

**QUEENSLAND FISHERIES JOINT AUTHORITY**

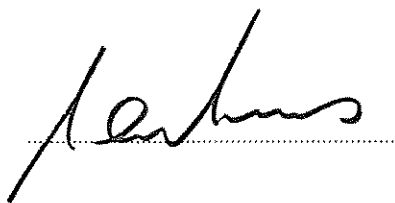
**REPORT FOR THE PERIOD**

**1 JULY 1999 TO 30 JUNE 2000**

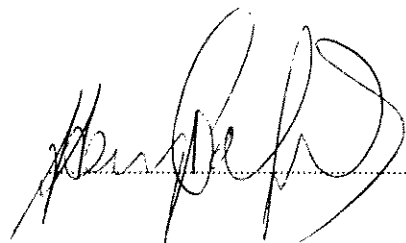
*Fisheries Management Act 1991 (Commonwealth)*  
*Fisheries Act 1994 (Qld)*

Queensland Fisheries Joint Authority  
Report of the Queensland Fisheries Joint Authority  
for the period 1 July 1999 to 30 June 2000

The Hon Warren Truss MP  
Commonwealth Minister for Agriculture  
Fisheries and Forestry  
Parliament House  
CANBERRA ACT 2600

A handwritten signature in black ink, appearing to read 'Warren Truss', written over a horizontal dotted line.

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

A handwritten signature in black ink, appearing to read 'Henry Palaszczuk', written over a horizontal dotted line.

Commonwealth of Australia 2000

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## 1. INTRODUCTION

This is the sixth report of the Queensland Fisheries Joint Authority (QFJA) and outlines its activities undertaken during the period 1 July 1999 to 30 June 2000. The QFJA was established to undertake **management of all northern demersal and pelagic finfish in waters relevant to Queensland in the Gulf of Carpentaria excluding:**

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

## 2. ENABLING LEGISLATION

The *Fisheries Management Act 1991* (Commonwealth) provides for the Commonwealth to establish Joint Authorities comprised of the Commonwealth and the relevant State Minister (subsection 61(1)). A corresponding subsection (section 126(1)) is also found in the *Fisheries Act 1994* (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. A complete description of jurisdiction of species and area is contained in the Arrangement between the Commonwealth of Australia and the State of Queensland, published in the Australian Government Gazette on 8 February 1995 and the Queensland Government Gazette on 10 February 1995. A copy of the Queensland Gazette Notice (which is identical to the Commonwealth Gazette Notice) is at Annex A. The Arrangement provides, amongst other things, that the fishery be managed under Queensland law.

## 3. MEMBERS OF THE QUEENSLAND FISHERIES JOINT AUTHORITY

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

For the period 1 July 1999 to 20 July 1999:

Hon Mark Vaile MP

Commonwealth Minister for Agriculture, Fisheries & Forestry

For the period 21 July 1999 to 30 June 2000:

Hon Warren Truss MP

Commonwealth Minister for Agriculture, Fisheries & Forestry

Hon Henry Palaszczuk MP

Queensland Minister for Primary Industries, Forestry and Fisheries

Deputies appointed for the reporting period were -

For the Commonwealth Minister

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

Mr Glenn Hurry, Assistant Secretary, Fisheries and Aquaculture Branch, Department of Agriculture, Fisheries and Forestry (AFFA).

For the Queensland Minister

For the period 1 July 1999 to 10 July 1999, Dr Richard Crossing - Chief Executive, Queensland Fisheries Management Authority (QFMA).

For the period 1 July 1999 to 26 April 2000, Mr John Pollock - Executive Director (Fisheries), Queensland Department of Primary Industries (QDPI).

For the period 26 April 2000 to 30 June 2000, Mr Peter Neville - Executive Director (Fisheries), Queensland Department of Primary Industries (QDPI).

During the reporting period, policy development, licensing, permits, data collection and monitoring, administration and consultation services were provided to the QFJA by officers of the QFMA.

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

For a Joint Authority managing a fishery under Queensland law, the following functions apply under section 135 of the *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 Queensland *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, 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*.

During the year under review the QFJA has performed its functions and pursued the above objectives through its activities contained in sections 5,6,8,9,10 and 11 of this report and has reported on the condition of fisheries for which it is responsible in section 7 of this report. Those sections outline the principal policies adopted by the QFJA since its inception, any changes to those policies during the reporting period, as well as the outcomes flowing from the application of those policies.

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

The seventh, eighth and ninth meetings of the QFJA were convened on 24 November 1999, 9 May 2000 and 20 June 2000. Principal matters dealt with at those meetings included:

- Receiving and acting upon the reports of the activities of its Fisheries Advisory Committee which met on 10 June 1999, 27 November 1999 and 18 March 2000 (further details in Section 6 of this report);
- Suspension of activities under its Developmental Finfish Trawl Fishery for a specified period following a fall in demand for product in the Asian market;
- Adopting a new policy for exploratory and developmental fisheries for fish stocks under its jurisdiction;
- Adopting a new policy for replacement of licensed fishing boats in line fisheries and in exploratory and developmental fisheries, for fish stocks under its jurisdiction;
- The development of status reports for key fisheries including shark, and mackerel species;
- Advising the Commonwealth government of its views on boundary changes in tuna fisheries and their potential effects on other fisheries in northern Australia;
- The adoption of new policy on developmental fishing in shark fisheries and the treatment of offences when occurring in similar fisheries in adjacent jurisdictions;
- Complementary authorisations in adjacent jurisdictions for target fisheries for shark and other inshore species; and
- Progressing the outcomes of the two meetings of the Northern Australian Fisheries Management Conference which occurred during the period under review (refer Section 7 for further details).

A complete list of decisions of those meetings is provided at Annex B.

## **6. ADVISORY COMMITTEE**

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

The *Fisheries Act 1994* provides the power for a Joint Authority to establish Advisory

Committees consisting of such persons as it thinks fit to provide information and advice to the Joint Authorities.

The QFJA established a Fisheries Advisory Committee comprised of representatives of stakeholder interests to meet and to provide advice to the QFJA on management of fish stocks under its jurisdiction at its second meeting in 1996. The terms of reference of that Committee, requirements of the Chair, manager and secretariat, operating procedures, and composition were also determined at the second meeting following which its membership was appointed. The QFJA reviewed membership of that Committee during the reporting period and appointed the following persons for the period to 30 June 2001:

Dr J Baker	Chair
Mr M Elmer	Fishery Manager QFMA
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 F Pascoe	Indigenous Fishing Interests
Mr K Parkinson	Senior Fisheries Manager, AFMA
Mr R Clarke	Fisheries Manager, Northern Territory Department of Primary Production and Fisheries

The Committee met on two occasions during the reporting period, on 27 November 1999 and 18 March 2000, while the outcomes of its meeting late in the preceding period (10 June 1999) were progressed in the current period. The Committee was assisted at the meetings by Dr Neil Gribble and Mr Geoffrey McPherson (Scientific Advisors, Queensland Department of Primary Industries) and Mr R Grimley and Mr R Russell (Compliance Advisors, Queensland Boating and Fisheries Patrol). Matters dealt with by the Committee at these meetings included:

- the appropriateness of tuna boundaries in Northern Australia;
- the preparation of status reports for QFJA fisheries, particularly for demersal reef and pelagic finfish species;
- management of the Gulf of Carpentaria shark fishery;
- boat replacement in QFJA fisheries;
- support for the formation of a Management Advisory Committee for all Gulf of Carpentaria fisheries;
- modifications to the Policy for Exploratory and Developmental fisheries;
- membership of the Advisory Committee;
- recommendations on research and monitoring for QFJA fisheries;
- clarification of Offshore Constitutional Settlement for grey mackerel species in the Gulf of Carpentaria;
- arrangements for consultation with adjacent jurisdictions under the Offshore Constitutional Settlement;



## 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 in 1995.

Commercial catches of finfish for species under QFJA jurisdiction are contained in the following table. Such catches were made using net and line fishing apparatus. Information provided has been drawn from the Queensland CFISH summary database for waters adjacent to Queensland west of longitude 142 degrees 5 minutes (at Cape York) as at June 7 2000.

### *Commercial Catches of Finfish*

Species	1997	1998	1999
	<i>Catch – tonnes</i>	<i>Catch – tonnes</i>	<i>Catch – tonnes</i>
Shark	202.5	220.1	233.4
Mackerel-Grey	464.0	437.6	348.3
Mackerel-Spanish	227.8	145.3	185.0
Other Finfish	121.5	119.6	182.4
Trawled Finfish	-	80.0	54.4

These catches include landings by operators in the Inshore Gill Net Fishery administered by the QFMA.

The QFJA has acknowledged the need to undertake fisheries assessment and status reports for demersal finfish, shark, mackerels and other similar pelagic species. Such reports are to be prepared in consultation with adjacent jurisdictions. To facilitate such an approach, the Northern Territory and Queensland governments agreed to a Memorandum of Understanding 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 Memoranda 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 scheduled the fourth Northern Australia Fisheries Management Workshop held in Cairns on 14-15 July 1999 and its fifth meeting on 20-21 June 2000 in Broome. The Cairns Workshop was comprised of three sessions, one focusing on research matters, another on management and compliance, leading to session on a continued joint approach to the management of fish stocks shared across the waters of northern Australia.

The Broome Workshop followed a different format enabling greater focus on international fisheries influences in the Northern Australian region and their implications for management. The Workshop also reviewed Joint Authority obligations and reporting requirements, fisheries cooperation with Indonesia, along with considerations of coordination and cooperation on each of the major fisheries of Northern Australia between the respective State and Commonwealth jurisdictions.

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. Prioritisation of fisheries research and monitoring needs will be undertaken by the QFJA on the advice of its Fisheries Advisory Committee.

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

## **8. MANAGEMENT ARRANGEMENTS**

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

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

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

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

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

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

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

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

Since December 1998, returns from the Fishery have been depressed with reduced demand

overall for target species and particular difficulties with marketing the predominant species in the catch, red snapper (*Lutjanus erythropterus*). Due to continuing market decline, the fishing program was suspended in December 1998 and has recommenced only in a very limited way since that time. Catches in the reporting period totalled approximately 50 tonnes.

## 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) |
|   | <b>section 63</b>  | (amendment of authorities)                              |
|   | <b>section 65</b>  | (transfer of authorities)                               |
|   | <b>section 71</b>  | (replacement of authorities)                            |
| (2) The powers under -  | <b>section 59</b>  | (refusal to issue or renew authorities)                 |
|   | <b>section 67</b>  | (suspension or cancellation of authorities)             |
| (3) The powers under -  | <b>section 160</b> | (disposal of seized fisheries resources)                |
|   | <b>section 161</b> | (Authority may return seized things)                    |
|   | <b>section 162</b> | (obligation to return seized things)                    |
|   | <b>section 163</b> | (obligation to pay net proceeds of sale)                |
|   | <b>section 164</b> | (Authority may order forfeiture of unclaimed things)    |
|   | <b>section 178</b> | (dealing with forfeited things)                         |
| (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. This is further detailed in section 10. The QFMA has been discontinued from 1 July 2000 and licensing services for QFJA matters are to be transferred to a new organisation, the Queensland Fisheries Service, from that date.

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

The following table indicates the number of authorisations issued by the QFJA in the reporting period and in the preceding years.

Licence/Symbol	1995/96	1996/97	1997/98	1998/99	1999/2000
L4 (primary)	45	83	82	82	82
L4 (tender)	74	114	114	114	113
L5 (primary)	7	14	22	23	21
L5 (tender)	10	26	39	43	42
Permits		8	12	10	10

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

## 11. FINANCIAL ARRANGEMENTS

The financial basis for management of QFJA fisheries is that a policy of cost recovery should apply to QFJA activities and that fees charged for authorisations should reflect that philosophy. Fees payable are to be based on recovery of attributable management costs. Fee levels implemented on the recommendation of the QFJA by the Queensland Minister for Primary Industries in the December 1995 Regulation gave effect to these principles. Those fees have been varied in line with the consumer price index increases in subsequent periods.

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

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

In the 1999-2000 financial year, total revenue received by the QFJA was \$89,000. This was received from licence holders where the licence contained an authorisation (fishery symbol) (\$29,000) and from permits (\$60,000) 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. Details of income and expenditures are reported in the Annual Report of the QFMA.

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

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

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

WHEREAS—

- (a) Part 5 of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act), which provides for co-operation with the States and 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) *Nibeas squamosa*, *Protonibeas 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.

## **ANNEX B: Decisions of the Queensland Fisheries Joint Authority 1999/2000**

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

### **Meeting Number 7 – 24 November 1999 Brisbane**

#### **Update on Deputy Membership of QFJA**

The QFJA noted

- (i) that the position for one of the two deputies for the Queensland Minister on the QFJA is vacant; and
- (ii) there may need to be a procedural change in identification of deputies to recognise the change in name of the Commonwealth Department of Primary Industries and Energy to Agriculture, Fisheries and Forestry – Australia.

#### **Report of Chair, QFJA Fisheries Advisory Committee**

The QFJA

- (i) noted the report of the Chair of the QFJA Fisheries Advisory Committee for the meeting of the Committee in Karumba on 10 June 1999 and commended the Committee for its diligence in addressing critical fisheries issues in the Gulf of Carpentaria affecting the fisheries resources under QFJA jurisdiction; and
- (ii) determined to reply to the Chair in respect of matters raised in the report and dealt with in this meeting.

#### **Confirmation of Appointment of Members of QFJA FAC**

The QFJA determined that the membership of the QFJA Fisheries Advisory Committee be confirmed to 30 June 2001 with the following members:

Dr J Baker	Chair
Mr M Elmer	Fishery Manager QFMA
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 F Pascoe	Indigenous Fishing Interests
Mr K Parkinson	Acting General Manager – Fisheries, AFMA
Mr R Clarke	Northern Territory Fisheries
Mr W Forrest	Recreational Fishing Interests.

### **QFJA Fisheries Advisory Committee Meetings**

The QFJA noted:

- (i) the resolutions and action list of meeting no.3 of the QFJA Fisheries Advisory Committee held on 10 June 1999 at Karumba;
- (ii) that, in relation to the Committee's interest in policy on charter boats, the Commonwealth fisheries agencies are in the process of meeting with each of the States and Territory prior to drafting long term bilateral arrangements for the activities of charter boat fishing for tuna and billfish; and
- (iii) that a meeting of its Fisheries Advisory Committee is scheduled for 27 November 1999 in Cairns.

### **Gulf of Carpentaria Finfish Trawl Development Fishery**

The QFJA determined to suspend the Gulf of Carpentaria Finfish Trawl Developmental Fishery assessment and monitoring program and associated management fees for the 1999 calendar year following a request from participants to do so in response to depressed market factors and during a period in which no fishing operations were to occur as a result of those factors.

### **Policy on Exploratory and Developmental Fisheries**

The QFJA determined to

- (i) rescind its policy on exploratory and developmental fisheries made on 14 June 1996; and
- (ii) approve a new policy for the establishment and management of exploratory and developmental fisheries.

### **Policy on Boat Replacement in QFJA Fisheries**

The QFJA determined to:

- (i) rescind its policy of 26 May 1997 with respect to the replacement of primary commercial fishing boats authorised for line fishing (L4, L5, L9) in waters under QFJA jurisdiction;
- (ii) approve the boat replacement policy in attachment 2 of this record for use in respect of primary commercial fishing boats authorised for line fishing (L4 and L5) in waters under QFJA jurisdiction;
- (iii) approve a continuation of its boat replacement policy for exploratory and developmental fishing that such replacement be considered on a case by case basis having regard to the accompanying exploratory or developmental fishing program,

including no limitation on maximum boat length, but as a general approach maximum boat lengths in exploratory or developmental fisheries should be limited to 25 metres length overall.

- (iv) adopt as policy a 7m maximum limit on tender vessels licensed to engage in commercial fishing in QFJA fisheries.

### **Development of Management Plans for QFJA Fisheries**

The QFJA determined to

- (i) prepare fishery status reports/statements consistent with the format of a statutory Fisheries Management Plan for fisheries under its jurisdiction, developing separate documents for demersal and pelagic finfish stocks in the first instance.
- (ii) advise the Chair of the QFJA Fisheries Advisory Committee of the approach adopted in (i) above having regard for pending inter-governmental discussions on proposed new broad arrangements for Joint Authorities in Northern Australia.

### **Integration of fishery boundaries for tuna stocks**

The QFJA determined to note the concerns about potential relocation of fishing effort resulting from removals of boundaries and that the matter is being addressed by the Board of the Australian Fisheries Management Authority in December 1999, having regard to responses received from various Stakeholders including the advice received from the Queensland and Northern Territory Governments on the issue.

### **Amendment to OCS arrangement for grey mackerel**

The QFJA determined to:

- (i) reaffirm the decision of 26 May 1997 to recommend to the Commonwealth Minister for Resources 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 and,
- (ii) have the task of progressing the course of action re-evaluated in terms of the processes needed to be activated.

## **Licensing in the Gulf of Carpentaria Developmental Shark Fishery**

The QFJA determined to:

- (i) approve the attachment of annual authorisations granted by it for access to the offshore shark development fishery, using nets, droplines, bottom set lines, hand lines, trolling or traps to licences granted by the Northern Territory Fisheries Joint Authority where the same fishery participants are involved;
- (ii) reaffirm its previous determination on the developmental status of this fishery;
- (iii) request its FAC to investigate how offences in adjacent jurisdictions might be dealt with collaboratively by the two fisheries agencies, noting that the FAC has formed a working group to investigate a change in status of the offshore shark fishery from its present developmental status.

## **Consultation with Adjacent Jurisdictions**

The QFJA noted the conduct of the fourth Northern Australia Fisheries Management Workshop in Cairns in July 1999 in accordance with the formal consultative arrangements agreed under OCS arrangements, and that matters discussed at the Workshop are being acted upon by participants at that workshop in accordance with the cooperative management approach envisaged under the OCS arrangements.

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

That QFJA note the application (summarised below) for an authority which has been refused by a QFJA Delegate with the use of powers sub-delegated under Section 130 of the *Fisheries Act 1994*.

APPLICANT	TYPE OF APPLICATION	DELEGATE	DATE
D&F Wren & T Yuskan	L5 symbol	M Elmer	30/8/99

## **Appeals Lodged**

The QFJA noted that one new appeal has been lodged with the Fisheries Tribunal against a decision of the QFJA whilst two other appeals remain adjourned.

## **Licences/Authorities Granted**

The QFJA noted the number of licences and permits issued as at 26 October 1999 for fishing activities in its jurisdiction as follows:



- L4            83     Primary Boats  
                  114    Tender Boats associated with those Primary Boats
  
- L5            22     Primary Boats  
                  42     Tender Boats associated with those Primary Boats
  
- Permits     10

### **Application for a Net Fishing Authority**

The QFJA determined to grant a permit to conduct net fishing activities with the use of the boat "Son of a Gun" FQHZ for finfish species (excluding barramundi (*Lates calcarifer*), black jew (*Protonibea diacanthus*), blue salmon (*Eleutheronema tetradactylum*), jewel fish (*Nibea squamosa*), king salmon (*Polydactylus sheridani*), queenfish (*Scomberoides lysan*, *S. commersonianus*), spotted grunter bream (*Pomadasyds kaaka*), grey mackerel (*Scomberomorus semifasciatus*), in certain waters of the Gulf of Carpentaria and subject to specified operating conditions.

### **Fees and Charges**

The QFJA noted that the fees applicable to QFJA authorities for the 1999/2000 financial year have been recommended for increase to the Queensland Minister for Primary Industries in line with CPI trend (1.8%).

The QFJA determined to recommend to the Queensland Minister for Primary Industries an increase in fees consistent with application of the Goods and Services Tax on licences issued by the QFJA.

### **Meeting Number 8 – 9 May 2000 Canberra**

#### **Policy on issue of an authority for N9 QFMA operators to take Finfish in the Gulf of Carpentaria**

The QFJA

- (i) adopted a policy that it is prepared to approve an application for attachment of a condition to a Queensland Primary Fishing Boat Licence authorising the holders of an N9 fishery symbol issued by the QFMA to engage in fishing activities in waters and using nets in accordance with conditions prescribed for the N9 fishery symbol to take finfish species that fall under the jurisdiction of the QFJA; and
- (ii) endorsed the recommendation of the QFJA FAC that the matter of N3 fishery symbol holders taking shark other than as an incidental catch be further investigated as a matter of immediate concern.

## **Meeting Number 9 – 20 June 2000 Broome**

### **Update on Deputy Membership of QFJA**

The QFJA noted that:

- (i) Mr Peter Neville has become a Deputy for the Queensland Minister at the QFJA from 26 April 2000, having taken up duties of the position of Executive Director, Fisheries Group, QDPI from that date;
- (ii) the Queensland Minister has indicated an intention to appoint the General Manager (Resource Management), Queensland Fisheries Management Authority, as a further Deputy for the Queensland Minister and will review the appointment following the commencement of the Queensland Fisheries Service on 1 July 2000.

### **Report of Chair, QFJA Fisheries Advisory Committee**

The QFJA noted the report of the Chair of the QFJA Fisheries Advisory Committee and commend the committee for its diligence in addressing critical fisheries issues in the Gulf of Carpentaria affecting the fisheries resources under QFJA jurisdiction.

### **QFJA Fisheries Advisory Committee**

The QFJA noted the:

- (i) Resolutions and action list of the fourth meeting of the QFJA Fisheries Advisory Committee held on 27 November 1999 at Cairns;
- (ii) progress on the matter of grant of permits for target fishing for shark to N9 operators and on the development of an amended OCS agreement for grey mackerel; and
- (iii) resolutions and action sheet of the fifth meeting of its Fishery Advisory Committee held on 18 March 2000 in Cairns.

### **Gulf of Carpentaria Finfish Trawl Developmental Fishery**

The QFJA:

- (i) Noted the status of the Gulf of Carpentaria Developmental Fin Fish Fishery as at June 2000;
- (ii) determined to restart the program of assessment and monitoring, including its observer program from 1 July 2000 consistent with its policy agreed for the conduct of this fishery; and
- (iii) directed the MSAC to enter into discussions with fishery participants so that the costs of the program are fully cost recovered from 1 July 2000.

### **Amendment to OCS Arrangement for Grey Mackerel**

The QFJA noted the progress on the implementation of its decision to clarify jurisdictional arrangements for grey mackerel.

### **Consultation with Adjacent Jurisdictions**

The QFJA noted:

- (i) The conduct of the fifth Northern Australia Fisheries Management Conference in Broome on 20-21 June 2000 in accordance with the formal consultative arrangements agreed under OCS arrangements, and that matters discussed at the Workshop are being acted upon by participants at that workshop in accordance with the cooperative management approach envisaged under the OCS arrangements,
- (ii) that discussions at the conference relating to the adoption of a strategic planning approach by the QFJA consistent with a broader approach for northern Australian fisheries be again considered by the QFJA at its next scheduled meeting.

### **Preparation of Fishery Status Reports**

The QFJA noted the actions of its Fisheries Advisory Committee in preparing draft status reports for fisheries under QFJA jurisdiction in line with the decision of the QFJA of 27 November 1999.

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

The QFJA noted the applications for grant of authorities refused by a QFJA delegate with the use of powers sub-delegated under Section 130 of the *Fisheries Act 1994*:

TYPE OF APPLICATION	DELEGATE	DATE
Permit for Line Fishing	M Elmer	8 December 1999
L4 Symbol	M Elmer	24 December 1999

### **Appeals Lodged**

The QFJA noted that two new appeals have been lodged with the Fisheries Tribunal against decisions of the QFJA whilst a further appeal is waiting for a hearing date to be fixed.

### **Licences/Authorities Granted**

The QFJA noted the number of licences and permits issued as at 14 June 2000 for fishing activities under its jurisdiction as follows:

- L4 82 Primary Boats  
113 Tender Boats associated with those Primary Boats
- L5 21 Primary Boats  
42 Tender Boats associated with those Primary Boats
- Permits 10

### **Fees and Charges**

That the QFJA note that fees and charges for licences and permits it issues are not to increase in the financial year 2000/2001.

## **STATEMENTS UNDER ASSOCIATED LEGISLATION**

### *Freedom of Information Act 1982*

Information relating to the Freedom of Information Act 1982 with respect to a Queensland joint authority fishery is contained within the annual report issued by the Queensland Fisheries Management Authority.

### *Occupational Health and Safety (Commonwealth Employment) Act 1991*

Information relating to Occupational Health and Safety issues with respect to a Queensland joint authority fishery is contained within the annual report issued by the Queensland Fisheries Management Authority.

### *Political Broadcasting and Political Disclosures Act 1991*

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

**GLOSSARY OF TERMS**

AFFA	Agriculture, Fisheries and Forestry Australia
AFMA	Australian Fisheries Management Authority
QDPI	Queensland Department of Primary Industries
QFISH	Queensland Fisheries Commercial Log Book System
QFJA	Queensland Fisheries Joint Authority
QFMA	Queensland Fisheries Management Authority



