

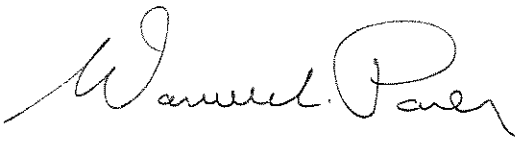
FISHERIES MANAGEMENT ACT 1991

FISH RESOURCES MANAGEMENT ACT 1994

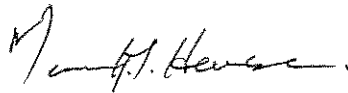
**REPORT FROM THE WESTERN AUSTRALIAN  
FISHERIES JOINT AUTHORITY  
1 JULY 1996 TO 30 JUNE 1997**

Presented to the Commonwealth Parliament pursuant to Section 70 of the Fisheries Management Act 1991.

Presented to the Western Australian Parliament pursuant to Section 21 of the Fish Resources Management Act 1994.



Senator the Hon. Warwick Parer  
MINISTER FOR RESOURCES & ENERGY



Hon. Monty House MLA  
MINISTER FOR PRIMARY INDUSTRY;  
FISHERIES

Commonwealth of Australia

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FIGURE 1 Joint Authority Southern Demersal Gillnet & Demersal Longline  
Managed Fishery 20

FIGURE 2 Joint Authority Northern Shark Fishery 21

## 1. INTRODUCTION

This is the tenth report of the Western Australian Fisheries Joint Authority.

The Joint Authority was established under provisions of the *Fisheries Management Act 1991* (the Commonwealth Act) and the *Western Australian Fisheries Act 1905* (now replaced by the *Fish Resources Management Act 1994*).

The Joint Authority has been responsible since 14 April 1988 for the management of the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery (JASDGDLMF) in waters south of 33° South latitude to the South Australian border, in accordance with Offshore Constitutional Settlement arrangements for this fishery (Appendix 1). On 3 February 1995, the Joint Authority gained jurisdiction over the Northern Shark Fishery (now Joint Authority Northern Shark Fishery) in State waters between 123°45' East longitude and the Northern Territory border.

This report covers the activities of the Joint Authority in managing the two Joint Authority fisheries from 1 July 1996 to 30 June 1997.

The contact officer for enquires about this report is Mr Peter Millington, Director Programs, Fisheries Western Australia, 3rd Floor, SGIO Atrium 168-170 St Georges Tce Perth, WA, 6000.

## 2. MEMBERSHIP OF THE JOINT AUTHORITY

The members of the Joint Authority for the reporting period were:-

Senator the Hon. Warwick Parer  
Minister for Resources & Energy

Hon. Monty House JP, MLA  
Western Australian Minister for Primary Industry; Fisheries

## 3. MEETINGS

There was one formal meeting of the Joint Authority during the reporting period. Present at this meeting were: Mr Richard Stevens, delegate for the Commonwealth Minister for Resources and Energy; Mr Peter Millington, delegate for the Western Australian Minister for Primary Industry; Fisheries; and Mr Tim Bray, acting Secretary in Place of Mrs Jane Borg.

At this meeting, matters relevant to the current and future management of the two Joint Authority fisheries were discussed. Details of management issues pertaining to each of these fisheries can be found in sections 6 and 7 of this report.

#### 4. STAFFING

Fisheries Western Australia provides staff to service the needs of the Joint Authority and the fisheries for which it is responsible.

#### 5. ADVISORY COMMITTEES

The Minister for Primary Industry; Fisheries, on behalf of the Joint Authority, appointed the West Australian Demersal Gillnet and Demersal Longline Fishery Management Advisory Committee to advise him on management issues in the southern Joint Authority fishery. Membership of this committee for the period 1 July 1996 to 30 June 1997 is given in Appendix 2. The small size of the northern Joint Authority fishery, both in terms of its area and the number of operators, does not warrant the establishment of a dedicated advisory committee.

The West Australian Demersal Gillnet and Demersal Longline Fishery Management Advisory Committee last met within the 1996/97 period on 9 April 1997. Advice was provided to the Joint Authority by the Chairman of the advisory committee who reported to the Minister for Primary Industry; Fisheries acting on behalf of the Joint Authority. This committee will meet throughout 1997/98 to discuss issues relevant to the management of this fishery. Chairman's reports will continue to be circulated to licensees in the fishery after each meeting.

#### 6. JOINT AUTHORITY SOUTHERN DEMERSAL GILLNET AND DEMERSAL LONGLINE MANAGED FISHERY

##### (a) BACKGROUND

Fishermen using demersal gillnets or demersal longlines in the waters of the JASDGLMF mostly catch three species of shark, although other species of shark and a variety of scalefish are also taken. The fishery is managed under a Management Plan originally gazetted in 1988 by the Minister for Fisheries under the *Fisheries Act 1905*. The plan is referred to as the Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan.

The area of the fishery is shown in Figure 1.

##### (b) OBJECTIVES

Given that this fishery is managed under the *Fish Resources Management Act, 1994*, the objectives of management of the fishery are the same as those of this Act. The objects of the Act are:

"to conserve, develop and share the fish resources of the state for the benefit of present and future generations."

Specifically, the Act has the following objects:

- "(a) to conserve fish and protect their environment;
- (b) to ensure that the exploitation of fish resources is carried out in a sustainable manner;
- (c) to enable the management of fishing, aquaculture and associated industries and aquatic eco-tourism;
- (d) to foster the development of commercial and recreational fishing and aquaculture;
- (e) to achieve the optimum economic, social and other benefits from the use of fish resources;
- (f) to enable the allocation of fish resources between users of these resources;
- (g) to provide for the control of foreign interests in fishing, aquaculture and associated industries;
- (h) to enable the management of fish habitat protection areas and the Abrolhos Islands reserve."

In terms of fishery specific objectives, management arrangements for the next five seasons have been developed with a view to restoring and maintaining whiskery, gummy and dusky whaler sharks at or above 40% of their original biomass by the year 2010.

### (c) PRODUCTION

There are three major species taken in the fishery - the whiskery shark (*Furgaleus macki*), dusky whaler shark (also called bronze whaler) (*Carcharhinus obscurus*) and gummy shark (*Mustelus antarcticus*).

During recent seasons, there has been a shift in the catch composition of the fishery, with the proportion of whiskery sharks decreasing and the proportion of dusky whaler sharks increasing. Although there are likely to be a number of factors which have influenced this shift, the price obtained for dusky whaler meat, in conjunction with the comparative scarcity of whiskery sharks, are likely to have been of greatest significance.

Although whiskery sharks are caught throughout the southern Joint Authority fishery, they are taken in their greatest numbers off the west coast of Western Australia. Gummy sharks are only caught in any quantity off the south coast, this being the western end of their southern Australian distribution.

Both whiskery and dusky whaler sharks are also taken within the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery. Operators in this fishery use very similar gear to those in the southern Joint Authority fishery. However, the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery is entirely under State jurisdiction.

A number of the scalefish species taken in the southern Joint Authority fishery are also caught by other commercial line fishermen and by recreational fishers. Based on current data none of these scalefish species are considered to be under threat of overfishing. However, the relative catch between the user groups continues to be a matter of debate.

The 1 July 1996 to 30 June 1997 figures for production of shark and scalefish in accordance with the Management Plan are set out below:

SPECIES	TONNES (Live Weight)
<u>Shark</u>	
Whiskery	147
Dusky/Bronze Whaler	278
Gummy	304
Other	195
Total	<u>924</u>
<u>Scalefish</u>	116

(d) RESEARCH

Research on shark is carried out by staff at the Bernard Bowen Fisheries Research Institute within the Western Australian Marine Research Laboratories. The research is concentrating on the use, and further development of, scientific models to analyse the fishery's catch and effort data. Improvement of the quality of the data collected from the logbook program is also receiving attention. Studies undertaken include:

- (i) improving the quality of the monthly fishermen's returns and voluntary log book catch and effort data bases;
- (ii) dusky whaler tagging studies;
- (iii) investigating aspects of the biology of key species;
- (iv) determining mesh selection characteristics of key species; and
- (v) furthering the development of models of this fishery.



## (e) CONDITION OF THE FISHERY

Fisheries Western Australia has developed an age structured population model for each of the three key shark species taken in this fishery (whiskery, dusky whaler and gummy). The Agency now uses these models to produce annual stock assessments for each species. It is the information that has been obtained from these assessments which has enabled Fisheries Western Australia, in consultation with Industry, to develop the management arrangements to be implemented in the fishery over the next five seasons so as to ensure resource sustainability and commercial viability.

The stock assessment models analyse data from statutory catch returns submitted by licensees. These data are validated through at-sea studies and information obtained from the voluntary logbook program.

The 1996 stock assessment indicated that each of the three species assessed was either fully or over-exploited. Specifically, this assessment revealed that:

- (a) whiskery sharks were determined to be at between 19.2% and 38.1% of their original biomass;
- (b) gummy sharks were determined to be at between 25.8% and 51.7% of their original biomass; and
- (c) dusky whaler sharks were judged to be at between 60% to 80% of their original biomass.

Of the above three species, Fisheries Western Australia is least certain about the status of dusky whaler sharks. However, funding for a three year study into the movement of these sharks has been obtained from the Fisheries Research and Development Corporation. The results of this study should assist in clarifying the stock assessment for this species.

## (f) MANAGEMENT MEASURES

The management rules for this fishery are set out in detail in the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan. This Management Plan is gazetted as Western Australian Fisheries Notice Number 323 and Amendment Notices 360, 430, 498, 560, 670, 711 and 732.

The fishery is managed in four zones of access. Management arrangements have enabled the number of operators to be controlled, with the effort utilised by licensees being regulated through an individually transferable effort system. The level of entitlement of each licensee in the fishery is determined by the number of time/gear units held in the licensee's name. A time/gear unit is a standard number of hooks or metres of net that can be used for a given month.

This system of management has enabled effort in the fishery to be reduced by:

- (a) reducing the overall number of time/gear units; and
- (b) redefining the value of time/gear units.

Management arrangements to be implemented in this fishery over the next five seasons will focus on rebuilding stocks of whiskery sharks, while halting the decline in the other two primary target species. The implementation of this management strategy will result in a 50% reduction in fishing effort on 1993/94 levels. This effort reduction is to be achieved through the following mechanisms:

- (a) recognising current unit suspensions and temporary reductions in the value of time/gear units as permanent; and
- (b) additional effort reductions to be brought about by:
  - (i) reductions in fishing potential (reducing the amount of net and number of hooks in the water); and
  - (ii) changes in net configuration.

Currently, the majority of those operating demersal gillnets in the southern Joint Authority fishery use 7 inch gear that is 15 meshes deep. A significant proportion of the effort reduction to be implemented over the next five seasons will be achieved by reducing net length by 20%, while increasing mesh depth to 20. This will result in a 20% reduction in the catch of whiskery sharks, but enable catches of gummy and dusky whalers to be maintained at present levels.

#### (g) FINANCIAL ARRANGEMENTS

The fishery is administered by Fisheries Western Australia pursuant to the *Fish Resources Management Act 1994* (the State Act). An access fee for the Managed Fishery is collected under the State Act. The cost of access for the period 1 July 1996 to 30 June 1997 was \$19 per time/gear unit.

Expenditure for management is provided for from the Agency's annual budget. Funds for the Management Advisory Committee are met by the State.

### 7. JOINT AUTHORITY NORTHERN SHARK FISHERY

#### (a) BACKGROUND

This fishery covers waters east of 123°45' East longitude (Koolan Island), and north of 17° South latitude to the Northern Territory border. This fishery is defined as the taking of shark by gillnet and longline, and presently includes any scalefish taken as bycatch. Gillnet cannot be used within three nautical miles of the low water mark; there is no such area restriction on the use of longline.

Figure 2 illustrates the area of the fishery.

(b) OBJECTIVES

Given that this fishery is managed under the *Fish Resources Management Act, 1994*, the objectives of management are the same as those of this Act. The objects of the Act are listed in section 6(b).

Since jurisdiction was handed to the Western Australian Joint Authority on 3 February 1995, Fisheries Western Australia has developed a discussion paper on the future management of the Joint Authority Northern Shark Fishery for industry's consideration.

The primary objective will be to ensure the fishery remains biologically viable. This is likely to involve measures that will:

- (i) restrict increases in fishing effort through licensing and gear restrictions; and
- (ii) reduce the capture of scalefish and other bycatch species through gear and other restrictions.

(c) PRODUCTION

The shark species of primary commercial importance in this fishery are the blacktip shark (*Carcharhinus tilstoni*), spot-tail shark (*Carcharhinus sorrah*) and hammerhead sharks (*Sphyrna* spp). Blacktip and spot-tail sharks are endemic to northern Australian waters north of 25° South. Hammerhead sharks exhibit a wide distribution, existing in most Australian waters.

Owing to the small number of operators in this fishery and the Agency's policy on confidentiality, catch figures are unable to be published. However, the reported domestic catch of shark by this group of operators is below the sustainable yield estimate for the fishery.

(d) RESEARCH

The status of the fishery is based on information on the commercially utilised stocks gathered from a number of sources:

- catch and effort data from the Taiwanese Gillnet Fishery - illustrates a decline in catch per unit effort between 1977 and 1986;
- catch and effort data from domestic operators; and

- a CSIRO study coordinating the then Commonwealth Department of Primary Industry, and the State fisheries departments of Western Australia, Northern Territory and Queensland
- a study by Carl Walters and Rik Buckworth incorporating an analysis of historical catch patterns and the development of an age structured population model.

More detailed research and ongoing assessment of catch and effort data will be required to more accurately determine the sustainable fishing mortality in this fishery.

#### (e) CONDITION OF THE FISHERY

A recent assessment of the blacktip shark across northern Australia has suggested an annual sustainable yield for this species of 2000 tonnes. Assuming that one third of these sharks should be taken in Western Australia, the annual sustainable yield for blacktip sharks in the northern Joint Authority fishery is 667 tonnes.

This study also indicated that although reported domestic catches of blacktip sharks are below the sustainable yield estimate, catch per unit effort is declining. It is suggested that either there is a large unreported catch of these sharks, possibly originating from sources such as the Northern Prawn Fishery or other line fisheries, or alternatively, there exists an inshore and an offshore component to the stock, with the inshore stock being subject to excessive fishing pressure.

There is no information available on the status of the other shark species taken in the northern Joint Authority fishery.

#### (f) MANAGEMENT MEASURES

Currently there is not a management plan in place for the northern Joint Authority fishery. However, a discussion paper on the future management of the fishery, after public comment is taken into account, is expected to form the basis of an Interim Managed Fishery Management Plan.

Those who have traditionally fished within the area of the northern Joint Authority fishery either under Commonwealth or State access agreements, have been granted access to the area while management arrangements are developed. No new entrants have been accepted into the fishery.

#### (g) FINANCIAL ARRANGEMENTS

The costs of managing this fishery are provided for from the Fisheries Western Australia's annual budget.

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## APPENDIX 1

## ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE STATE OF WESTERN AUSTRALIA IN RELATION TO THE JOINT AUTHORITY DEMERSAL GILLNET AND LONGLINE FISHERY IN WATERS SOUTH OF LATITUDE 33° SOUTH

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

WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth (the Consequential Provisions Act), as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, the Western Australian Joint Authority, established by subsection 12D(1) of the *Fisheries Act 1952* continues in existence as if it had been established under Part 5 of the Management Act;
- (e) an Arrangement was entered into under section 12H(1) of the *Fisheries Act 1952* between the Commonwealth and the State of Western Australia in relation to the:
  - (i) Demersal Gillnet Fishery in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S 109 14 April 1988;
  - (ii) Demersal Longline Fishery in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;

- (f) paragraph 7(4)(b) of 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;
- (g) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;
- (h) 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;
- (i) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (j) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* of the State empower the State to terminate an arrangement as provided for by the Management Act;
- (k) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with a 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 or any of those States;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, subsection 71(1) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of Western Australia, empower the State to make an arrangement referred to in, *inter alia*, subsection 71 (1) of the Management Act for the management of a particular fishery;
- (n) 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:

1. The Arrangements entered into between the Commonwealth and the State referred to in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75 (1) of the Management Act, and subsection 8H(2) of the State Act terminated.

2. The Commonwealth and the State hereby arrange that the fishery in 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 Western Australia", south of Latitude 33° South for:
- (a) all fish of the Class Osteichthyes (bony fish) and Class Chondrichthyes (cartilaginous fish) when the methods of demersal gillnets and lines of all kinds are used, other than:
    - (i) hand lines;
    - (ii) troll lines;
    - (iii) drop lines; and
    - (iv) pelagic longlines used in accordance with the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act to permit the use of pelagic longlines for the taking of tuna and tuna-like species;

but excluding fish to which this paragraph otherwise would apply taken in the exercise of a right conferred in relation to another fishery by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act;
  - (b) all other fish taken by the methods provided for in paragraph (a) in the exercise of a right conferred by a licence or other authority granted by the State on behalf of the Western Australian Fisheries Joint Authority for the fish to which paragraph (a) applies:

is to be managed by the Western Australian Fisheries Joint Authority in accordance with the law of Western Australia.

3. 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 paragraph 2(b), 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.
4. 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 3 February 1995.
5. 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 that provision and of this Arrangement shall be construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.



Dated the nineteenth day of December 1994.

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

Signed for and on behalf of the  
State of Western Australia by the  
Honourable MONTAGUE GRANT  
HOUSE, Minister for Fisheries

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 24 January 1995.

BILL HAYDEN  
Governor-General

By His Excellency's command  
DAVID PETER BEDDALL  
Minister for Resources

I, Michael Jeffery, the governor of the State of Western Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1905*, hereby approve this instrument.

Given under my hand this 4th day of January 1995.

MICHAEL JEFFERY  
Governor

By His Excellency's Command  
MONTAGUE HOUSE  
Minister for Fisheries

## APPENDIX 2

## ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE STATE OF WESTERN AUSTRALIA IN RELATION TO THE NORTHERN SHARK FISHERY IN WATERS EAST OF KOOLAN ISLAND

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

## WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *later alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* (the Consequential Provisions Act) of the Commonwealth as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, the Western Australian Joint Authority, established by subsection 12D(1) of the *Fisheries Act 1952* continues in existence as if it had been established under Part 5 of the Management Act-

- (e) Arrangements were entered into under section 12H(4) of the *Fisheries Act 1952* between the Commonwealth and Western Australia In relation to tile:
- (i) North West Pelagic Gillnet Fishery, published in the Commonwealth of Australia Gazette No. S 109 on 14 April 1988;
- (ii) Line Fishery East of 120' East, published in the Commonwealth of Australia Gazette No SI 09 on 14 April 1988;
- (f) paragraph 7(4)(b) of 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;
- (g) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;
- (h) 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;
- (i) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (j) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* of the State empower the State to terminate an arrangement as provided for by the Management Act;
- (k) subsection 71(1) of the Management Act provide that the Commonwealth may make an arrangement with a 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 or any of those States;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, subsection 71 (1) is to be made by an instrument approved by the Governor General and the Governor or Governors of the State or States concerned;
- (m) subsection 811(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of the State empower the State to make an arrangement

referred to in, *inter alia*, subsection 71(l) of the Management Act for the management of a particular fishery;

- (n) 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:

1. The Arrangements entered into between the Commonwealth and the State referred to in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75 ( I ) of the Management Act and subsection 8H(2) of the State Act terminated.
2. The Commonwealth and State hereby arrange that the fishery in waters relevant to Western Australia, beings 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 the parallel latitude 17° South for:
  - (a) all fish of the Class Chondrichthyes (cartilaginous fishes) when any methods of pelagic gillnetting, demersal gillnetting and demersal longlining are used;
 

but excluding fish to which this paragraph otherwise would apply taken in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act;
  - (b) all fish of the Class Osteichthyes (bony fishes) taken in the exercise of a right conferred by a licence or other authority granted by the State on behalf of the Western Australian Fisheries Joint Authority for the fish to which paragraph (a) applies;

is to be managed by the Western Australian Fisheries joint Authority in accordance with the law of Western Australia.
3. 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 paragraph 2(b), 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.
4. 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 the Governor of the State, take effect on 3 February 1995.

5. 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 shall be construed as if result is to extend the fishery described by this Arrangement.

Dated the nineteenth day of December 1994

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

Signed for and on behalf of the  
State of Western by the  
Honourable MONTAGUE GRANT  
HOUSE, Minister for Fisheries

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 24 January 1995.

BILL HAYDEN  
Governor-General

By His Excellency's command  
DAVID PETER BEDDALL  
Minister for Resources

I, Michael Jeffery, the governor of the State of Western Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1905*, hereby approve this instrument.

Given under my hand this 4th day of January 1995.

MICHAEL JEFFERY  
Governor

By His Excellency's Command  
MONTAGUE HOUSE  
Minister for Fisheries

**MEMBERSHIP OF THE WESTERN AUSTRALIAN  
DEMERSAL GILLNET AND DEMERSAL LONGLINE  
FISHERY MANAGEMENT ADVISORY COMMITTEE FOR  
1996/97**

Mr T Adams	Member	Fisherman, Augusta
Mr K Benson	Member	Fisherman, Albany
Mr N Soulos	Member	Fisherman, Bunbury
Mr G Campbell	Member	Fisherman, West Coast
Mr J Smythe	Member	Fisherman, West Coast
Mr P Dyer	Member	Fisherman, Albany
Mr N Greenway	Member	Rec Fisherman
Mr T Bray	Member	Fisheries Western Australia
Mrs Trish Stone	Observer	Australian Fisheries Management Authority
Mr Peter Millington	Chairman	Fisheries Western Australia
Mr T McNeil	Chairman	Independent

FIGURE 1

JOINT AUTHORITY SOUTHERN DEMERSAL GILLNET AND DEMERSAL  
LONGLINE MANAGED FISHERY

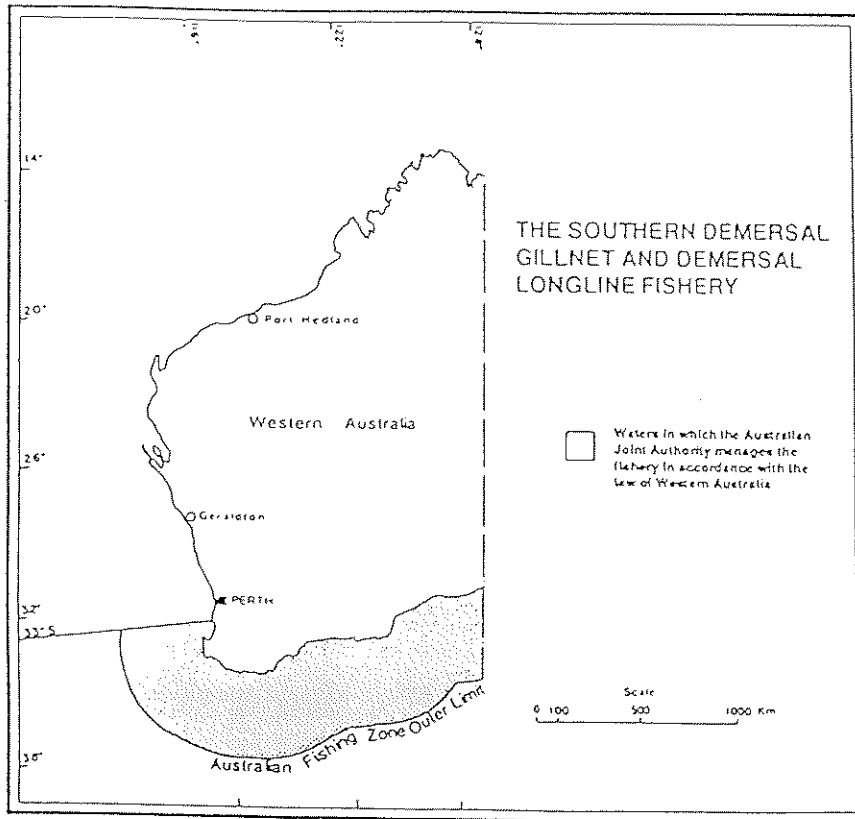




FIGURE 2

JOINT AUTHORITY NORTHERN SHARK FISHERY

