15 tonnes
- other fishes 35 tonnes

These catches include landings by operators in the inshore gill net fishery administered by the Queensland Fisheries Management Authority.

The QFJA has acknowledged the need to undertake fisheries assessment and status reports for demersal finfish, 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; and
- consultation with stakeholders.

Consistent with the provisions of the joint statement, States of northern Australia and the Commonwealth have scheduled and conducted two workshops during the reporting period. The first Northern Australia Fisheries Management Workshop was held in Cairns on 3-4 September 1996 with representatives of all the fisheries jurisdictions of northern Australia present. Representatives presented situation reports on the various fisheries including inshore fisheries, shark fisheries and offshore demersal finfish fisheries. Management matters addressed included joint jurisdiction of single stocks, allocation of access, complementary and compatible management objectives and enhanced liaison between jurisdictions on management, research and compliance matters.



The second workshop of the Northern Australia Fisheries Management Group was held on 22-23 May 1997 at Broome. The following strategic issues were identified by the workshop for progress over the coming year:

- stock assessment and monitoring particularly of shark, spanish mackerel and red snapper stocks;
- indigenous fishing;
- vessel monitoring systems;
- integrated research into tropical ecosystems and fisheries;
- developmental fishing; and
- international fisheries issues particularly for shared fisheries in northern Australia, amongst other matters.

The next Group workshop has been scheduled for the next reporting period, on 19-20 May 1998 in Darwin.

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 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 in Queensland. 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.

Those policies formed the basis of management for the current reporting period, and were strengthened with additional policies adopted at the QFJA meeting of 26 May 1997 as follows:

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

Details of these policies are contained in the Record of Decisions of Meeting of 26 May 1997 at Annex B.

During the reporting period applications were received seeking approval to undertake developmental trawl fishing for finfish in Queensland waters of the Gulf of Carpentaria. Those applications were processed in accordance with exploratory and developmental fishing policy adopted by the QFJA at its meeting on 14 June 1996. Expressions of interest in participating in such a developmental fishery were sought in the November 1996 issue of the "Queensland Fisherman". The QFJA released an Information Paper "Applications for developmental fishing permit for fish trawling in the Gulf of Carpentaria" on 6 February 1997 for public response by 24 March 1997. Ten responses were subsequently received to the Information Paper from individual and institutional interests.

The QFJA considered the matter at its meeting on 26 May 1997 and determined to approve the conduct of a developmental trawl fishery for finfish under a range of strict conditions. Full details of that policy decision are contained in the Decisions of the meeting of 26 May 1997 at Annex B.

## 9. DELEGATION OF POWERS

For effective functioning, licensing and permit issuing powers have been delegated to those 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 at its inaugural meeting 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> | (issue of authorities)                                  |
|                        | <b>section 58</b> | (renewal of authorities)                                |
|                        | <b>section 61</b> | (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)
- (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 and in the preceding year.

Licence/Symbol*	1995/96	1996/97
L4 (primary)	45	83
L4 (tender)	74	114
L5 (primary)	7	14
L5 (tender)	10	26
Permits	-	8

\* 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.

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

- Logbook Data Collection and Analysis
- Observer System
- Monitoring Including VMS
- Consultation
- Administration
- Contribution to Research
- Compliance Costs
- Fisheries Agency (QFMA) Overheads

In the 1996-97 financial year, total revenue received by the QFJA was \$42,966. This was received from licence holders where the licence contained an authorisation (fishery symbol) and from permits 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 meeting expenses.

## ANNEX A

11

## 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*),



- 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  
MEETING NO 3 - 26 MAY 1997 - PERTH

DECISIONS

(1) The QFJA noted that the Queensland Minister for Primary Industries, Forestry and Fisheries has appointed, pursuant to Section 126 of the *Fisheries Act 1994*,

- (a) the Executive Director (Fisheries Group) Queensland Department of Primary Industries; or
- (b) the person who for the time being is occupying, acting in or discharging the duties of the office of the Executive Director (Fisheries Group) Queensland Department of Primary Industries

as his (additional) deputy performing functions and exercising powers conferred on the Minister as a member of the Queensland Fisheries Joint Authority.

(2) The QFJA determined to recommend to the Commonwealth Minister for Resources and Energy, and the Queensland Minister for Primary Industries, Forestry and Fisheries:

- (a) an amendment to the current Offshore Constitutional Settlement (OCS) Arrangement for the fishery for northern demersal and pelagic finfish in the Gulf of Carpentaria to include the species grey mackerel (*Scomberomorus semifasciatus*).
- (b) a concurrent amendment to the *Fisheries Regulation 1995* to enable holders of L4 and L5 symbols to retain grey mackerel.
- (c) noting that the amendments are to correct a procedural error in the existing OCS Arrangement.

(3) The QFJA appointed the following persons to its Fisheries Advisory Committee-

Dr J Baker - Chair  
Mr M Elmer - Fishery Manager QFMA  
Mr D Donald - Recreational Fishing Interests  
Mr M Willis - Commercial Line Fishing Interests  
Mr B Davey - Commercial Line Fishing Interests  
Mr G Ward - Commercial Net Fishing Interests  
Mr A Vickers - Commercial Net Fishing Interests  
Mr R Davies - Commercial Fisheries Under Permit Arrangements and  
Mr F Pascoe - Indigenous Fishing Interests,

(4) The QFJA determined to establish as its policy arrangements for a Developmental Finfish Trawl Fishery in Queensland waters of the Gulf of Carpentaria as follows:

- (i) the area of the fishery is to be the area of waters of the Gulf of Carpentaria under Queensland jurisdiction within the boundaries of the northern finfish trawl fishery which had been authorised by AFMA prior to OCS Arrangements of February 1995, but excluding any waters within those boundaries which are within 25 nautical miles of low water mark of the coastline adjacent to the Gulf of Carpentaria.
- (ii) the annual total allowable catch (TAC) of red snappers (red/scarlet snapper *Lutjanus erythropterus*, saddletail snapper *Lutjanus malabaricus*, red emperor *Lutjanus sebae* and other emperor *Lethrinus spp.*) in the developmental fishery is set at 1500 tonnes in the first year which is the upper level of a precautionary approach to the sustainable use of those fish. The TAC for subsequent years will be set by the QFJA following receipt of a report prior to 31 December each year from its Fishery Assessment Group (refer (v) below).
- (iii) the TAC may be taken by up to five fishing boats working on a full time or part time basis, with full time operators being allocated up to a maximum of 500t and part time operations being allocated up to a maximum of 250t from the TAC of 1500t.
- (iv) authorisations to participate in the fishery are to be by permit which will be granted for a period of up to three years, subject to annual assessment of fishing performance in keeping with a permit holder's individual portion of the total allowable catch granted by the QFJA and the holder's fishing plan, and further subject to annual assessment of the impact of fishing on the fishery ecosystem.
- (v) a fishery assessment group is to be formed to undertake assessments of the status of stocks and impacts on the ecosystem by the developmental fishery comprised of operators in that fishery, QFMA, AFMA, CSIRO and QDPI.
- (vi) permit conditions which require amongst other things:
  - the lodgement by permit holders of log returns which report catch, effort, bycatch composition including discards and environmental parameters which are recorded daily and submitted at the end of each month;
  - that fishing operations are monitored by an electronic Vessel Monitoring System (VMS), the provision of and successful operation of on board equipment being the responsibility of the permit holder;
  - notification of landings to a nominated fisheries officer at least two hours prior to such landing occurring;

- details of any product transfers at sea from the permitted vessel, if any, must be notified and approved by the QFJA prior to the event happening;
  - the permit holder must provide monthly landings reports of catches from their activities in the fishery;
  - the finfish trawl net available for use in the fishery is to meet specifications which define an “environmentally friendly net” presently recognised for finfish trawl use, and any further upgrading of those specifications, and to operating conditions on the use of that net that minimises the take of unwanted fishes and the negative impacts on bottom structures;
  - breach of permit conditions are a basis for suspension or cancellation of the permit;
  - the continuity of the permit is subject to the payment of fees or charges payable quarterly in instalments over the three year term with non payment leading to immediate cancellation of the authority; and
  - the payment of attributable costs of management of the developmental fishery in proportion to each permit holder’s allocation of the total TAC.
- (vii) that applicants be asked to submit a detailed fishing plan of their intended operations in the fishery and be advised of the following criteria for selection of preferred applicants:
- (a) the applicant must nominate the boat or boats (maximum of two boats per applicant) to be used in the developmental fishery;
  - (b) the applicant’s preparedness to meet their share of the attributable costs of management of the developmental fishery, indicative total costs are as follows:

	<b>Indicative Costs</b>
- Logbook Data Collection and Analysis	\$ 25,500
- Observer System	\$ 59,850
- Monitoring Including VMS	\$ 1,500
- Consultation	\$ 7,000
- Administration	\$ 27,500
- Contribution to Research	\$ 30,000
- Compliance Costs	\$ -
- Fisheries Agency (QFMA) Overheads	<u>\$ 17,500</u>
Indicative Total Costs	\$168,850

- (c) the applicant must be prepared to support an observer program, logbook program and VMS program for the developmental fishery, and participate in annual assessments of the fishery;
  - (d) the applicant must have a thorough understanding of relevant Queensland fisheries legislation and of QFJA policy as it relates to this fishery;
  - (e) the applicant must have and provide details of experience in fish trawling, fish trawling in northern Australia, and/or any other form of trawl fishing experience;
  - (f) the applicant must demonstrate an understanding of fish trawling and of other fisheries adjacent to or in the area of the developmental fishery;
  - (g) the applicant must have and provide details of access to processing and marketing facilities;
  - (h) the applicant must demonstrate their commitment to the developmental fishery in terms of adequate operating time including the lodgement of a fishing plan for the first twelve months of operation in the fishery and for subsequent years, an updated plan is to be provided at that time; and
  - (i) the determination of full or part time status of activities applied for and the determination of allocation of annual allowable catch to a successful applicant will be made based on the fishing plan submitted and on all of the preceding criteria and in particular on criteria e, f, g and h above.
- (viii) the above management arrangements will be reviewed following the first full year of fishing, and the QFJA reserves the right to amend any of the above policies to meet the objectives of the *Fisheries Act 1994*.
- (ix) the issue of a statement which advises interested persons of the above decision of the QFJA and indicates its intention to finalise the issue of permits to successful applicants by 31 July 1997.
- (5) The QFJA determined that the following interim arrangements apply to:
- (1) the replacement of boats which are authorised to fish in waters under the Queensland Fisheries Joint Authority jurisdiction:
    - (a) (i) Primary Commercial Fishing Boats authorised for line fishing (L4, L5 & L9):
      - may be replaced by another boat of up to 14 metres,

- may, with the approval of QFJA, be replaced by a boat of up to 20.0 metres (these would be considered on a case by case basis with the primary consideration being no increase in effort); and
- in cases where the current boat is in excess of 20.0 metres, the replacement boat must not exceed the length of the replaced boat.

(ii) Developmental Fishing Permits:

- boats up to 25.0 metres may be replaced by a boat up to that length; and
- applications to permit a replacement boat which is in excess of 25.0 metres are to be considered on their merits on a case by case basis.

(b) that in cases where a licensed fishing boat is removed from the fishery, the policy guidelines approved by the Queensland Fisheries Management Authority on 28 October 1996 shall apply, except where those guidelines refer to the otter trawl fishery where different boat measurement arrangements apply.

(2) the long term arrangements for boat replacement be referred to the QFJA Advisory Committee for examination and advice.

(3) the following policy guidelines be approved in relation to Tender boat licences marked with the L4 or L5 fishery symbol:

- that no new or additional Tender Commercial Fishing Boat Licences be issued with the L4 or L5 fishery symbol;
- that no Tender Commercial Fishing Boat Licences are to be issued or renewed in a different name from the name which appears on the associated Primary boat licence;
- that no transfer of a Tender Commercial Fishing Boat Licence is to be effected separate from a transfer of its associated Primary boat licence.; and
- that no applications for amendment of the conditions of a Tender Commercial Fishing Boat Licence to reflect the boat mark of a different Primary Commercial Fishing Boat to that presently associated with the Tender boat in question are to be approved.

- (6) The QFJA determined:
- (i) that authority holders be required to complete daily logs of their fishing catch and effort under their QFJA authorities and to submit them to the QFMA (as agents for the QFJA) on a monthly basis.
  - (ii) that comprehensive QFJA data collection would commence from 1 July 1997.
  - (iii) the adoption of QFMA net and crab and QFMA line logbook designs for use in the QFJA fisheries.
  - (iv) that compliance checks be carried out routinely by the QFMA in the same manner as it does for fisheries under its jurisdiction.
  - (v) that data collection be an attributable cost of management and therefore recoverable from operators in QFJA fisheries.
- (7) The QFJA noted the outcomes of the Workshop of the North Australian Fisheries Management Group held on 22-23 May 1997 at Broome. It observed that the following strategic issues were identified for progress over the coming year
- stock assessment and monitoring particularly of shark, spanish mackerel and red snapper stocks
  - indigenous fishing
  - vessel monitoring systems
  - integrated research into tropical ecosystems and fisheries
  - developmental fishing
  - international fisheries issues particularly for shared fisheries in northern Australia, amongst other matters
- (8) The QFJA noted the next workshop of the Northern Australia Fisheries Management Group was scheduled for 19-20 May 1998 in Darwin and that AFMA would be in attendance.
- (9) The QFJA noted applications for authorities which had been refused by a QFJA Delegate with the use of powers sub-delegated under Section 130 of the Fisheries Act 1994.
- (10) The QFJA noted that three appeals have been lodged with the Fisheries Tribunal against decisions of the Delegate of the QFJA which are yet to be scheduled for hearing.
- (11) The QFJA noted the summary details of Licences/Authorities granted as at 14 May 1997 as follows-

L4	83	Primary Boats
	114	Tender Boats associated with those Primary Boats



L5	14	Primary Boats
	25	Tender Boats associated with those Primary Boats
	5	Permits

(12) The QFJA determined, subject to the provision of adequate resources, that fishery status reports be prepared for shark, mackerel and red snapper stocks under its jurisdiction over the coming financial year.

(13) The QFJA noted progress on finalisation of Annual Reports for the periods from 8 February 1995 to 30 June 1995, and from 1 July 1995 to 30 June 1996, and the arrangements for preparation of the Annual Report from 1 July 1996 to 30 June 1997.

(14) The QFJA determined:

(i) to recommend to the Queensland Minister for Primary Industries the following fee increases for the 1997/1998 financial year as an amendment to the *Fisheries Regulation 1995*, noting that such fees are consistent with policy on restricting increases to CPI levels.

(a) Commercial Fishing Boat Licence - as per the attached list (increase not exceeding CPI 1.2%)

(b) Fishery symbol on Primary boat licence (increase not exceeding CPI 1.2%)

L4	\$209.40
L5	\$ 61.70
L9	\$346.10

(c) Line fishery symbol on Tender boat licence (L4 or L5) - \$18.90 (two year CPI 5% increase)

(d) Fee to transfer a licence (increase not exceeding CPI 1.2%)

Primary boat	\$256.00
Tender boat (line)	\$114.30
Tender boat (without line)	\$ 78.90

(e) Developmental fishing permit (increase not exceeding CPI 1.2%)

Assessment fee	\$ 104.20
Permit fee	\$1,575.00

(f) Fee to amend or replace an authority - \$23.70 (0.85% increase)

- (ii) to recommend to the Queensland Minister for Primary Industries an amendment to the *Fisheries Regulation 1995*, providing a specific Primary boat replacement fee of \$120 for QFJA licences, to coincide with a similar fee recommended for inclusion in the Regulation by the Queensland Fisheries Management Authority.
  - (iii) to form a Committee to review the appropriateness of fees and charges levied by the QFJA consistent with its policy of full cost recovery with membership comprised of officers from QFMA, AFMA and QDPI.
- (15) The QFJA noted the budget for 1997/1998 year and agreed that:
- (i) income and expenditure for the proposed finfish trawl fishery in the Gulf of Carpentaria be included in that budget,
  - (ii) elements of the budget may be varied following completion of the review of fees and charges outlined in 14 above.
- (16) The QFJA agreed that:
- (i) the following items constituted attributable costs of management and that accordingly they be recovered from authority holders as beneficiaries of these fisheries:
    - Logbook Data Collection and Analysis
    - Observer System
    - Monitoring Including VMS
    - Consultation
    - Administration
    - Contribution to Research
    - Compliance Costs
    - Fisheries Agency (QFMA) Overheads
  - (ii) a review of the QFJA budget for the 1997/1998 year be undertaken by the Review Committee formed in 14 above with a view to identifying the attributable costs of management of QFJA fisheries and reporting back to the QFJA by the end of August 1997.



