

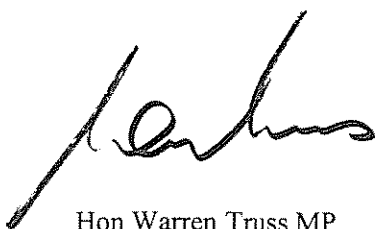
FISHERIES MANAGEMENT ACT 1991

FISH RESOURCES MANAGEMENT ACT 1994

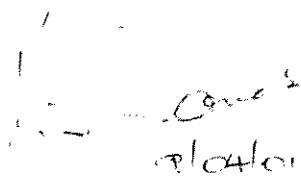
**ANNUAL REPORT FROM THE WESTERN  
AUSTRALIAN  
FISHERIES JOINT AUTHORITY  
1 JULY 1998 TO 30 JUNE 1999**

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.



Hon Warren Truss MP  
COMMONWEALTH  
MINISTER FOR AGRICULTURE,  
FISHERIES AND FORESTRY



Hon Kim Chance MLC  
MINISTER FOR AGRICULTURE;  
FORESTRY AND FISHERIES

## 1. INTRODUCTION

This is the twelfth report of the Western Australian Fisheries Joint Authority (WAFJA).

The WAFJA was established under provisions of the *Fisheries Act 1952* (now replaced by the *Fisheries Management Act 1991*) and the *Western Australian Fisheries Act 1905* (now replaced by the *Fish Resources Management Act 1994*).

In accordance with Offshore Constitutional Settlement Arrangements (see Appendix 1) the WAFJA has been responsible 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 since 14 April 1988.

On 3 February 1995, the WAFJA was also given responsibility for the management of the Joint Authority Northern Shark Fishery (JANSF) which includes waters of the Australian Fishing Zone north of 17° south latitude between 123°45' east longitude and the Northern Territory border (Appendix 2).

This report details the activities of the WAFJA in managing the above two fisheries during the period 1 July 1998 to 30 June 1999.

The contact officer for enquiries about this report is Mr Peter Millington, Director Fisheries Management Services, Fisheries WA, 3<sup>rd</sup> Floor SGIO Atrium, 168-170 St Georges Tce, Perth, WA, 6000.

## 2. MEMBERSHIP OF THE WAFJA

The members of the WAFJA during the reporting period were:-

Hon Mark Vaile  
Commonwealth Minister for Agriculture, Fisheries and Forestry

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

## 3. MEETINGS AND ACTIVITIES

Formal meetings of the WAFJA were not required during the reporting period as there were no major management changes introduced within either Joint Authority fishery. Where communication between WAFJA members was required, this was dealt with out of session.

## 4. STAFFING

Fisheries WA provides staff to service the needs of the WAFJA and the fisheries for which it is responsible.

## 5. ADVISORY COMMITTEES

The Minister for Primary Industry; Fisheries appointed the WA Demersal Gillnet and Longline Fishery Management Advisory Committee on behalf of the WAFJA to advise him on management issues in the JASDGDLMF. Membership of this committee as at 30 June 1999 is presented in Appendix 3.

The small size of the JANSF, both in terms of area and the number of participants, does not warrant the establishment of a dedicated Management advisory committee.

The WA Demersal Gillnet and Longline Management Advisory Committee last met within the 1998/99 period on 23 April 1999. Advice was provided to the WAFJA by the Chairman of the advisory committee who reported to the Minister for Primary Industry; Fisheries acting on behalf of the WAFJA.

## 6. JASDGDLMF

### (a) BACKGROUND

Fishermen using demersal gillnets and demersal longlines in the JASDGDLMF mainly target three species of shark, although other sharks and a variety of scalefish species are also taken. The fishery is managed under a management plan originally gazetted in 1988 by the Minister for Primary Industry; 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 JASDGDLMF is shown in Figure 1.

### (b) OBJECTIVES

As the relevant OCS provides for the JASDGDLMF to be managed under State law, it is managed in accordance with the objects of the *Fish Resources Management Act 1994*. The objects of this act are:

“To conserve, develop and share the fish resources of the state for the benefit of present and future generations.”

Specifically, the *Fish Resources Management Act 1994* 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; and
- (h) to enable the management of fish habitat protection areas and the Abrolhos Islands reserve."

With respect to fishery specific objectives, current management arrangements have been developed with a view to restoring and maintaining whiskery and gummy sharks at or above 40% of their original biomass by the year 2010 and similarly for dusky whaler sharks by the year 2040

#### (c) PRODUCTION

There are three major species taken in the JASDGDLMF: the whiskery shark (*Furgaleus macki*); the dusky whaler shark (*Carcharhinus obscurus*); and the 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 whalers increasing. Although there are likely to be a number of factors which have influenced this shift, the price obtained for dusky whaler meat and the relative scarcity of whiskery sharks are likely to have been of greatest importance.

While gummy sharks are only taken in significant quantities in the JASDGDLMF, whiskery and dusky whaler sharks are also caught in the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery (WCDGDLIMF). This fishery, commences at the northern boundary of the JASDGDLMF and utilises very similar gear. However, the WCDGDLIMF is entirely under State control.

While shark species are the primary target of the JASDGDLMF, a variety of scalefish are also taken. These scalefish species are also caught by other commercial operators and recreational fishers.

Although none of these scalefish are currently considered to be overexploited, the relative catch between user groups continues to be a matter for debate.

The catches of shark and scalefish within the JASDGDLMF for the period 1 July 1998 - 30 June 1999 are presented below

<b>SPECIES</b>	<b>TONNES (live weight)</b>
<b><u>Shark</u></b>	
Whiskery	154.6
Gummy	311.7
Dusky Whaler	264.4
Other Shark	175.7
Total Shark	906.4
<b><u>Scalefish</u></b>	124.6

(d) RESEARCH

Research on sharks is carried out by staff at the Bernard Bowen Research Institute within the WA Marine Research Laboratories. A major project to study the sustainability of Western Australia's commercially important shark species, funded in part by the Fisheries Research and Development Corporation, was completed at the end of June 1999. The results are currently being assessed. One important outcome of the project has been the improvement in the models used to assess the fishery's catch and effort data. The research has involved:

- (a) improving the quality of data obtained from compulsory catch and effort returns and developing voluntary logbook databases;
- (b) undertaking selected tagging studies;
- (c) investigating aspects of the biology of key species;
- (d) determining mesh selection characteristics of key species; and
- (e) furthering the development of models for key species.

(e) CONDITION OF THE FISHERY

Age structured population models have been developed for each of the three target species in the JASDGLMF. These models are used to produce regular stock assessments for each species.

It is the information obtained through the application of these models which has enabled the current management strategy to be developed.

The models analyse data obtained through compulsory statutory catch and effort returns, with this information being validated by means of at-sea studies and the voluntary logbook program.

The 1998 stock assessment revealed that each of the key species was either fully or over-exploited. Specifically the assessment revealed that:

- a) whisky sharks were between 19.2% and 38.1% of their original biomass;
- b) gummy sharks were between 25.8% and 51.7% of their original biomass;  
and
- c) dusky whaler sharks were between 60% and 80% of their original biomass.

#### (f) MANAGEMENT MEASURES

Management measures for the JASDGDLMF are set out in the JASDGDLMF Management Plan. This Management Plan is gazetted as Western Australian Fisheries Notice Number 323 and amendment notices 360, 430, 398, 560, 670, 711 and 732.

The fishery is managed in four zones of access. Management arrangements limit the number of participants and through the application of an Individual Transferable Effort system restrict the level of effort which can be used by each operator. Specifically each licence has associated with it a number of time/gear units. Each time/gear unit is equal to a given quantity of gear (number of hooks or metres of gillnet) used for a period of one month.

This system of management has enabled effort in the fishery to be reduced by decreasing the number of hooks and metres of net per time/gear unit.

Under the present management regime, effort within the fishery will be reduced to 50% of 1993/94 levels by the commencement of the 2000/2001 season. This is being achieved through the following mechanisms:

- (a) recognising previously temporary unit suspensions and reductions in time/gear unit value as permanent; and
- (b) further effort reductions to be brought about by:
  - (i) reducing fishing potential (reducing the quantity of net and number of hooks in the water); and
  - (ii) changing the configuration of nets used in the fishery.

Traditionally, the majority of those using net in the JASDGDLMF have used 7 inch gear having a depth of 15 meshes. A significant proportion of the effort reductions currently underway will be achieved by reducing net length by 20% and increasing net depth to 20 meshes. This will result in a 20% reduction in the number of whisky sharks caught, while retaining gummy and dusky whaler shark catches at present levels.

#### (g) FINANCIAL ARRANGEMENTS

An annual fee for access to the JASDGDLMF is levied under the *Fish Resources Management Act 1994*. The cost of access for the 1998/99 season was \$31 per time/gear unit.

Funding for management of the fishery and the operation of the Management Advisory Committee is drawn from Fisheries WA's annual budget.

## 7. JANSF

### (a) BACKGROUND

The JANSF covers waters east of 123°45'E Longitude and north of 17°S Latitude to the limit of the Australian Fishing Zone and the Northern Territory border. The fishery includes the taking of sharks, as well as scalefish bycatch, by pelagic and demersal gillnet and demersal longline.

Figure 2 illustrates the area of the JANSF.

### (b) OBJECTIVES

Similarly to the JASDGLMF, the objectives of management for the JANSF are the same as those for the *Fish Resources Management Act 1994*. A list of these objects has previously been presented in section 7(b).

In terms of objectives specific to this fishery, management aims to maintain the biological sustainability of the target species, while minimising bycatch.

### (c) PRODUCTION

The primary target species in the JANSF are the black-tip shark (*Carcharhinus tilsoni*), the spot-tail shark (*Carcharhinus sorrah*) and the hammerhead shark (*Sphyrna* spp.). While black-tip and spot-tail sharks are endemic to Australian waters north of 25°S, hammerheads are found throughout all Australian waters.

Owing to the small number of operators, together with Fisheries WA's policy on confidentiality, catch data for the JANSF can not be released. However, the reported catch by the domestic fleet is below the sustainable yield estimate for the fishery.

### (d) RESEARCH

Conclusions about the status of the JANSF are based on information on the primary target species gathered from a variety of sources including:

- catch and effort data from Taiwanese gillnetters - illustrates a decline in catch per unit effort between 1977 and 1986;
- catch and effort data from domestic operators;
- a CSIRO study involving the then Commonwealth Department of Primary Industry and the state fisheries agencies of WA, NT and QLD; and

- a study by Carl Walters and Rik Buckworth utilising an analysis of historical catch data to develop an age structured population model.

During the current reporting period, the Fisheries Research and Development Corporation approved funding for a major research project with respect to the JANSF. Also, it is expected that management measures to be implemented in the fishery will include a requirement for participants to complete detailed logbooks. Together, these projects will aim to improve the understanding of the key species targeted in the 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 JANSF 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 prawn fisheriers 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 JANSF.

#### (f) MANAGEMENT MEASURES

Beyond limiting access to the JANSF to those who held relevant Commonwealth or State authorisations prior to the change in jurisdictional arrangements, formal management arrangements have not been adopted for the JANSF.

In July 1998, a discussion paper in relation to the future management of the JANSF was released and following this, in February 1999, a meeting with key stakeholders was held to further discuss this issue.

As a result of this consultation process, Fisheries WA is preparing a second paper detailing a revised proposed management strategy. It is expected that the strategy outlined in this paper will form the basis for future management arrangements for the fishery to be legislated in the form of a series of regulations under the *Fish Resources Management Regulations 1995*.

#### (g) FINANCIAL ARRANGEMENTS

Management of the JANSF is funded from the Fisheries WA annual budget.



## FURTHER READING

- Bray, T. and Kennedy, J. (1998) *A Strategy for the Future Management of the Joint Authority Northern Shark Fishery*, Fisheries WA: Perth.
- Fowler, J., McLoughlin, K. and Ramin, D. (eds) (1996) *Northern Fish Trawl Fishery and Northern Shark Fishery 1994*, Fisheries Assessment Report compiled by the Northern Fisheries Resource Assessment Group. Australian Fisheries Management Authority: Canberra.
- Heald, D.I. (1987) *The Commercial Shark Fishery in Temperate Waters of Western Australia - Report No. 75*, Fisheries Department of Western Australia: Perth.
- Lenanton, R. Millington, P. and Smythe C., (1989) Shark and Chips: Research and Management Into Southern Western Australia's Edible Shark Fishery, *Western Fisheries, May/June, 17-23*.
- Lenanton, R.C.J. Heald, D.I. Platell, M. Cliff, M. and J., (1990) Aspects of the Reproductive Biology of the Gummy Shark *Mustelus antarcticus* Gunther, from the Waters off the South Coast of Western Australia, *Aust. J. Mar. Freshwater Res.*, 41: 807-22.
- Southern Western Australian Shark Working Group, (1986) *Interim Report by the Chairman, Mr P. Rogers*, Fisheries Department of Western Australia: Perth.
- Southern Western Australian Shark Working Group, November (1986) *Report by the Chairman, Mr P. Millington*, Fisheries Department of Western Australia: Perth.
- Walters, C. and Buckworth, R. (1997) Assessment of Spanish Mackerel and Blacktip Shark Stocks in the NT.

## 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 14 April 1998;
- (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 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) handlines;
    - (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 19<sup>th</sup> 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

(DAVID PETER BEDDALL)  
in the presence of

(MONTAGUE HOUSE)  
in the presence of

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

Dated 24 January 1995.

By His Excellency's command

(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 4<sup>th</sup> 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, *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* (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 the:
  - (i) North West Pelagic Gillnet Fishery, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
  - (ii) Line Fishery East of 120° East, 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 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 8H(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(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 State hereby arrange that the fishery in waters relevant to Western Australia, 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 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 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 19<sup>th</sup> day of December 1994

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

(DAVID PETER BEDDALL)  
in the presence of

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

(MONTAGUE HOUSE)  
in the presence of

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

Dated 24 January 1995.

By His Excellency's command

(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 4<sup>th</sup> day of January 1995.

(MICHAEL JEFFERY)  
Governor

By His Excellency's Command

(MONTAGUE HOUSE)  
Minister for Fisheries

APPENDIX 3

**MEMBERSHIP OF THE WESTERN AUSTRALIAN  
DEMERSAL GILLNET AND DEMERSAL LONGLINE  
FISHERY MANAGEMENT ADVISORY COMMITTEE FOR  
1998/99**

Mr T Adams	Member	Commercial Fisherman, Augusta
Mr K Benson	Member	Commercial Fisherman, Albany
Mr N Soulos	Member	Commercial Fisherman, Bunbury
Mr G Campbell	Member	Commercial Fisherman, West Coast
Mr J Smythe	Member	Commercial Fisherman, West Coast
Mr P Dyer	Member	Commercial Fisherman, Albany
Mr B McCarthy	Member	Recreational Fisherman
Mr T Bray	Member	Fisheries Western Australia
Mr D Johnson	Observer	Australian Fisheries Management Authority
Mr T McNeil	Chairman	Independent

FIGURE 1

JOINT AUTHORITY SOUTHERN DEMERSAL GILLNET AND DEMERSAL  
LONGLINE MANAGED FISHERY

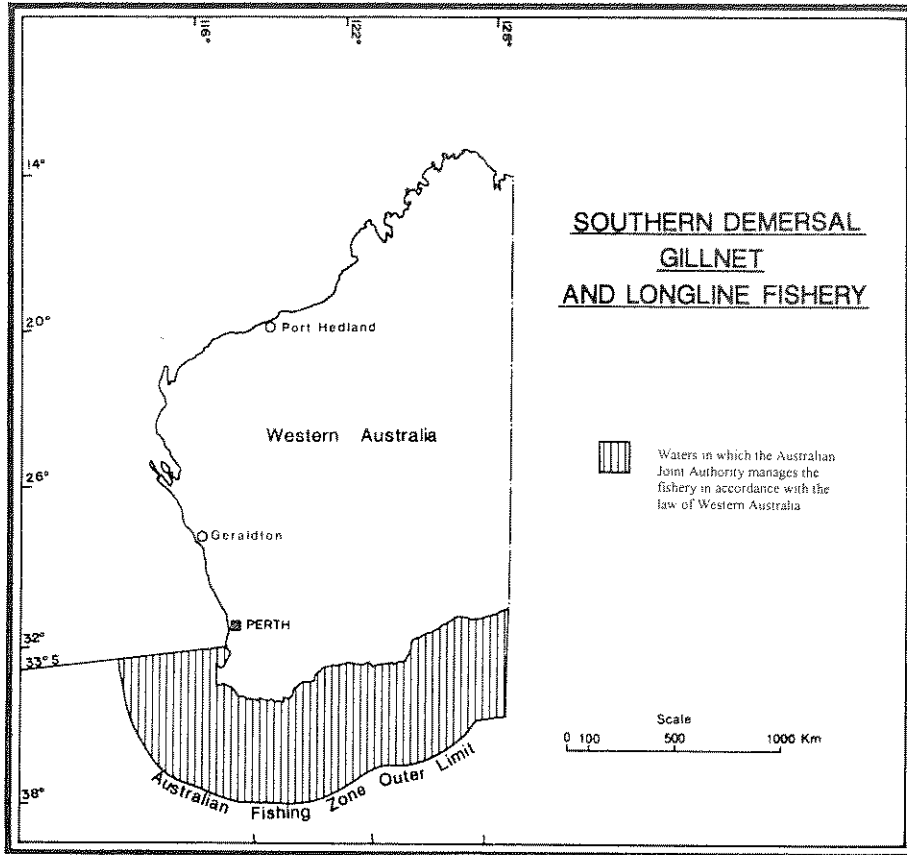


FIGURE 2

JOINT AUTHORITY NORTHERN SHARK FISHERY

