



Australian Government



**GOVERNMENT OF
WESTERN AUSTRALIA**

WESTERN AUSTRALIAN FISHERIES JOINT AUTHORITY

REPORT FOR THE PERIOD

1 JULY 2016 TO 30 JUNE 2017

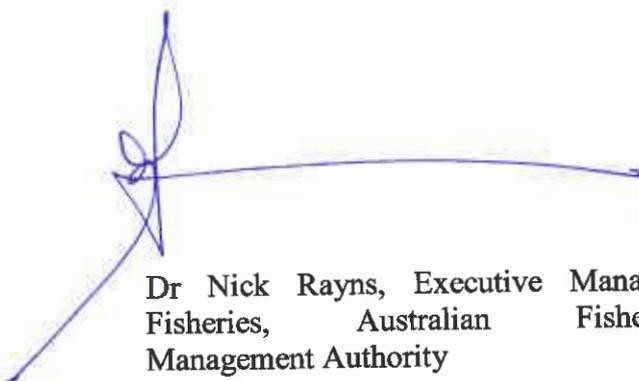
Fisheries Management Act 1991
(Commonwealth)

Fish Resources Management Act 1994
(Western Australia)

Western Australia Fisheries Joint Authority
Annual Report for the Period
1 July 2016 – 30 June 2017

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*.



Dr Nick Rayns, Executive Manager,
Fisheries, Australian Fisheries
Management Authority

Deputy to the Commonwealth Member,

Senator the Hon. Anne Ruston, Assistant
Minister for Agriculture and Water
Resources



Heather Brayford, Deputy Director
General, Department of Primary
Industries and Regional Development
Fisheries Division, Western Australia;

**Deputy to the Western Australian
State Member,**

The Hon. Dave Kelly,
Western Australian Minister for Water;
Fisheries; Forestry; Innovation and ICT;
Science

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Australian Fisheries Management Authority

CANBERRA



Australian Government
Australian Fisheries Management Authority



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16 November 2017

Senator the Hon. Anne Ruston
Assistant Minister to the Minister for Agriculture and Water Resources
Parliament House
CANBERRA ACT 2600

Dear Assistant Minister

We have much pleasure in presenting to you the annual report of the Western Australia Fisheries Joint Authority (WAFJA) for the financial year ended 30 June 2017.

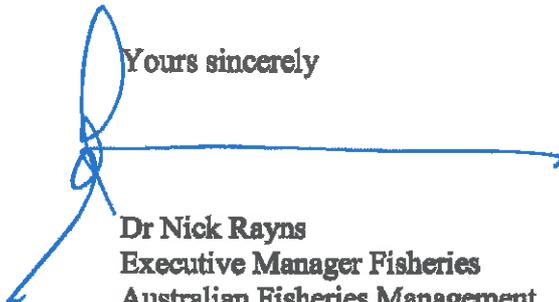
The report reflects the Joint Authorities legislative reporting requirements and has been prepared in accordance with subsection 70(1) of the *Public Service Act 1999*, which requires us to provide a report for you to present to the Parliament.

This report has been prepared in accordance with section 10 of the *Public Governance, Performance and Accountability Rule 2014*. We are satisfied that the Joint Authority agencies have in place appropriate fraud control mechanisms to meet our needs and comply with the guidelines relevant to this annual report.

We ask that you table the WAFJA report for the period 2016-2017 in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013* and subsection 70(1) of the *Public Service Act 1999*.

Thank you for your consideration of this matter.

Yours sincerely



Dr Nick Rayns
Executive Manager Fisheries
Australian Fisheries Management
Authority



Heather Brayford
Deputy Director General Fisheries
Department of Primary Industries and
Regional Development, Western Australia

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1. Introduction

This is the twenty third annual report of the Western Australia Fisheries Joint Authority (WAFJA). This report details the activities undertaken during the period 1 July 2016 to 30 June 2017 and information on the status of the fisheries in the most recently available reporting period (2015/16).

The WAFJA has responsibility for the management of:

- Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery
- Joint Authority Northern Shark Fishery

2. Enabling legislation

Sections 61-70 of the Commonwealth *Fisheries Management Act 1991* set out the establishment, functions, administration and reporting requirements for Joint Authorities.

Part 3 of the Western Australia *Fish Resources Management Act 1994* sets out complementary State legislation and other matters relating to the establishment, functions, administration and reporting requirements of the Joint Authority and the management of Joint Authority fisheries in Western Australia (WA). Attachments A and B provide the relevant arrangements under which the WAFJA is currently operating.

3. Members of the Joint Authority

The members of the WAFJA during the reporting period of 1 July 2016 to 30 June 2017 are provided in Table 1. The 2016 WAFJA meeting was attended by nominated deputies on behalf of the members (Table 1).

4. Report on the status of fisheries managed by the Joint Authority

Tables 2 and 3 below present a summary of the status of the fisheries managed by the WAFJA. Detailed catch and effort statistics are compiled annually and presented in the WA Fishery Status Reports, available for download at <http://www.fish.wa.gov.au/About-Us/Publications/Pages/State-of-the-Fisheries-report.aspx>.

5. Report on activities of the Joint Authority during the reporting period

During the reporting period (2016/17), one WAFJA meeting was held on 21 September 2016 to discuss matters relevant to the WAFJA. A record of this meeting is at Attachment C. No decisions were made in the reporting period.

Table 1 – Members and nominated deputies of the WAFJA for the period 2015 – 2016

Role	Commonwealth	Western Australia
Member	Senator the Hon. Anne Ruston, Assistant Minister for Agriculture, (1 July 2016 – 30 June 2017)	The Hon. Joe Francis, MLA, Minister for Emergency Services; Fisheries; Corrective Services; Veterans (1 July 2016 – 17 March 2017) The Hon. Dave Kelly, MLA; Minister for Water; Fisheries; Forestry; Innovation and ICT; Science (17 March 2017 – 30 June 2017)
Deputy	Dr Nick Rayns, Executive Manager, Fisheries, Australian Fisheries Management Authority (AFMA)	Heather Brayford, Deputy Director General, Department of Primary Industries and Regional Development Fisheries Division, Western Australia.

Table 2. Species status and catch for the Western Australia Joint Authority Southern Demersal Gillnet and Demersal Longline Fishery.

Species	Status	Catch 2015/16 (t)
Gummy shark	Adequate	414
Dusky shark	Recovering	189
Sandbar shark	Recovering	16
Whiskery shark	Adequate	134
Other sharks and rays		140
Finfish		125
Fishing level	Acceptable	

Source: Status Reports of the Fisheries and Aquatic Resources of Western Australia 2016/17(In Prep): The State of the Fisheries eds. W.J. Fletcher and K. Santoro, Department of Fisheries, Western Australia

Table 3. Species status and catch for the Western Australian Joint Authority Northern Shark Fishery.

Species	Status	Catch (2011/12)	tonnes
Sandbar shark	Recovering	Total sharks	0
Blacktip sharks	Adequate		0
Fishing level	Acceptable		

*Note this fishery has been inactive since 2008/09 and therefore has not been reported in Status Reports of the Fisheries and Aquatic Resources of Western Australia since 2012/13). Source: Status Reports of the Fisheries and Aquatic Resources of Western Australia 2012/13: The State of the Fisheries eds. W.J. Fletcher and K. Santoro, Department of Fisheries, Western Australia, pp. 216-217.

Attachment A – 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. S 109 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 19th 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 - 1 - 1995.

By His Excellency's command

(DAVID PETER BEDDALL)
Minister for Resources

(BILL HAYDEN)
Governor-General

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 Jan 1995.

By His Excellency's Command

(MONTAGUE HOUSE)
Minister for Fisheries

(MICHAEL JEFFERY)
Governor

Attachment B – 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 Western Australia", east of the meridian of longitude 123° 45' East and north of 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 19th 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 - 1 - 1995.

By His Excellency's command

(DAVID PETER BEDDALL)
Minister for Resources

(BILL HAYDEN)
Governor-General

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 Jan 1995.

By His Excellency's Command

(MONTAGUE HOUSE)
Minister for Fisheries

(MICHAEL JEFFERY)
Governor

Attachment C: 2016 Meeting Minutes

WESTERN AUSTRALIAN FISHERIES JOINT AUTHORITY

Minutes of 2016 meeting of the WAFJA

AFMA Office
73 Northbourne Ave
CANBERRA
21 September 2016

Attendance

Members: Nick Rayns, Executive Manager, Australian Fisheries Management Authority (AFMA); Deputy for the Commonwealth Minister for Fisheries (Chair)

Heather Brayford, Director General, Department of Fisheries, Western Australia; Deputy for the Western Australian Minister for Fisheries

Secretary: Rebecca Oliver – Department of Fisheries, Western Australia.

Observers: Shane Fava (AFMA), Ian Cumow (NT), David McKey (NT), Scott Spencer (QLD), Kieran Macdonell (DAWR), Justine Gilbert (DAWR)

Meeting opened 12:30 pm

AGENDA

The draft agenda for the meeting (**Attachment 1**) was adopted.

1. PROCEDURAL MATTERS

a) Identification of members

Nick Rayns identified himself as the Deputy for the Commonwealth Minister for Fisheries and therefore the Chair of the meeting.

Heather Brayford identified herself as the Deputy for the Western Australian Minister for Fisheries and therefore the other member of the Joint Authority (JA).

The Deputies appointed Rebecca Oliver (Department of Fisheries, Western Australia) as the secretary for the meeting.

b) Confirmation of previous Minutes

The Minutes of the meeting of 23 September 2015 were tabled. Deputies confirmed and signed the Minutes as a true record (**Attachment 2**).

2. JOINT AUTHORITY NORTHERN SHARK FISHERY (JANSF)

Status Reports of the Fisheries and Aquatic Resources

The WA Deputy tabled for information the most recent stock status information for the JANSF from the Status Reports of the Fisheries and Aquatic Resources for 2012/13 (**Attachment 3**). It was also noted that the JANSF remains inactive and therefore no recent reports were available.

Northern Shark Discussion Paper

The WA Deputy advised that the Department of Fisheries (Department) has developed the Northern Shark Discussion Paper (Paper) for industry and public comment on a possible re-opening of the JANSF (and the Western Australian North Coast Shark Fishery). The Paper covered matters such as the stock status of species within the suite likely to be taken; sustainable harvest level(s); the potential for interaction with Threatened, Endangered and Protected Species and other bycatch issues; ongoing research requirements; and potential economic returns and the costs of management.

The draft Paper had recently been provided to WA's peak commercial and recreational representative bodies, Western Australian Fishing Industry Council and Recfishwest respectively, for preliminary review and comment. The WA Deputy advised that the JA would be kept informed as the matter progressed.

Future Jurisdictional Arrangements

It was noted that once longer term management arrangements had been settled, consideration could be given to moving the JANSF to single jurisdiction.

3. JOINT AUTHORITY SOUTHERN DEMERSAL GILLNET AND DEMERSAL LONGLINE MANAGED FISHERY (JASDGDLF)

Status Reports of the Fisheries and Aquatic Resources

The WA Deputy tabled for information the most recent stock status information for the JASDGDLF from the Status Reports of the Fisheries and Aquatic Resources for 2014/15 (**Attachment 4**). It was noted that the 2015/16 status report was in preparation and would be provided to AFMA once finalised.

It was noted that the stock status of dusky and sandbar sharks were assessed as “recovering”. Gummy and whiskery sharks were assessed as “adequate”. Fishing levels were assessed as “acceptable” across the fishery.

The WA Deputy advised that the stock assessment of south coast demersal scalefish (using key indicator species blue morwong, bight redfish, western blue groper and pink snapper) which commenced in 2013 had been completed. The report was with the WA Minister for noting prior to its release as a Fisheries Research Report.

It was noted that the findings of this assessment would inform the ongoing management of demersal scalefish on the south coast – including demersal scalefish taken by the JASDGDLF.

EPBC Assessment Matters

The WA Deputy advised that the Temperate Demersal Gillnet and Demersal Longline Fisheries (TDGDLF) (comprised of the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery (JASDGDLF) and the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery (WCDGDLF)) were reaccredited under Part 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999* in August 2015. The WTO export approval (Part 13A accreditation) expires in August 2018.

A key focus of the most recent assessment and approval was the need for measures to reduce the risk of interactions between the fisheries and Australian sea lions. Accordingly, the Commonwealth had placed a condition on the approval relating to the implementation of an effective network of gillnet exclusion zones to protect foraging Australian sea lions. To meet this condition, the Department in liaison with industry had proposed closures of 20km and 25km around identified ASL colonies in the JASDGDLF and the WCDGDLF respectively, to gillnet fishing.

The WA Deputy advised that Ministerial approval was currently being sought to amend the JASDGDLF (and the WCDGDLF) management plans, to implement the proposed gillnet closures.

It was noted that the impacts of management changes in response to matters such as proposed marine parks, and Australian sea lion interactions was putting increasing pressure on the viability of operators in the fishery. The impact of these changes, and possible other changes, should not be considered in isolation but rather on a cumulative basis.

Future Jurisdictional Arrangements

The WA Deputy re-iterated previous advice that WA remained interested in moving the fishery to State jurisdiction and would re-group with the Commonwealth on this matter mid 2017. The WA Deputy advised that the Department would work with the Commonwealth towards developing a harmonised harvest strategy for the fishery. It was noted that this matter would be progressed in accordance with the general agreement of the State and Commonwealth to streamline jurisdictional arrangements.

South Coast Open Access Gillnet Fishery

The WA Deputy re-iterated previous advice that the sub-114 millimetre mesh demersal gillnet fishery on the south coast remains an “open-access”, unregulated JA fishery (because the OCS defines the activity as using demersal gillnets or longlines and the fishery management plan prescribes a mesh size of 114mm or greater, leaving a legislative ‘gap’ for demersal gillnets less than 114mm).

The WA Deputy advised that the Department was undertaking a review of the JA sub-114 millimetre mesh demersal gillnet fishery, the State open access net fishery, the open access squid fishery, the open access line fishery, the fish trap fishery and the herring G-trap fishery. It was noted that the WA Minister had approved in-principle the creation of a South Coast line, fish trap and squid jig managed fishery and a South Coast nearshore net managed fishery as part of the review.

The Department had engaged an Independent Access Panel (IAP) to provide recommendations on access to these fisheries. The IAP’s draft report was released for an eight week public comment period ending on 10 October 2016.

The WA Deputy advised that the Department would liaise with AFMA in due course with regard to the future management of the ‘sub-114 millimetre mesh demersal gillnet fishery’ and specifically the possibility of amending the OCS to provide for WA to assume jurisdiction over the use of demersal gillnets with a mesh size less than 114mm (given that these nets are used to target nearshore scalefish species that do not have shared stocks with an adjacent jurisdiction).

4. JOINT AUTHORITY ANNUAL REPORTING

2015/16 WAFJA Annual Report

The signed 2015/16 report was tabled by the WA Deputy for information.

5. OTHER BUSINESS

Records of Decision - State Marine Parks

The establishment of State marine parks (specifically Ngari Capes Marine Park and Lalang-garram/Camden Sound Marine) had been discussed at

the 2014 JA meeting. The WA Deputy advised that once the zoning schemes for the Park were ready to be implemented, Records of Decisions relating to application of these parks to JA-managed fisheries would ordinarily be provided to the WAFJA for consideration and signing.

To accommodate future marine planning processes, a proposed "Record of Decision" that sought agreement on a broad policy relating to the application of State marine reserves to JA-managed fisheries was discussed at the WAFJA meeting in September 2015 and provided to the Commonwealth member of WAFJA for consideration in May 2016. The broad policy approach would have meant that a separate Record of Decision would not be required for each individual marine reserve that may overlap the boundaries of either the JASDGDLF or the JANSF in the future.

In June 2016, the Commonwealth advised that the broad policy approach was not consistent with Commonwealth fisheries legislation and that separate Records of Decision would need to be made for each marine reserve.

The WA Deputy advised that the Department prepared revised Records of Decision in relation to the Ngari Capes Marine Park and the Lalang-garram/Camden Sound Marine Park for the WA and Commonwealth member's consideration. Following AFMA's in-principle approval to progress the revised Records of Decision, they were sent to the WA Minister on 29 August 2016.

It was also noted that the proposed Commonwealth marine parks were having a significant impact on WA's south coast fisheries.

6. NEXT MEETING

At a date to be determined and, if possible, in conjunction with NAFC (or similar) to reduce costs.

Meeting closed 12:40 pm.

**Dr Nick Rayns, Executive Manager,
Fisheries, Australian Fisheries
Management Authority**

**Deputy to the Commonwealth
Member,**

**Senator the Hon. Anne Ruston,
Assistant Minister for Agriculture
and Water Resources**

**Heather Brayford, Director
General, Department of Fisheries,
Western Australia;**

**Deputy to the Western
Australian State Member,**

**The Hon. Dave Kelly,
Western Australian Minister for
Water; Fisheries; Forestry;
Innovation and ICT; Science**

