

OFFICIAL

Document 1

DEPARTMENT OF AGRICULTURE WATER AND THE ENVIRONMENT

Ref: MB21-001720

To: Assistant Minister Duniam (For Noting)**MEETING WITH** s 47F(1) (s 47G(1)(a))**Date:** 18 August 2021 at 4pm.**Location:** Teleconference**Key points:**

1. You are meeting with Mr s 47F(1) , s 47G(1)(a) about the proposed changes to management arrangements for the Northern Territory's Timor Reef Fishery and Demersal Fishery.
2. Both fisheries are managed under the Northern Territory Joint Authority (NTJA) and the *Fisheries Act 1988* (NT Fisheries Act). You along with Deputy Chief Minister Nicole Manison comprise the NTJA.
3. Recently the Northern Territory began a process to dissolve both the Timor Reef Fishery and Demersal Fishery and combine them within the newly proposed Northern Offshore Fishery.
4. s 47F(1) wrote to you on 16 July 2021 raising concerns about delays in implementing new management arrangements for the Northern Offshore Fishery, including the need for business certainty.
5. On 20 July 2021 the NT sent you the draft Northern Offshore Fishery Management Plan seeking your endorsement of the draft plan as well as your approval to release the plan for public comment. The department is currently working with AFMA to provide you with briefing regarding the response to the NT's request in the context of both the proposed dissolution of the NTJA and current legal proceedings (see below).
6. A biography of s 47F(1) is at Attachment A.

Sensitivities:

7. Under s 61 of the *Fisheries Management Act 1991* (FM Act) the Commonwealth can make arrangements with states or the Northern Territory (NT) to manage functions and establish joint authorities. The NTJA was formed in 1983 under s 61 of and is comprised of the Commonwealth Minister and Northern Territory Minister, responsible for fisheries.
8. Discussions have been ongoing (over the past five years) between the Commonwealth and the NT to dissolve the NTJA and pass ongoing management of the fisheries solely to the NT.
- 9.

s 47G(1)(a)

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- a. **s 47G(1)(a)** applied to the Federal Court in April 2020 seeking an interlocutory decision restraining you from making decisions to endorse or approve a new management plan. The Federal Court dismissed the proceedings in April 2021.
- b. **s 47G(1)(a)** appealed the Federal Court's decision in May 2021. A sitting day has been set for a full day, after 8 November 2021. The NT government is aware of the appeal

c. **s 42(1), s 47F(1)**

10.

s 42(1)

Advice noted for meeting	
Assistant Minister Duniam:	
Date:	
Comments:	
CLEARING OFFICER: George Day Assistant Secretary Agvet Chemicals Fisheries Forestry and Engagement (AFFE) G1 Ph: 02 6271 6466 Mob: s 47F(1)	CONTACT OFFICER: s 22(1)(a)(ii) Commercial Fisheries Policy & Indigenous Engagement Mob: s 22(1)(a)(ii)
/ /2025	

Prior meetings: NIL

ATTACHMENTS

A: Biography

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Australian Government
**Department of Agriculture,
 Water and the Environment**

PDR no.
Adviser

MB21-001720

Ministerial Brief Coversheet

Subject	Meeting with s 47F(1) (s 47G(1)(a))
Client (if applicable)	

Division	Agvet Chemicals Fisheries Forestry and Engagement (AFFE) G1		
Contact officer	s 22(1)(a)(ii)	Telephone	s 22(1)(a)(ii)
Cleared by (SES)	George Day	Telephone	02 6271 6466

FOR MO/AMO USE ONLY:	Scheduled date	Actual date
Meeting / Event date		
Date registered		
Dept to MO/AMO		
DLO to Adviser(s)		
Adviser(s) to Chief of Staff		
Chief of Staff to Minister/Assistant Minister		

MO/AMO COMMENTS:

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Attachment A - Biography s 47F(1)

s 47F(1)

S 47F(1)

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DEPARTMENT OF AGRICULTURE WATER AND THE ENVIRONMENT

Ref: MS21-009313

To: Assistant Minister Duniam (For Decision)

NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

Timing: 8 November 2021 to provide clarity to the Northern Territory Government.

Recommendation/s:

1. That you **note** the Northern Territory proposes to merge two (2) Joint Authority fisheries – the Timor Reef Fishery, and the Demersal Finfish Fishery – by way of a new Management Plan for the Northern Offshore Fishery.

Noted/Please Discuss

2. That you **note** the long-standing in-principle agreement between the Commonwealth and the Northern Territory, to transition the Northern Territory Fisheries Joint Authority to sole management by the Northern Territory.

Noted/Please Discuss

3. That you **note** the enduring Federal Court of Australia proceedings surrounding the proposed merger of the Timor Reef Fishery and the Demersal Fishery.

Noted/Please Discuss

3. That you **sign** the letter to the Northern Territory Minister for Agribusiness and Aquaculture, Nicole Manison at Attachment A advising that you will consider the draft Northern Offshore Fisheries Management Plan once current matters before the Federal Court of Australia are resolved (to be heard no earlier than 8 November 2021).

Signed / Not Signed / Please Discuss**Assistant Minister Duniam:****Date:****Comments:****Key Points:**

1. Joint Authorities (JAs) are bodies established through arrangements between the Commonwealth and State or Northern Territory (NT) Governments under the *Fisheries*

Date Received:

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Management Act 1991 (Cth) and associated state and territory Acts to allow for the joint management of fisheries in waters relevant to a State or the Northern Territory.

2. The Timor Reef Fishery and the Demersal Fishery are NT JA fisheries, and managed in accordance with the *Fisheries Act 1988* (NT).
3. Around 2018, the Northern Territory Department of Industry, Tourism and Trade commenced the promotion of a merger between the Demersal Fishery and the Timor Reef Fishery to create the Northern Offshore Fishery.
4. In progressing the merger, in 2020 the NT produced the Northern Offshore Fishery Management Framework, to precede a draft Northern Offshore Fishery Management Plan.
 - a) the NT has been consulting with AFMA on the various iterations of the Framework and draft Management Plan and on 20 July 2021 NT Minister for Agribusiness and Aquaculture, Nicole Manison wrote to you to advise she had signed a gazette notice to declare the Northern Offshore Fishery a 'managed fishery', and subsequently provided you with the draft Management Plan for your consideration and endorsement as the Commonwealth Member for the NTFJA.

5. **s 47G(1)(a)**

- a) ^{s 47G(1)(a)} applied to the Federal Court of Australia in April 2020 challenging the validity of the proposed Framework and seeking an interlocutory order restraining decisions being made to endorse or approve a new management plan particular to the merger. The Federal Court dismissed the proceedings in April 2021.
- b) ^{s 47G(1)(a)} appealed the Federal Court's decision in May 2021. A sitting day has been set, no earlier than 8 November 2021.

s 42(1)

9. The NT has begun a process to dissolve both the Timor Reef Fishery and Demersal Fishery and merge them into the proposed Northern Offshore Fishery (NOF).
10. Both fisheries are managed under the Northern Territory Fisheries Joint Authority (NTFJA) and the Fisheries Act 1988 (NT Fisheries Act). You along with NT Minister for Agribusiness and Aquaculture, Nicole Manison comprise the NTJA.

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11. The NT Minister for Agribusiness and Aquaculture, Nicole Manison wrote to you on 20 July 2021 (MC21-024310) seeking your endorsement of the draft NOF management plan along with your agreement to release it for a period of public comment.

s 42(1)

Financial impacts:

15. Nil

Farmer/Stakeholder Implications:

16. AFMA supports this approach to development of management arrangements for the NOF, noting their support relates only to matters currently before the court and that any further delay in implementing management arrangements for the NOF has commercial implications for fishery stakeholders.
17. Stakeholders have competing interests around the proposed management arrangements for the Northern Offshore Fishery. **s 47G(1)(a)**
18. Other operators are disappointed as they seek to have the merger occur to resolve business uncertainty about future management arrangements.

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Clearing Officer: George Day
Assistant Secretary
Agvet Chemicals Fisheries Forestry and
Engagement (AFFE) G1
Ph: 02 6271 6466
Mob: s 47F(1)

Contact Officer: s 22(1)(a)(ii)
Commercial Fisheries Policy and
Indigenous Engagement
Mob: s 22(1)(a)(ii)

/ /2025

ATTACHMENTS

A: Draft response to Deputy Chief Minister, Nicole Manison

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Australian Government
**Department of Agriculture,
 Water and the Environment**

PDR no.

MS21-009313

Adviser

Ministerial Submission Coversheet

Subject	Northern Territory Fisheries Joint Authority
Client (if applicable)	

Division	Agvet Chemicals Fisheries Forestry and Engagement (AFFE) G1		
Contact officer	s 22(1)(a)(ii)	Telephone	s 22(1)(a)(ii)
Cleared by (SES)	George Day	Telephone	s 47F(1)

Finance Division	Name of contact:	<Name>	Date approved: / / 2021
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The Finance Division is satisfied that all due processes have been followed and agree to the financial data/information contained in the submission.

Legal Division	Name of contact:	s 22(1)(a)(ii)	Date approved: / / 2021
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s 42(1)

FOR MO/AMO USE ONLY:	Scheduled date	Actual date
Date registered	09 November 2021	19 October 2021
Dept to Minister's Office		
DLO to Adviser(s)		
Adviser(s) to Chief of Staff		
Chief of Staff to Minister		

MO/AMO COMMENTS:

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SENATOR THE HON JONNO DUNIAM

Assistant Minister for Forestry and Fisheries
Assistant Minister for Industry Development
Deputy Manager of Government Business in the Senate
Liberal Senator for Tasmania

Ref: MC21-024310

Deputy Chief Minister Nicole Manison
Northern Territory Government
GPO Box 3146
DARWIN NT 0801

minister.manison@nt.gov.au

Dear Deputy Chief Minister

Thank you for your letter of 20 July 2021 enclosing a copy of the draft management plan for the Northern Offshore Fishery.

Implementation of revised long term management arrangements for the Timor Reef Fishery and Demersal Finfish Fishery will provide stability and business certainty for operators in those fisheries. Unfortunately, due to matters before the Federal Court of Australia I am not able to consider endorsing the draft Northern Offshore Fisheries Management Plan until after those matters are resolved.

Thank you for writing to me and I hope we can continue discussions on this matter in the future.

Yours sincerely

Jonno Duniam



Australian Government
**Department of Agriculture,
 Water and the Environment**

PDR No.
Adviser

MC21-024310

Ministerial Correspondence Coversheet

Subject	VIP - (Manison MLA) - proposed management arrangements for the Northern Territory's Timor Reef Fishery and Demersal Fishery
Client	Ms Nicole Manison

Division	Agvet Chemicals Fisheries Forestry and Engagement (AFFE) G1		
Contact officer	s 22(1)(a)(ii)	Telephone	s 22(1)(a)(ii)
Cleared by (SES)	George Day	Telephone	s 47F(1)

FOR MO/AMO USE ONLY:	Scheduled date	Actual date
Date of original letter		20 July 2021
Date registered		21 July 2021
Dept to Minister's Office		
DLO to Adviser(s)		
Adviser(s) to Chief of Staff	Within 5 working days from receipt	
Chief of Staff to Minister	Within 10 working days from receipt	

FOR ADVISERS/CHIEF OF STAFF USE ONLY

Relevant	Poor	1	2	3	4	5	Very good
Timely		1	2	3	4	5	
Quality		1	2	3	4	5	
Comments							

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DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

MB23-000291

To: Minister Watt**MEETING WITH THE HON PAUL KIRBY MLA – 3 AUGUST 2023****Timing:** Thursday, 3rd August 2023 at 4:00pm to 4:15pm.**Location:** Minister's Suite in Australian Parliament House.**Meeting with:** The Hon Paul Kirby MLA and s 47F(1) (Senior Advisor)**Prior meetings:** Agriculture Ministers' Meetings.**Proposed note taker:** NIL**What we want:** Discussion on issues of shared interest.**What they want:** Discussion on issues of shared interest.**Issues and Sensitivities:**

1. We expect Minister Kirby will raise topical issues for the Northern Territory including:

- s 22(1)(a)(ii)

- c. fisheries Matters, particularly Demersal Fisheries s 22(1)(a)(ii)

- s 22(1)(a)(ii)

2. Talking Points, including "If asked" questions on specific sensitivities, and background information is provided in Attachment A.

Consultation: YES

3. s 22(1)(a)(ii)

Attachments**A:** Talking Points

Clearing Officer:	Emma Cully	A/g First Assistant Secretary. Agvet Chemicals, Fisheries, Forestry and Engagement Division.	Ph: 02 6272 5759 Mob: s 47F(1)
Contact Officers:	Please refer to the appropriate lead SES contacts as specified in Attachment A)		

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s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Demersal Fisheries:

- Northern Territory Fisheries Minister Kirby wrote to you on 7 June 2023 about the proposed 'Northern Offshore Fishery', a merger of the existing Northern Territory Demersal Fishery and the Timor Reef Fisher. The fishery would be managed by the Northern Territory Fisheries Joint Authority (NTFJA), which is constituted by you and Minister Kirby. The letter provided a revised draft Management Plan for the proposed Northern Offshore Fishery for your endorsement.
- In his letter, Minister Kirby provided an instrument for your agreement that would declare the Northern Offshore Fishery as a fishery. However, an arrangement that firstly establishes the proposed Northern Offshore Fishery as an NTFJA fishery has not been made.

s 42(1)

s 22(1)(a)(ii)

SES contact officer: George Day

Telephone: s 47F(1)

Last updated: 2 August 2023

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s22(1)(a)(ii)

s 42(1), s 47G(1)(a), s 47F(1)

s 42(1), s 47G(1)(a)

s 42(1), s 47G(1)(a)

s 42(1), s 47G(1)(a)

s 42(1)

s 42(1), s 47F(1)

s 42(1), s 47F(1), s 47G(1)(a)

s 42(1), s 47G(1)(a)

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s 42(1), s 47G(1)(a)

s 42(1), s 47G(1)(a)

s 42(1), s 47G(1)(a), s 47F(1)

s 42(1), s 47F(1), s 47G(1)(a)

s 42(1), s 47F(1), s 47G(1)(a)

s 42(1), s 47F(1), s 47G(1)(a)

Short Summary of *NTD8 of 2020 (Federal Court)* and *NTD13/2021 (Full Federal Court Appeal)*

NTD8 of 2020 (Federal Court)

1. [*Australia Bay Seafoods Pty Ltd v Northern Territory of Australia \[2021\] FCA 414*](#) (23 April 2021) (NTD 8 of 2020) - ABS challenged the proposed management arrangements in the NOF. On 23 April 2021, Justice White upheld the Territory Respondents' interlocutory application and dismissed the proceedings on the basis that it did not raise any 'matter' within the meaning of section 39B of the *Judiciary Act 1903 (Cth)*. His honour found the application brought by ABS was premature in seeking orders with respect to the regulation of the fisheries before it was known whether the contemplated regulation would be made, and before it was known. His honour considered that the application raised matters which were hypothetical and did not involve any immediate effect on the rights, duties and liabilities of ABS.

NTD13/2021 (Full Federal Court Appeal)

2. [*Australia Bay Seafoods Pty Ltd v Northern Territory of Australia \[2022\] FCAFC 180*](#) - On 19 May 2021 ABS lodged an application in the Full Federal Court, seeking to appeal Justice White's decision in NTD8/2020.
3. The Court unanimously granted ABS leave to appeal and leave to reopen the appeal and for the parties to adduce further evidence. The appeal was dismissed with costs.
4. The Court ultimately considered that the proceeding did not raise a justiciable 'matter' in the sense required by Ch III of the Constitution. Generally, the Court noted the claims related to future steps being taken in relation to the proposed framework, which raised abstract or hypothetical questions only, and ABS had failed to plead any current breach of law or other claim that could be said to give rise to a 'matter' as provided for in s 39B of the *Judiciary Act 1903 (Cth)*. No arguable basis for the issuance of a remedy could be identified either. ABS also sought to raise new issues on appeal that had no basis in the pleadings.

s 42(1), s 47F(1)

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DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

MS23-001107

To: Minister Watt (For Decision)

FUTURE OF FISHERIES MANAGED UNDER THE NORTHERN TERRITORY FISHERIES JOINT AUTHORITY

Timing: 13 October 2023 – uncertainty about the future of fisheries managed under the Northern Territory Fisheries Joint Authority is impacting industry's business planning.

Recommendations:

1. That you **note** your Northern Territory counterpart is seeking your formal agreement to release, for public consultation, a framework for the future management of the proposed new 'Northern Offshore Fishery', to be established under the Northern Territory Fisheries Joint Authority.

Noted / Please discuss

S 42(1)

3. That you **write** (**Attachment A**) to your Northern Territory counterpart proposing instead that officials from the Northern Territory Fisheries Joint Authority meet as soon as possible to discuss options for the future of the Joint Authority and provide advice to respective ministers.

Signed / Not signed / Please discuss

Minister Watt:



Date: 20/10/23

Comments:

Pls arrange meeting with NT in next fortnight to ^{begin} resolving issues.

Clearing Officer:	Wez Norris	CEO, AFMA	Ph: s 47F(1) Mob: 0411 885 566
Contact Officer:	Anna Willock	Deputy CEO, AFMA	Ph: s 47F(1) Mob: 0436 006 058

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Key Points:

1. On 7 June 2023, Minister Paul Kirby, the Northern Territory Minister for Agribusiness and Fisheries, wrote to you in your capacity as the other member of the Northern Territory Fisheries Joint Authority (NTFJA) seeking your formal endorsement of the draft management plan for the proposed Northern Offshore Fishery (NOF), following which the draft plan would be released for public consultation (**Attachment B**).
2. Currently, the NTFJA covers two adjacent fisheries in Commonwealth waters known as the Demersal Fishery and the Timor Reef Fishery. Under the NTFJA, the Northern Territory has responsibility for managing these fisheries on a day-to-day basis. The draft management plan proposes to merge these into the one, new fishery – the NOF.
3. The proposed new management arrangements have been litigated by one fishing company, Australia Bay Seafoods. This action concluded with the judgement of the Full Federal Court of Appeal handed down in November 2022. While that judgement dismissed the company's appeal, it also cast doubt over whether the proposed new NOF was captured under the existing Offshore Constitutional Settlement arrangement or whether that arrangement would need to be amended.

4.

s 42(1)

5. Northern Territory officials and AFMA have shared views on the best way forward and, based on these discussions, AFMA is recommending that you write to your Northern Territory counterpart proposing that officials from the NTFJA meet as soon as possible to discuss options for the future of the NTFJA and provide advice to ministers (**Attachment A**).
6. Industry members involved in the existing two fisheries are concerned about the future of NTFJA fisheries and the time taken to confirm the direction of future management. We understand your office has met with representatives from different companies on a number of occasions.
7. If you agree to the recommended course of action, we will hold a briefing for industry, jointly with our Territory counterparts, to explain the current circumstances.

8.

s 47C, s 47E(d)

OFFICIAL

s 47C, s 47E(d)

9.

Public Sensitivities: NIL

Consultation:

10. The Department of Agriculture, Fisheries and Forestry has been consulted and agrees with this approach.

Legal advice / Legislative impacts: NIL

Financial impacts: NIL

Farmer/Stakeholder Implications:

11. Industry is highly exercised about the future management arrangements for these fisheries but hold polar-opposite positions on all substantive issues. Regardless, all will be frustrated that there is no immediate resolution to the question of the future arrangements and all will see opportunity to pursue their interests in any prospective changes to the NTFJA.

Opportunities for First Nations people and their communities:

12. None identified directly related to the recommendations in this brief.

Climate Change and Environmental Considerations: NIL

Attachments:

A: Letter to the Hon Paul Kirby, Minister for Agribusiness and Fisheries

B: Incoming correspondence from the Hon Paul Kirby, Minister for Agribusiness and Fisheries



SENATOR THE HON MURRAY WATT
MINISTER FOR AGRICULTURE, FISHERIES AND FORESTRY
MINISTER FOR EMERGENCY MANAGEMENT

MS23-001107

The Hon Paul Kirby MLA
Minister for Agribusiness and Fisheries
GPO Box 3146
DARWIN NT 0801

Dear Minister *Paul*

Thank you for your letter of 7 June 2023 requesting my consideration and endorsement of the draft management plan for the proposed Northern Offshore Fishery, in my capacity as a member of the Northern Territory Fisheries Joint Authority (NTFJA).

s 42(1)

My office has had numerous representations from industry members working in NTFJA fisheries and, while holding divergent views on most substantive issues, they are united in seeking certainty about the future management of these fisheries to support their business planning. I am sure you would agree that whatever the future management arrangements are for these important fisheries, they must be founded on a solid legal basis.

s 42(1)

I have asked my officials to commence discussions with your department and look forward to working with you on this issue.

Yours sincerely

MURRAY WATT

20 / 10 / 2023

*Paul, I have asked
our officials to meet
with yours in the
next fortnight.*

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 23 July 2021 2:30 PM
To: AM Weekly Meetings; s 47F(1) ; s 47F(1) Stevens, Tia; Kingston, Amanda; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; Gaglia, Julie; Day, George; s 22(1)(a)(ii) ; DLO Duniam (Industry); s 47F(1) @aph.gov.au; s 22(1)(a)(ii)
Cc: s 47F(1) ; s 47F(1) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii); s 22(1)(a)(ii)
Subject: AM weekly meeting pack - Monday 26 July 2021 [SEC=OFFICIAL]
Attachments: AM Duniam weekly meeting - Doc Pack 26 July.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Afternoon all,

Please see attached document for the next scheduled weekly meeting with Assistant Minister Duniam – Monday 26 July 2021 at 11:00am – 12:00pm.

Thank you Kindly,

s 22(1)(a)(ii)

Executive Assistant to George Day | Assistant Secretary Fisheries Branch.

Executive Assistant to Sally Truong A/G | Assistant Secretary Ag2030, Covid-19 and Engagement.

Executive Assistant to Emma Cully | Ag2030, Covid-19 and Engagement.

Agvet Chemicals, Fisheries, Forestry and Engagement Division | Department of Agriculture, Water and the Environment.

p. s 22(1)(a)(ii) | e. s 22(1)(a)(ii)@awe.gov.au | m.s 22(1)(a)(ii)

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DEPARTMENT OF AGRICULTURE,
WATER AND THE ENVIRONMENT

WEEKLY MEETING WITH ASSISTANT MINISTER DUNIAM

AGENDA

Date: Monday 26th July 2021.

Time: 11:00am – 12:00pm

s 47E(d)

Issues from the Assistant Minister

1. Updates from the department (**Attachment A**):

- | | | |
|----|----------------|--------------------------|
| a) | Fisheries | Emma Campbell/George Day |
| b) | s 22(1)(a)(ii) | s 22(1)(a)(ii) |

2. Other Business

s 47E(d)

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DEPARTMENT OF AGRICULTURE WATER AND THE ENVIRONMENT

WEEKLY MEETING WITH THE ASSISTANT MINISTER FOR FORESTRY AND FISHERIES

ACTION ITEMS – 26 July 2021

s 22(1)(a)(ii)

OFFICIAL: Sensitive

Topic/Issue	Action	Update/progress	PDMS reference #	Key date/s
Northern Offshore Fishery draft management plan	<i>For information</i>	<p>The AM, through his role as part of the Northern Territory Fisheries Joint Authority, has received a letter from the NT Fisheries Minister seeking your signature on the Gazette notice to release the draft management plan for the Northern Offshore Fishery for consultation.</p> <p>The department and AFMA are working with NT to progress disbandment of the Joint Authority. If the Joint Authority was to disband, you would no longer have a role in management decisions regarding the Northern Offshore Fishery.</p> <p>The Commonwealth is also still involved in legal proceedings regarding the proposed management plan, brought forward by s 47G(1)(a)</p> <p>The department is preparing a submission for your consideration of all the related issues.</p>	s 47E(d) s 47E(d)	28 July 2021

s 22(1)(a)(ii)

OFFICIAL: Sensitive

s 22(1)(a)(ii)

OFFICIAL: Sensitive

s 22(1)(a)(ii)

OFFICIAL: Sensitive

s 22(1)(a)(ii)

Action legend:

For advice	For discussion
For information	Outstanding action
For Decision	

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 30 July 2021 2:52 PM
To: AM Weekly Meetings; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; Stevens, Tia; Kingston, Amanda; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; Gaglia, Julie; Day, George; s 22(1)(a)(ii) ; DLO Duniam (Industry); s 47F(1) @aph.gov.au; s 47F(1) ; s 47F(1) s 47F(1); s 47F(1)
Cc: s 47F(1) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii) s 22(1)(a)(ii); s 47F(1) (Industry); s 47E(d)
Subject: AM weekly meeting pack - Monday 02 August 2021 [SEC=OFFICIAL]
Attachments: AM Duniam weekly meeting - Doc Pack 02 August.pdf

Afternoon all,

Please see attached document for the next scheduled weekly meeting with Assistant Minister Duniam – Monday 02 August 2021 at 2:00pm – 3:00pm

Thank you Kindly,

s 22(1)(a)(ii)

Executive Assistant to George Day | Assistant Secretary Fisheries Branch.

Executive Assistant to Sally Truong A/G | Assistant Secretary Ag2030, Covid-19 and Engagement.

Executive Assistant to Emma Cully | Ag2030, Covid-19 and Engagement.

Agvet Chemicals, Fisheries, Forestry and Engagement Division | Department of Agriculture, Water and the Environment.

p. s 22(1)(a)(ii) | e. s 22(1)(a)(ii)@awe.gov.au | m.s 22(1)(a)(ii)

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DEPARTMENT OF AGRICULTURE,
WATER AND THE ENVIRONMENT

WEEKLY MEETING WITH ASSISTANT MINISTER DUNIAM

AGENDA

Date: Monday 2nd August 2021.

Time: 2:00pm – 3:00pm

s 47E(d)

Issues from the Assistant Minister

1. Updates from the department (**Attachment A**):

- a) Fisheries Emma Campbell/George Day
- b) s 22(1)(a)(ii)
- c) s 22(1)(a)(ii)

2. Other Business

s 47E(d)

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DEPARTMENT OF AGRICULTURE WATER AND THE ENVIRONMENT

WEEKLY MEETING WITH THE ASSISTANT MINISTER FOR FORESTRY AND FISHERIES

ACTION ITEMS – 2 August 2021

s 22(1)(a)(ii)

OFFICIAL: Sensitive

Topic/Issue	Action	Update/progress	PDMS reference #	Key date/s
Northern Offshore Fishery draft management plan	<i>For information</i>	<p>You, in your role as part of the Northern Territory Fisheries Joint Authority, has received a letter from the NT Fisheries Minister seeking your signature on the Gazette notice to release the draft management plan for the Northern Offshore Fishery for consultation.</p> <p>The department and AFMA are working with NT to progress disbandment of the Joint Authority. If the Joint Authority was to disband, you would no longer have a role in management decisions regarding the Northern Offshore Fishery.</p> <p>The Commonwealth is also still involved in legal proceedings regarding the proposed management plan, brought forward by s 47G(1)(a)</p> <p>The department is preparing a submission for your consideration of all the related issues. We are preparing holding responses to s 47E(d) while the submission is being developed with AFMA.</p>	s 47E(d)	28 July 2021

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Action legend:

For advice	For discussion
For information	Outstanding action
For Decision	

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 42(1), s 47F(1), s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 12 November 2021 4:07 PM
To: Campbell, Emma; Deininger, Rosemary; s 22(1)(a)(ii) ; Kingston, Amanda; s 22(1)(a)(ii)
; Gaglia, Julie; Day, George; s 47F(1) ; s 47F(1) ;
s 47F(1) @aph.gov.au
Cc: s 22(1)(a)(ii); s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii); s 47F(1) (Industry);
s 22(1)(a)(ii); AM Weekly Meetings; AFFED Coordination; s 22(1)(a)(ii)
Subject: Assistant Minister Duniam Weekly meeting - Monday 15 November 2021
[SEC=OFFICIAL]
Attachments: AMD package for 15 11 21.pdf

Good afternoon

Please see attached document pack for next week's meeting with Assistant Minister Duniam scheduled Monday 15 November 2021 commencing at 2.30pm, noting it is a 30 minute meeting.

Kind regards

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Executive Assistant

Emma Campbell – First Assistant Secretary | Agvet Chemicals, Fisheries, Forestry and Engagement

Department of Agriculture, Water and the Environment

Email: s 22(1)(a)(ii) [@awe.gov.au](mailto:s 22(1)(a)(ii)@awe.gov.au)

Ph: s 22(1)(a)(ii)

GPO BOX 858 Canberra ACT 2601

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**DEPARTMENT OF AGRICULTURE,
WATER AND THE ENVIRONMENT**

WEEKLY MEETING WITH ASSISTANT MINISTER DUNIAM

AGENDA

Date: Monday 15 November 2021

Time: 2.30 – 3.00pm

s 47E(d)

Issues from the Assistant Minister

s 22(1)(a)(ii)

3. Fisheries

a. IOTC issues

s 22(1)(a)(ii)

s 47E(d)

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s 22(1)(a)(ii)

OFFICIAL: Sensitive

s 22(1)(a)(ii)

Northern Territory Fisheries Joint Authority – management plan consultation	For information	s 42(1)	s 47E(d)	NA
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s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

OFFICIAL: Sensitive

Action legend:

For advice	For discussion
For information	Outstanding action
For Decision	

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

OFFICIAL: Sensitive

s 22(1)(a)(ii)

Action legend:**On track*****Delays have occurred, action is being taken to resolve******Significant issues and risks to the delivery of this commitment***

s 42(1), s 47F(1), s 22(1)(a)(ii)

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s 42(1), s 47F(1)

s 42(1)

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s 42(1)

s 42(1), s 47F(1)

s 42(1), s 47F(1), s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: DLO Watt - Agriculture
Sent: Wednesday, 14 June 2023 3:19 PM
To: DLO Watt - Agriculture
Cc: s 22(1)(a)(ii) ; s 47E(d)
Subject: RE: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]

Apologies, please assign to AFMA.

From: DLO Watt - Agriculture <dlo.watt@agriculture.gov.au>
Sent: Wednesday, June 14, 2023 3:01 PM
To: s 47E(d) <s 47E(d) @agriculture.gov.au>
Cc: DLO Watt - Agriculture <dlo.watt@agriculture.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii) @aff.gov.au>
Subject: FW: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]

Hi team

Please register the attached for MP min reply and assign to AFME.

Cheers
s 22(1)(a)(ii)

s 22(1)(a)(ii)
Departmental Liaison Officer | Office of Senator the Hon Murray Watt
M: s 22(1)(a)(ii) E: DLO.Watt@agriculture.gov.au

From: s 47F(1) <s 47F(1) @nt.gov.au>
Sent: Thursday, June 8, 2023 11:05 AM
To: Minister Watt <minister.watt@agriculture.gov.au>
Subject: Correspondence from the Hon Paul Kirby MLA

Dear Senator

Please find attached letter from the Hon Paul Kirby MLA, Minister for Agribusiness and Fisheries.

Yours sincerely

s 47F(1)
Ministerial Assistant
Office of the Chief Minister
Northern Territory Government of Australia
Parliament House, Darwin, NT
GPO Box 3146, Darwin NT 0801



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s 22(1)(a)(ii)

From: Day, George
Sent: Wednesday, 14 June 2023 5:44 PM
To: MACDONALD, Brodie; **s 22(1)(a)(ii)**
Subject: Re: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]

Thanks Brodie , let us know where you get to

From: MACDONALD, Brodie
Sent: Wednesday, June 14, 2023 4:08:02 PM
To: **s 22(1)(a)(ii)** ; Day, George
Subject: FW: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]

OFFICIAL

FYI if you haven't seen this already, noting we will likely seek your input/review with a relatively quick turnaround...

OFFICIAL

From: WILLOCK, Anna
Sent: Wednesday, 14 June 2023 3:32 PM
To: MACDONALD, Brodie
Cc: NORRIS, Wez
Subject: FW: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]

OFFICIAL

Hi Brodie,
 Here's the letter and pack in from the NT Minister re NTJA.
 The letter notes that the draft MP and documents have been 'revised and updated'. Is the team able to look into whether any of these changes are substantial/significant or whether they're simply a function of time (e.g, tables updated to include most recent data), please?
 Otherwise, as discussed, we'll need to brief and advise the office ASAP, in consultation with DAFF.
 Thanks,
 Anna

OFFICIAL

From: **s 22(1)(a)(ii)** <**s 22(1)(a)(ii)** @aff.gov.au>
Sent: Wednesday, 14 June 2023 3:17 PM
To: NORRIS, Wez <Wez.NORRIS@afma.gov.au>; WILLOCK, Anna <Anna.WILLOCK@afma.gov.au>
Subject: FW: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]
 Wez and Anna – in case not already received.
 Thanks
 Mathew

From: DLO Watt - Agriculture <dlo.watt@agriculture.gov.au>
Sent: Wednesday, June 14, 2023 3:01 PM
To: **s 47E(d)** <**s 47E(d)** @agriculture.gov.au>
Cc: DLO Watt - Agriculture <dlo.watt@agriculture.gov.au>; **s 22(1)(a)(ii)** <**s 22(1)(a)(ii)** @aff.gov.au>
Subject: FW: Correspondence from the Hon Paul Kirby MLA [SEC=OFFICIAL]

Hi team
 Please register the attached for MP min reply and assign to AFPE.
 Cheers

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Departmental Liaison Officer | Office of Senator the Hon Murray Watt
 M: **s 22(1)(a)(ii)** E: DLO.Watt@agriculture.gov.au

From: **s 47F(1)** <**s 47F(1)** @nt.gov.au>
Sent: Thursday, June 8, 2023 11:05 AM

To: Minister Watt <minister.watt@agriculture.gov.au>

Subject: Correspondence from the Hon Paul Kirby MLA

Dear Senator

Please find attached letter from the Hon Paul Kirby MLA, Minister for Agribusiness and Fisheries.

Yours sincerely

s 47F(1)

Ministerial Assistant

Office of the Chief Minister

Northern Territory Government of Australia

Parliament House, Darwin, NT

GPO Box 3146, Darwin NT 0801



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AFMA Securing Australia's fishing future

We acknowledge the Aboriginal and Torres Strait Islander Peoples as the Traditional Owners and Custodians of this Country. We recognise their connection to land, sea and community. We pay our respect to them, their cultures, and their Elders, past, present and emerging.

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MINISTER FOR AGRIBUSINESS AND FISHERIES

Parliament House
State Square
Darwin NT 0800
minister.kirby@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8936 5680

Senator the Hon Murray Watt
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

Email: Minister.Watt@agriculture.gov.au

Dear ~~Senator~~ *Murray,*

I write to you in your capacity as a member of the Northern Territory Fisheries Joint Authority (Joint Authority) in relation to the Northern Offshore Fishery, which is proposed to replace the Demersal and Timor Reef Fisheries.

As you may be aware, on 20 July 2021 a draft Management Plan for the Northern Offshore Fishery was provided to the previous Commonwealth member of the Joint Authority, the then Assistant Minister for Forestry and Fisheries, for consideration and endorsement to release the draft Management Plan for public consultation.

Your predecessor elected not to proceed with those processes until after determination of an appeal to the Full Court of the Federal Court of Australia by Australia Bay Seafoods Pty Ltd, a licence-holder in the Demersal Fishery. The appeal was dismissed on 14 November 2022.

Given the passage of time, the draft Management Plan and associated documents have been revised and updated. I now provide for your consideration an updated version of the draft Management Plan, along with:

- A notice to declare the proposed Northern Offshore Fishery a 'managed fishery', in accordance with section 22 of the *Fisheries Act 1988* (NT); and
- A notice of the proposed Management Plan and the place where a copy of it may be inspected, in accordance with section 70C of the *Fisheries Act 1988* (NT), for your signature if you agree.

Subject to your consideration and endorsement, the notices declaring the Northern Offshore Fishery and releasing the draft Management Plan for public comment will be published in the *Northern Territory Gazette*.

- 2 -

After the proposed Management Plan has been available for public comment for at least one month, and the Joint Authority has considered any public submissions, the Joint Authority may make any amendments it thinks fit, and approve the Management Plan. Alternatively, having regard to the matters raised in the public consultation, it may determine not to approve the Management Plan.

Yours sincerely

s 47F(1)

PAUL KIRBY

07 JUN 2023



Northern Territory of Australia

Fisheries Act 1988

Declaration of Northern Offshore Fishery

I, Paul Andrew Kirby, Minister for Agribusiness and Fisheries, under section 22(b) of the *Fisheries Act 1988*, declare the fishery, for any purpose other than recreation, for the following fish in the waters described in the Schedule to be a managed fishery known as the Northern Offshore Fishery:

- (a) all fish of the Class Osteichthyes (bony fishes) using any fishing method, other than:
 - (i) tuna and tuna like fish of the following species:
 - (A) *Thunnus albacares* (Yellowfin tuna);
 - (B) *Thunnus maccoyii* (Southern bluefin tuna);
 - (C) *Thunnus obesus* (Bigeye tuna);
 - (D) *Thunnus tonggol* (Longtail tuna);
 - (E) *Thunnus alalunga* (Albacore tuna);
 - (F) *Thunnus thynnus* (Northern bluefin tuna);
 - (G) *Katsuwonus pelamis* (Skipjack tuna);
 - (H) fish of the families Istiophoridae and Xiphiidae (billfish); and
 - (ii) fish taken as bait (dead or alive) by a person for the person's own use in the exercise of a fishing concession granted by the Australian Fisheries Management Authority under the *Fisheries Management Act 1991* (Cth) to take tuna and tuna like fish of the species mentioned in subparagraph (i); and
 - (iii) fish to which this paragraph would otherwise apply taken in the exercise of a right in relation to another fishery conferred by a fishing concession granted by the Australian Fisheries

Management Authority under the *Fisheries Management Act 1991* (Cth);

- (b) all fish of the Class Chondrichthyes (cartilaginous fishes) taken in the exercise of a right conferred by a licence or other authority granted by the Territory on behalf of the Northern Territory Fisheries Joint Authority for the fish specified in paragraph (a).

s 47F(1)

.....
Minister for Agribusiness and Fisheries

Dated 7TH JUNE 2023

Schedule

All waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* (Cth) (repealed) under the heading "Area that includes the Adjacent Area in respect of the Northern Territory" on the seaward side of a line 15 nautical miles from the Lowest Astronomical Tide.



Northern Territory of Australia

Fisheries Act 1988

Notice of proposed Northern Offshore Fishery Management Plan 2023

The Joint Authority, under section 70C(2) of the *Fisheries Act 1988*, gives notice of the proposed *Northern Offshore Fishery Management Plan 2023* and the following matters:

- 1 A copy of the proposed plan may be inspected in person at:

NT Fisheries
33 Vaughan Street
BERRIMAH NT 0828
Telephone: 8999 2144
- 2 A copy is also available at: <https://haveyoursay.nt.gov.au/>
- 3 Submissions on the proposed plan may be made to the Joint Authority in one of the following ways:
 - online at: <https://haveyoursay.nt.gov.au/>
 - by post to: Attn. Northern Offshore Fishery Management Plan
GPO Box 3000
DARWIN NT 0800
- 4 **Deadline:** To be considered, submissions must be in writing and received within 6 weeks after the date of publication of this notice in the *Gazette*.

s 47F(1)

.....
Commonwealth Minister for Agriculture,
Fisheries and Forestry

.....
Northern Territory Minister for
Agribusiness and Fisheries

Dated

07 JUN 2023

NORTHERN TERRITORY OF AUSTRALIA
NORTHERN OFFSHORE FISHERY MANAGEMENT PLAN 2023

Subordinate Legislation No. [] of 2023

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Schedule 1 Management zones

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2023*

Northern Offshore Fishery Management Plan 2023

The Northern Territory Fisheries Joint Authority, under section 70C of the *Fisheries Act 1988*, approve the *Northern Offshore Fishery Management Plan 2023*.

Dated

2023

Commonwealth Minister for
Agriculture, Fisheries and Forestry

Northern Territory Minister for
Agribusiness and Fisheries

**EXPOSURE DRAFT ONLY
PREPARED FOR THE DEPARTMENT OF INDUSTRY, TOURISM AND
TRADE**

* Notified in the *Northern Territory Government Gazette* on [] 2023.

Part 1 Preliminary matters

1 Title

This Plan may be cited as the *Northern Offshore Fishery Management Plan 2023*.

2 Commencement

This Plan commences on [*date to be determined*].

3 Interpretation

(1) In this Plan:

adjacent area in respect of the Territory, see section 3(1) of the *Coastal Waters (Northern Territory Powers) Act 1980* (Cth).

approved form means a form approved under clause 77.

by-catch species means a species of fish or aquatic life taken but discarded by a person conducting fishing operations under a NOF licence.

finfish trawl gear means a net:

- (a) which has a mesh size of more than 110 mm; and
- (b) the cod end of which is not covered by a double cod end liner; and
- (c) the total weight on the footline (including bobbin lines, chains, bridles and any other device weighing on the footline) of which does not exceed 4 kgs wet weight in the air per linear metre; and
- (d) the twine size in the forward half (including wing and belly sections) of which does not exceed 90 ply by 400 denier or the equivalent in other material types.

Note for definition finfish trawl gear

Clause 78 sets out how mesh size is to be determined.

Fishery means the Northern Offshore Fishery referred to in clause 4.

fishery unit, see clause 13(1).

goldband snapper means fish of the genus *Pristipomoides* (commonly known as goldband snapper).

grouped fish means fish other than barramundi, goldband snapper, king threadfin, mud crab, red snapper, shark and Spanish mackerel.

management zone means a management zone mentioned in clause 11.

NOF licence means a licence to take fish from the Fishery.

NOF licensee means the holder of a NOF licence.

overcatch, see clause 52(1).

quota unit, see clause 15(1).

red snapper means fish of the species *Lutjanus malabaricus* or *Lutjanus erythropterus* (commonly known as red snapper).

species group means any of the following:

- (a) goldband snapper;
- (b) red snapper;
- (c) grouped fish.

total allowable commercial catch, see clause 12(1).

voyage, in relation to a vessel, means the period when the vessel is travelling, including any period when the vessel has stopped during a course of travel.

- (2) If a word or phrase used in this Plan is not defined by the Act or this Plan but is defined by the *Fisheries Regulations 1992*, it has the meaning it has under the Regulations in relation to the management plan.

4 Application to Northern Offshore Fishery

This Plan applies to the Northern Offshore Fishery declared under section 22(b) of the Act to be a managed fishery by notice published in *Gazette* [] on [date to be determined].

Note for clause 4

The Fishery is managed by the Joint Authority under an arrangement with the Commonwealth published in the Commonwealth of Australia Gazette, No. GN 4, dated 1 February 1995, page 326.

Part 2 Management of Fishery
Division 1 Licensing

5 Amateur fishing exempt from Plan

This Plan does not apply to amateur fishing.

Note for clause 5

Part 5 of the Fisheries Regulations 1992 regulates amateur fishing.

6 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Plan.

Note for clause 6

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Management of Fishery

Division 1 Licensing

7 Requirement for NOF licence

A person must hold a NOF licence to take goldband snapper, red snapper or grouped fish in the Fishery.

8 Grant of NOF licence

- (1) Subject to subclause (2), the Joint Authority may grant a NOF licence to an applicant if satisfied that:

- (a) the applicant has attained the age of 18 years; and
- (b) the licence may be granted under subclause (3).

Note for clause 8(1)

See section 13(2) of the Act for other matters relevant to the grant of a NOF licence.

- (2) The Joint Authority may have regard to the following matters in considering an application for the grant of a NOF licence:

- (a) whether the applicant is able to demonstrate sufficient experience and skills to safely and effectively maintain commercial operations in the Fishery;
- (b) any relevant criminal history of the applicant;

- (c) if the applicant has previously held a licence under the Act – whether the applicant has supplied all accounts, records, returns and information in the approved manner and form and within the time prescribed or specified.
- (3) A NOF licence must not be granted to a person unless:
 - (a) the Joint Authority approves the transfer of fishery units or quota units to the NOF licence; or
 - (b) the Territory proposes to transfer fishery units to the NOF licence.
- (4) Subclauses (2) and (3) do not apply in relation to the grant of NOF licences immediately after the commencement of this Plan under Part 8.

9 Renewal of NOF licence

- (1) A NOF licence must not be renewed unless:
 - (a) fishery units are attached to the NOF licence; or
 - (b) the Joint Authority approves the transfer of fishery units or quota units to the NOF licence; or
 - (c) the Territory proposes to transfer fishery units to the NOF licence.

Note for subclause (1)

See section 16(5) of the Act for other matters relevant to the renewal of a NOF licence.

- (2) The Joint Authority may also have regard to the following matters in considering an application for the renewal of a NOF licence:
 - (a) whether the applicant is able to demonstrate sufficient experience and skills to safely and effectively maintain commercial operations in the Fishery;
 - (b) any relevant criminal history of the applicant;
 - (c) in relation to any licence held by the applicant under the Act – whether the applicant has supplied all accounts, records, returns and information in the approved manner and form and within the time prescribed or specified.

10 NOF licences not transferable

A NOF licence is not transferable.

Division 2 Quota management

11 Management zones

The Fishery is divided into the following 4 management zones, the boundaries of which are described in Schedule 1:

- (a) the Arafura management zone;
- (b) the Gulf of Carpentaria management zone;
- (c) the Joseph Bonaparte Gulf management zone;
- (d) the Timor management zone.

12 Total allowable commercial catch

- (1) The ***total allowable commercial catch*** is the total amount of fish of a particular species group that may be taken from a particular management zone under all NOF licences during a licensing year.
- (2) The total allowable commercial catch is expressed in kilograms.
- (3) The Joint Authority must, by *Gazette* notice, determine the total allowable commercial catch for each species group in each management zone for a licensing year.

13 Fishery units

- (1) A ***fishery unit*** is a unit that:
 - (a) relates to a particular species group within a particular management zone; and
 - (b) entitles the holder of the NOF licence to which the unit is attached to be allocated a share of the total allowable commercial catch for the species group in the management zone to which the unit relates.
- (2) The share of the total allowable commercial catch represented by 1 fishery unit is equal to 1 divided by the total number of fishery units for the relevant species group in the relevant management zone.

Example for subclause (2)

One fishery unit for red snapper in the Joseph Bonaparte Gulf management zone equals 1/510 000th of the total allowable commercial catch for that species in that management zone.

- (3) A fishery unit does not expire.

- (4) A fishery unit may be transferred to another NOF licence in accordance with clause 18.

14 Total number of fishery units

- (1) The total number of fishery units for goldband snapper in the Fishery is 1 419 998, comprising the following:
- (a) 400 000 fishery units for the Arafura management zone;
 - (b) 50 000 fishery units for the Gulf of Carpentaria management zone;
 - (c) 70 000 fishery units for the Joseph Bonaparte Gulf management zone;
 - (d) 899 998 fishery units for the Timor management zone.
- (2) The total number of fishery units for red snapper in the Fishery is 4 669 982, comprising the following:
- (a) 3 799 982 fishery units for both the Arafura management zone and Timor management zone;
 - (b) 360 000 fishery units for the Gulf of Carpentaria management zone;
 - (c) 510 000 fishery units for the Joseph Bonaparte Gulf management zone.
- (3) The number of fishery units specified in subclause (2)(a) is the combined total for both management zones.
- (4) The total number of fishery units for grouped fish in the Fishery is 1 599 968, comprising the following:
- (a) 914 960 fishery units for the Arafura management zone;
 - (b) 110 000 fishery units for the Gulf of Carpentaria management zone;
 - (c) 160 000 fishery units for the Joseph Bonaparte Gulf management zone;
 - (d) 415 008 fishery units for the Timor management zone.

Note for clause 14

On the commencement of this Plan, the Joint Authority must allocate all fishery units in the Fishery in accordance with Part 8.

- (6) A quota unit may be transferred to another NOF licence in accordance with clause 18.

16 Using quota units

- (2) A quota unit expires at the end of the licensing year for which it was allocated if it has not been used earlier.
- (3) To avoid doubt, a quota unit cannot be used if it:
 - (a) has expired; or
 - (b) has been used previously in the licensing year.

17 Allocation of quota units

- (1) On 1 July each year, the Joint Authority must, in accordance with subclause (2), allocate quota units to each NOF licence to which fishery units are attached on that date.
- (2) For each fishery unit for a species group in a management zone attached to a NOF licence, one quota unit for the same species group in the same management zone must be allocated to the licence.

Note for clause 17

A NOF licence that has no fishery units attached to it on 1 July will not be allocated any quota units.

18 Transfer with approval of Joint Authority

- (1) A fishery unit or a quota unit may be transferred only with the approval of the Joint Authority.
- (2) A NOF licensee may apply to the Joint Authority for approval to transfer one or more fishery units or quota units attached to the NOF licence to a specified NOF licence or to the Territory.
- (3) The Territory may apply to the Joint Authority for approval to transfer a fishery unit acquired under this clause, clause 19 or 84 to a NOF licence.
- (4) Only whole fishery units or quota units may be transferred.

Example for subclause (4)

A NOF licensee cannot transfer 3.5 fishery units.

- (5) A transfer of fishery units or quota units to a NOF licence that is not yet granted but for which an application is pending may be approved, but the approval is conditional on the NOF licence being granted within 14 days after the date of approval.
- (6) The Joint Authority may refuse to approve an application to transfer a fishery unit or quota unit if:
 - (a) any fee due under any NOF licence involved in the transfer is in arrears; or
 - (b) the NOF licence from which the unit is proposed to be transferred is suspended.
- (7) To avoid doubt, a fishery unit or quota unit may be transferred by sale.

19 Deemed transfer of fishery units to Territory

- (1) All fishery units attached to a NOF licence are taken to be transferred to the Territory if the NOF licence:
 - (a) expires and is not renewed within the period permitted under section 16 of the Act; or
 - (b) is cancelled or surrendered under Part 2A, Division 5 of the Act.
- (2) Subject to clause 18, the Territory may transfer any fishery units it holds to any NOF licence.

Division 3 General matters

20 Application of *Fisheries Regulations 1992*

- (1) Regulations 69, 70 and 72A apply in relation to a NOF licensee or an assistant of a NOF licensee as if a reference in those regulations to a licensee were a reference to a NOF licensee.
- (2) In the event of an inconsistency between a provision of this Plan and the *Fisheries Regulations 1992*, the provision of this Plan prevails to the extent of the inconsistency.

Note for clause 20

Regulation 5 of the Fisheries Regulations 1992 provides that the Regulations apply, extend to and are taken to apply to each Joint Authority fishery.

21 Applications for exemption or approval

- (1) An application to the Joint Authority for an exemption or an approval under this Plan must be made in the approved form.
- (2) After considering an application and any criteria under this Plan applicable to the application, the Joint Authority must:
 - (a) approve the application, with or without conditions; or
 - (b) refuse to approve the application.
- (3) The Joint Authority must give the applicant written notice of the decision.
- (4) If the Joint Authority approves an application for an exemption or an approval, the notice must specify the following:
 - (a) the date the exemption or approval takes effect;

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- (b) the vessel, fishing gear, thing or matter for which the exemption or approval is given;
- (c) any conditions to which the exemption or approval is subject.
- (5) The Joint Authority may, by written notice, revoke an exemption or approval given under this Plan if satisfied that a condition on the exemption or approval is contravened.

22 Offence of contravening a condition of exemption or approval

- (1) A person commits an offence if:
 - (a) the person is given an exemption or approval by the Joint Authority under this Plan; and
 - (b) the exemption or approval is given subject to a condition; and
 - (c) the person contravenes the condition.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

Part 3 Fishing operations generally

Division 1 Vessels and NOF licences

23 One vessel per NOF licence per voyage

Fishing operations must not be conducted in the Fishery under a NOF licence with more than one vessel, unless the vessels' voyages occur at different times.

24 Offence of fishing with multiple vessels

- (1) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the person intentionally starts a voyage; and
 - (c) the voyage is on a vessel operating under a NOF licence; and
 - (d) at any time during the vessel's voyage, another vessel is also on a voyage under the same NOF licence.

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a), (c) and (d).

25 One licence per voyage

- (1) Subject to subclause (2), fishing operations must not be conducted under a NOF licence and any other licence using a single vessel during the same voyage.
- (2) The Joint Authority may, on application, give the person in charge of fishing operations under a NOF licence an exemption from the requirements of subclause (1).

26 Offence of fishing under multiple licences

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the person intentionally conducts fishing operations during a voyage of a vessel; and
 - (c) fishing operations are conducted under the NOF licence and another licence from the vessel during the voyage; and
 - (d) an exemption under clause 25(2) has not been given.

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a), (c) and (d).

27 Fishing in multiple management zones

Fishing operations must not be conducted under a NOF licence in more than one management zone during a single voyage unless:

- (a) the notice required under clause 29(3) is given before the vessel enters a second or subsequent management zone; and
- (b) the record required under clause 31 is given in relation to fish taken from each management zone.

28 Offence of fishing in multiple management zones without notice

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and

Part 3 Fishing operations generally
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- (b) fishing operations are conducted in more than one management zone from a vessel operating under the NOF licence during a single voyage; and
- (c) one or more of the following circumstances exist:
 - (i) the notice required under clause 29(3) is not given before the vessel enters a second or subsequent management zone;
 - (ii) the record required under clause 31 is not given in relation to fish taken from a management zone.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

Division 2 Notices and records

29 Notice of voyage or entry into management zone

- (1) The person in charge of fishing operations under a NOF licence must give notice to the Joint Authority before starting a voyage during which fishing operations will be conducted under the NOF licence.
- (2) The notice must be given between 1 and 12 hours before the start of the voyage and include the following information:
 - (a) the name of the person in charge;
 - (b) the NOF licence details;
 - (c) the name of the vessel;
 - (d) the place of departure;
 - (e) the date and time of departure;
 - (f) the estimated duration of the voyage;
 - (g) the ordinal number of the voyage in that licensing year;
 - (h) the management zone or zones to be fished;
 - (i) the type of fishing gear to be used;
 - (j) whether the NOF licence has attached to it the minimum number of unused quota units required under clause 49;

- (k) any other information about the voyage required by the Joint Authority.
- (3) If, during the voyage, fishing operations will be conducted in more than one management zone, the person in charge of fishing operations must also give notice to the Joint Authority before entering a second or subsequent management zone.
- (4) The notice must be given between 1 and 12 hours before entering the second or subsequent management zone and include the following information:
 - (a) the name of the person in charge;
 - (b) the NOF licence details;
 - (c) the name of the vessel;
 - (d) the current location of the vessel;
 - (e) the management zone to be entered;
 - (f) the estimated time of entry;
 - (g) the estimated date and time of exit;
 - (h) the type of fishing gear to be used in the management zone;
 - (i) the estimated weight of each species group on board the vessel taken from the management zone the vessel is in at the time of the notice;
 - (j) whether the NOF licence has attached to it the minimum number of unused quota units required under clause 49;
 - (k) any other information required by the Joint Authority.
- (5) Notice under subclause (1) or (3) may be given:
 - (a) by submitting the required information in a digital form approved by the Joint Authority; or
 - (b) to the Joint Authority orally.

30 Landing notice

- (1) The person in charge of fishing operations under a NOF licence must give notice to the Joint Authority before landing a vessel after a voyage during which fishing operations were conducted under the NOF licence.

- (2) The notice must be given between 12 and 24 hours before landing.
- (3) The notice must include the following information:
 - (a) the name of the person in charge;
 - (b) the NOF licence details;
 - (c) the name of the vessel;
 - (d) the date and time the vessel is estimated to land;
 - (e) the place where the vessel will land;
 - (f) any other information about the voyage required by the Joint Authority.
- (4) The notice may be given:
 - (a) by submitting the required information in a digital form approved by the Joint Authority; or
 - (b) to the Joint Authority orally.
- (5) The notice must be given whether or not fish were taken during the voyage.

31 Catch and disposal record

- (1) The person in charge of fishing operations under a NOF licence must make a record for the Joint Authority regarding the fish taken under the NOF licence during a voyage within 1 hour after unloading the fish.
- (2) The record must be in the approved form and include the following information:
 - (a) the weight of each species group taken in a management zone;
 - (b) the place where the fish were unloaded;
 - (c) the date and time of unloading;
 - (d) the place to which the fish will be moved;
 - (e) the name of the person who will transport the fish;
 - (f) the name of the person who will receive or purchase the fish;
 - (g) any other information required by the Joint Authority.

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Division 1 Fishing gear generally

- (3) A separate record must be made for each management zone.
- (4) A copy of the record must be given to the Joint Authority within 24 hours after delivery of the fish to the receiver or purchaser.

32 Offence of failing to give notice or record

- (1) A person commits an offence if the person:
 - (a) is the person in charge of fishing operations under a NOF licence; and
 - (b) fails to give the Joint Authority a notice or record in accordance with clause 29(1), 30 or 31.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

33 Record of quota units

A NOF licensee must, during each licensing year, keep a current record of:

- (a) the quota units allocated to the NOF licence for that licensing year; and
- (b) the quota units used in that licensing year under the NOF licence.

Part 4 Fishing gear

Note for Part 4

Part 4 of the Fisheries Regulations 1992 also regulates the possession and use of fishing gear.

Division 1 Fishing gear generally

34 Authorised fishing gear

Subject to this Part, only the following fishing gear may be used to take fish under a NOF licence:

- (a) cast nets;
- (b) drop lines;
- (c) finfish long-lines;
- (d) finfish trawl gear;

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- (e) fish-traps;
- (f) gaffs;
- (g) restricted bait nets;
- (h) scoop nets;
- (i) vertical lines.

Note for clause 34

The provisions in Part 4 of the Fisheries Regulations 1992 relating to the possession and use of fishing gear apply to fishing gear used under a NOF licence, except to the extent of any inconsistency – see clause 20.

35 Offence of having prohibited fishing gear on vessel

- (1) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fish are taken under the NOF licence from a vessel; and
 - (c) gear, other than the gear mentioned in clause 34, is on board the vessel when the fish are taken.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

36 Proper use of nets

- (1) A restricted bait net must not be left unattended while it is in use under a NOF licence.
- (2) A cast net or restricted bait net must not be used to take fish under a NOF licence, unless the fish or aquatic life taken with the net are to be used as bait under the NOF licence.

37 Offence of improper use of nets

- (1) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) a restricted bait net is used under the NOF licence; and

(c) the net is left unattended contrary to clause 36(1).

Maximum penalty: 100 penalty units.

(2) A person commits an offence if:

(a) the person is the person in charge of fishing operations under a NOF licence; and

(b) a cast net or restricted bait net is used under the NOF licence; and

(c) the net is used contrary to clause 36(2).

Maximum penalty: 100 penalty units.

(3) An offence against subclause (1) or (2) is an offence of strict liability.

Division 2 Finfish trawl gear

38 Approval to use finfish trawl gear

(1) Finfish trawl gear may be used under a NOF licence only with the approval of the Joint Authority.

(2) A NOF licensee may apply to the Joint Authority for approval to use finfish trawl gear under the NOF licence during a licensing year if the licence has at least the following number of quota units attached for all three species groups:

(a) 20 000 quota units for goldband snapper;

(b) 400 000 quota units for red snapper;

(c) 100 000 quota units for grouped fish.

(3) If the Joint Authority approves an application made under subclause (2), the Joint Authority must specify in the approval the measures that are to be undertaken by the person in charge of fishing operations under the NOF licence for:

(a) fitting to the finfish trawl gear a device to reduce the taking of by-catch species in the gear; and

(b) maintaining the device.

39 Restrictions on having finfish trawl gear on vessel

Finfish trawl gear must not be on a vessel while the vessel is being used to conduct fishing operations under a NOF licence unless:

- (a) the Joint Authority has given approval for the gear to be used under the licence; and
- (b) the vessel has no drop lines, finfish long-lines, fish-traps or vertical lines on board.

40 Offences relating to using, or having on board, finfish trawl gear

(1) A person commits an offence if:

- (a) the person is the person in charge of fishing operations under a NOF licence; and
- (b) the person intentionally conducts fishing operations under the NOF licence from a vessel; and
- (c) the Joint Authority has not approved the use of finfish trawl gear under the NOF licence; and
- (d) finfish trawl gear is on board the vessel or used during the fishing operations.

Maximum penalty: 170 penalty units.

(2) Strict liability applies to subclause (1)(a), (c) and (d).

(3) A person commits an offence if:

- (a) the person is the person in charge of fishing operations under a NOF licence; and
- (b) finfish trawl gear is kept or used on a vessel while the vessel is being used to conduct fishing operations under the NOF licence; and
- (c) drop lines, finfish long-lines, fish-traps or vertical lines are also on board the vessel.

Maximum penalty: 100 penalty units.

(4) An offence against subclause (3) is an offence of strict liability.

41 By-catch reduction measures

A person using finfish trawl gear under a NOF licence must, in accordance with the measures specified by the Joint Authority in the approval to use the gear:

- (a) fit to the gear a device to reduce the taking of by-catch species in the gear; and
- (b) maintain the device.

42 Offence of contravening by-catch reduction measures

(1) A person commits an offence if:

- (a) the person is the person in charge of fishing operations under a NOF licence; and
- (b) the person intentionally conducts fishing operations under the licence; and
- (c) finfish trawl gear is used during the fishing operations; and
- (d) a device to reduce the taking of by-catch species in the finfish trawl gear was not fitted or maintained in accordance with the measures specified by the Joint Authority in the approval to use the gear.

Maximum penalty: 170 penalty units.

(2) Strict liability applies to subclause (1)(a), (c) and (d).

43 Prohibition on use of finfish trawl gear in certain areas of Fishery

Finfish trawl gear must not be used under a NOF licence in the following areas within the Fishery:

- (a) all waters within 20 nautical miles of the low water mark;
- (b) all waters within the Joseph Bonaparte Gulf management zone other than the Joseph Bonaparte Gulf Trawl Area specified in Schedule 2, item 1;
- (c) all waters within the Timor Trawl Exclusion Area specified in Schedule 2, item 2.

44 Offence of contravening prohibition on use of finfish trawl gear

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the person intentionally conducts fishing operations under the licence; and
 - (c) finfish trawl gear is used during the fishing operations; and
 - (d) the fishing operations are conducted in an area in which finfish trawl gear is not permitted to be used under clause 43.

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a), (c) and (d).

45 Minimum speed for finfish trawling

- (1) Subject to subclauses (3) and (4), a vessel operating under a NOF licence with finfish trawl gear on board must not travel at a speed less than 5 knots in an area in which finfish trawl gear is not permitted to be used under clause 43.
- (2) For subclause (1), a vessel's speed must be calculated as follows:
- (a) determine the shortest distance between two consecutive points of location identified by the vessel monitoring system during a voyage;
 - (b) divide that distance by the time taken by the vessel to travel between the two points.

Note for subclause (2)

The vessel monitoring system will identify points of location on a map by GPS coordinates at regular intervals, which are used to calculate the vessel's speed.

- (3) A vessel may travel at less than 5 knots if the vessel:
- (a) is decelerating immediately before, or accelerating immediately after, being stationary; or
 - (b) is being operated in accordance with a written exemption given by the Joint Authority under subclause (4).
- (4) The Joint Authority may, on application, give the person in charge of fishing operations under a NOF licence an exemption from the requirements of subclause (1).

46 Offence of breaching minimum speed for finfish trawling

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the person starts a voyage on a vessel operating under the NOF licence; and
 - (c) finfish trawl gear is on board the vessel; and
 - (d) the vessel travels at a speed less than 5 knots contrary to clause 45(1); and
 - (e) a circumstance specified in clause 45(3) does not apply.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

47 Fishing monitoring equipment for finfish trawling and long-line fishing

- (1) Fishing monitoring equipment must be installed, in accordance with specifications approved by the Joint Authority, on a vessel on which finfish trawl gear or a finfish long-line is used or kept under a NOF licence.
- (2) The person in charge of fishing operations under the NOF licence must:
- (a) maintain the fishing monitoring equipment in accordance with specifications approved by the Joint Authority; and
 - (b) ensure that the fishing monitoring equipment is operating at all times while the vessel is being used to conduct fishing operations under the NOF licence; and
 - (c) ensure that the information the fishing monitoring equipment records is:
 - (i) complete and accurate, with no missing, edited or corrupt data; and
 - (ii) identified by the date and time it is recorded; and
 - (iii) stored on a suitable and secure data storage device; and
 - (iv) kept for at least 6 months; and

- (d) give the Joint Authority the information recorded by the fishing monitoring equipment within 10 business days after receiving a written request for the information from the Joint Authority.
- (3) If the fishing monitoring equipment fails for any reason to perform in accordance with the specifications approved by the Joint Authority during a voyage, the person in charge of fishing operations under the NOF licence must:
 - (a) immediately notify the Joint Authority of the failure; and
 - (b) discontinue fishing on that voyage, unless the Joint Authority gives a written exemption.
- (4) After being notified under subclause (3)(a), the Joint Authority may give the person in charge an exemption, with or without conditions, to continue fishing without operating fishing monitoring equipment.

48 Offences relating to fishing monitoring equipment

- (1) A person commits an offence if:
 - (a) the person is a NOF licensee; and
 - (b) fishing operations are conducted from a vessel under the NOF licence; and
 - (c) finfish trawl gear or a finfish long-line is used in the operations or is on board the vessel; and
 - (d) the person intentionally fails to install fishing monitoring equipment on the vessel in accordance with the specifications approved by the Joint Authority.

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a), (b) and (c).
- (3) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fishing monitoring equipment has been installed on a vessel used for fishing operations under the NOF licence; and
 - (c) finfish trawl gear or a finfish long-line is used on the vessel; and

- (d) the person fails to maintain the fishing monitoring equipment on the vessel in accordance with the approved specifications.

Maximum penalty: 100 penalty units.

- (4) A person commits an offence if:

- (a) the person is the person in charge of fishing operations under a NOF licence; and
- (b) fishing operations are conducted under the licence from a vessel on which fishing monitoring equipment has been installed; and
- (c) the fishing monitoring equipment is not operating on the vessel; and
- (d) an exemption has not been given under clause 47(4).

Maximum penalty: 100 penalty units.

- (5) A person commits an offence if the person:

- (a) is the person in charge of fishing operations under a NOF licence; and
- (b) receives a request for information under clause 47(2)(d); and
- (c) fails to give the Joint Authority the information within 10 business days after receiving the request.

Maximum penalty: 100 penalty units.

- (6) A person commits an offence if the person:

- (a) is the person in charge of fishing operations under a NOF licence; and
- (b) fails to notify the Joint Authority of a failure of fishing monitoring equipment contrary to clause 47(4)(a).

Maximum penalty: 100 penalty units.

- (7) A person commits an offence if the person obstructs or interferes with the operation of fishing monitoring equipment on a vessel.

Maximum penalty: 100 penalty units.

- (8) An offence against subclause (3), (4), (5), (6) or (7) is an offence of strict liability.

Part 5 Operating under quota management
Division 1 Minimum quota units

Part 5 Operating under quota management

Division 1 Minimum quota units

49 Minimum quota units for voyage

- (1) When the person in charge of fishing operations under a NOF licence starts a voyage under the NOF licence, or enters a second or subsequent management zone during a voyage under the NOF licence, the NOF licence must have attached to it the minimum number of unused quota units required under this clause.
- (2) If drop lines or vertical lines will be used during the voyage, the minimum number of unused quota units required is:
 - (a) 5 350 quota units for goldband snapper; and
 - (b) 4 900 quota units for red snapper; and
 - (c) 650 quota units for grouped fish.
- (3) If fish-traps or a finfish long-line will be used during the voyage, the minimum number of unused quota units required is:
 - (a) 10 700 quota units for goldband snapper; and
 - (b) 9 800 quota units for red snapper; and
 - (c) 1 300 quota units for grouped fish.
- (4) If finfish trawl gear will be used during the voyage, the minimum number of unused quota units required is:
 - (a) 2 100 quota units for goldband snapper; and
 - (b) 39 150 quota units for red snapper; and
 - (c) 10 950 quota units for grouped fish.

50 Offence of failing to hold minimum quota units

- (1) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the person starts a voyage under the licence or enters a second or subsequent management zone during a voyage under the licence; and

- Maximum penalty: 100 penalty units.

- ## Division 2 Overcatch

A person taking fish under a NOF licence in a management zone must not take an amount of fish of a species group in excess of the value of the unused quota units attached to the NOF licence for that species group and management zone.

- (1) A NOF licensee is liable to pay an overcatch fee if, at any time during the licensing year, an amount of fish (the **overcatch**) of a species group is taken in a management zone under the NOF licence in excess of the value of the unused quota units for that species group in that management zone attached to the licence.
- (2) The Joint Authority may, by *Gazette* notice, determine the amount of the overcatch fee payable for each kilogram of overcatch.

- (1) After becoming aware of an overcatch under a NOF licence, the Joint Authority may give the NOF licensee a written notice (the ***overcatch notice***):
 - (a) specifying the amount and other particulars of the overcatch; and
 - (b) requiring the NOF licensee to arrange for unused quota units for the amount, species group and management zone specified in the notice, which must reflect the overcatch, to be transferred to the licence.
- (2) The overcatch notice, or a later notice given to the NOF licensee by the Joint Authority, may also require the licensee to pay a specified amount as the overcatch fee.

Part 5 Operating under quota management
Division 2 Overcatch

- (3) If given an overcatch notice, a NOF licensee must:
- (a) arrange for unused quota units for the amount, species group and management zone specified in the notice to be transferred to the NOF licence within 7 days of receipt of the notice; and
 - (b) if the notice requires the payment of the overcatch fee – pay the amount specified as the overcatch fee within 30 days of receipt of the notice.
- (4) If given a later notice that requires payment of the overcatch fee, a NOF licensee must pay the amount specified as the overcatch fee within 30 days of receipt of the notice.
- (5) Subject to subclause (6), a person must not take any fish under a NOF licence if:
- (a) payment of an overcatch fee is overdue; or
 - (b) the unused quota units have not been transferred to the licence as required by subclause (3)(a).
- (6) The Joint Authority may exempt persons taking fish under a NOF licence from the prohibition in clause (5) for failure to arrange the transfer of unused quota units if:
- (a) the NOF licensee satisfies the Joint Authority that reasonable efforts were made to arrange the transfer of the unused quota units within the 7 day period; and
 - (b) the NOF licensee pays an additional fee equal to 1.5 times the overcatch fee.

Example for clause (6)

This exemption may be granted if no unused quota units are available from other NOF licensees.

- (7) Quota units that are transferred to a NOF licence to comply with an overcatch notice are taken to be used as soon as the units are attached to the NOF licence.

54 Offence of fishing after exceeding quota units

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and

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Division 1 Vessel operations

- (b) the NOF licensee was given a notice under clause 52(1) or (2) requiring the payment of an overcatch fee; and
- (c) the fee payable under the notice is overdue; and
- (d) the person takes fish under the licence.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.
- (3) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the NOF licensee was given a notice under clause 52(1); and
 - (c) the quota units specified in the notice are not transferred to the licence; and
 - (d) the person intentionally takes fish under the licence; and
 - (e) an exemption has not been given under clause 53(6).

Maximum penalty: 170 penalty units.

- (4) Strict liability applies to subclause (3)(a), (b), (c) and (e).

Part 6 Other operating requirements

Division 1 Vessel operations

55 Vessel monitoring system

- (1) A NOF licensee must install, in accordance with the manufacturer's instructions, a vessel monitoring system on a vessel used for fishing under the NOF licence.
- (2) The person in charge of fishing operations under a NOF licence must maintain the vessel monitoring system in accordance with the manufacturer's instructions.
- (3) The person in charge of fishing operations under a NOF licence must keep the vessel monitoring system operating at all times while fishing from the vessel under a NOF licence, unless the person in charge has a written exemption from the Joint Authority.

- (4) The Joint Authority may, on application, give the person in charge of fishing operations under a NOF licence an exemption from the requirements of subclause (3) if satisfied there are exceptional circumstances justifying it.
- (5) If the vessel monitoring system fails for any reason to perform during a voyage under a NOF licence, the person in charge of fishing operations under the NOF licence must:
 - (a) immediately notify the Joint Authority of the failure and the vessel's location; and
 - (b) discontinue fishing on that voyage, unless the Joint Authority gives a written exemption under subclause (6).
- (6) After being notified under subclause (5)(a), the Joint Authority may give the person in charge an exemption to continue fishing without an operating vessel monitoring system on condition that the person in charge report on the vessel's location at least every 4 hours, or as otherwise directed by the Joint Authority, until the vessel monitoring system is operational or the vessel has returned to port.

56 Offences relating to vessel monitoring system

- (1) A person commits an offence if:
 - (a) the person is a NOF licensee; and
 - (b) the person intentionally fails to install, in accordance with the manufacturer's instructions, a vessel monitoring system on a vessel used for fishing under the NOF licence.

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a).
- (3) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fishing operations are conducted on a vessel operating under the NOF licence; and
 - (c) the person failed to maintain the vessel monitoring equipment on the vessel in accordance with the manufacturer's instructions.

Maximum penalty: 100 penalty units.

- (4) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fishing operations under the licence are conducted from a vessel; and
 - (c) the vessel monitoring system is not operating on the vessel; and
 - (d) an exemption has not been given under clause 55(4).

Maximum penalty: 100 penalty units.

- (5) A person commits an offence if the person obstructs or interferes with the operation of the vessel monitoring system on a vessel operating under a NOF licence.

Maximum penalty: 100 penalty units.

- (6) An offence against subclause (3), (4) or (5) is an offence of strict liability.

57 No fish on vessel at start of voyage

- (1) The person in charge of fishing operations under a NOF licence must not start a voyage under the NOF licence with the following on board the vessel:
- (a) any amount of any fish intended for sale;
 - (b) more than 100 kg of any fish not intended for sale, other than bait.
- (2) Despite subclause (1), the person in charge of fishing operations under a NOF licence may have fish on board in accordance with an exemption given by the Joint Authority.
- (3) The Joint Authority may, on application, give the person in charge of fishing operations under a NOF licence an exemption from the requirements of subclause (1) if satisfied there are exceptional circumstances justifying it.

58 Offence of having fish on board at start of voyage

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and

Part 6 Other operating requirements
Division 2 Fishing operations

(b) the person starts a voyage under the NOF licence with fish on board the vessel contrary to clause 57(1); and

(c) an exemption was not given under clause 57(3).

Maximum penalty: 100 penalty units.

(2) An offence against subclause (1) is an offence of strict liability.

Division 2 Fishing operations

59 Prohibited fish

(1) Subject to subclause (2), the following fish must not be taken under a NOF licence:

(a) barramundi;

(b) king threadfin;

(c) mud crab;

(d) shark;

(e) Spanish mackerel.

(2) The person in charge of fishing operations under a NOF licence, when using finfish trawl gear, may take up to 50 Spanish mackerel per voyage.

60 Offence of taking prohibited fish

(1) A person commits an offence if:

(a) the person is the person in charge of fishing operations under a NOF licence; and

(b) fishing operations are being conducted under the NOF licence; and

(b) fish are taken in contravention of clause 59.

Maximum penalty: 100 penalty units.

(2) An offence against subclause (1) is an offence of strict liability.

61 Fish not to be moved between vessels

(1) Fish taken under a NOF licence must not be moved from one vessel to another vessel, without the approval of the Joint Authority.

- (2) The Joint Authority may, on application, give a NOF licensee written approval for fish taken under the NOF licence to be moved from one vessel to another vessel.

62 Offence of moving fish between vessels

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fish are taken under the NOF licence; and
 - (c) the person intentionally moves the fish, or allows the fish to be moved, from the vessel into which the fish were taken to another vessel; and
 - (d) an approval to move the fish was not given under clause 61(2).

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a) and (c).

63 No processing on board

- (1) Fish taken under a NOF licence must not be processed before the fish is unloaded from the vessel into which the fish was taken, without the approval of the Joint Authority.
- (2) The Joint Authority may, on application, give a NOF licensee written approval for fish taken under a NOF licence to be processed before the fish is unloaded from the vessel.
- (3) Despite subclause (1), the fish may be preserved by cooling on board the vessel.

64 Offence of processing before unloading

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fish taken under the NOF licence are on board a vessel; and
 - (c) the person intentionally processes the fish, or allows the fish to be processed, other than by cooling; and

- (d) an approval to process the fish was not given under clause 63(2).

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a) and (c).

65 Places to unload fish

- (1) Fish taken under a NOF licence must not be unloaded in any place other than:
- (a) the Darwin port; or
 - (b) the Gove port; or
 - (c) any other place for which the Joint Authority gives written approval to the person in charge of fishing operations under a NOF licence.
- (2) The Joint Authority may give written approval to the person in charge of fishing operations under a NOF licence for fish to be unloaded in a specified place outside the Darwin port or Gove port.

66 Offence of unloading fish in unauthorised place

- (1) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) the person intentionally unloads fish from a vessel or allows fish to be unloaded from a vessel; and
 - (c) the fish were taken under the NOF licence; and
 - (d) the fish are unloaded in a place other than a place specified in clause 65(1).

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(b) and (c).

67 Weighing fish

- (1) The person in charge of fishing operations under a NOF licence must weigh fish taken under the NOF licence during a voyage immediately after unloading the fish from the vessel.

- (2) The fish must be weighed using scales that:
 - (a) are of a size appropriate for the amount of fish to be weighed; and
 - (b) are calibrated in accordance with subclause (3) immediately before the fish are weighed.
- (3) The scales must be calibrated by using a weight:
 - (a) that is appropriate for the size of the scales; and
 - (b) that has been verified under the *National Measurement Act 1960* (Cth); and
 - (c) for which a certificate of verification under the *National Measurement Act 1960* (Cth) is held by the NOF licensee.
- (4) A Fisheries Officer may request a NOF licensee to produce to the Officer the certificate of verification referred to in subclause (3)(c).
- (5) A NOF licensee must produce the certificate of verification within 7 days after receiving the request.

68 Offences relating to weighing fish

- (1) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fish taken under the NOF licence during a voyage are unloaded from the vessel; and
 - (c) the person intentionally fails to ensure the fish are weighed immediately.

Maximum penalty: 170 penalty units.

- (2) Strict liability applies to subclause (1)(a) and (b).

- (3) A person commits an offence if:
 - (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) fish taken under the NOF licence are not weighed with scales sized and calibrated as mentioned in clause 67(2).

Maximum penalty: 100 penalty units.

Part 6 Other operating requirements
Division 3 Compliance monitoring

- (4) A person commits an offence if:
- (a) the person is a NOF licensee; and
 - (b) the person fails, on request, to produce to a Fisheries Officer a certificate of verification as required under clause 67(5).

Maximum penalty: 100 penalty units.

- (5) An offence against subclause (3) or (4) is an offence of strict liability.

69 To whom fish may be sold

Fish taken under a NOF licence may be sold by the NOF licensee or a person authorised by the NOF licensee only to a person who holds a Fish Broker licence, Fish Retailer licence or Fish Trader/Processor licence.

70 Offence of selling fish to person with no licence

- (1) A person commits an offence if:
- (a) the person is a NOF licensee or a person authorised by a NOF licensee to sell fish taken under the NOF licence; and
 - (b) the person sells fish taken under the NOF licence to a person who does not hold one of the following licences:
 - (i) Fish Broker licence;
 - (ii) Fish Retailer licence;
 - (iii) Fish Trader/Processor licence.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

Division 3 Compliance monitoring

71 Compulsory monitoring on notice

- (1) The Joint Authority may, by written notice to a NOF licensee, require a vessel operating under the NOF licence to be monitored.
- (2) The Joint Authority, in the notice, may require that either:
 - (a) fishing monitoring equipment be installed and operated on the vessel; or

- (b) a fishery observer be carried on board the vessel.
- (3) The notice must specify the following:
 - (a) the specific details of the required equipment or fishery observer;
 - (b) the specific voyage or period of time during which the monitoring is required;
 - (c) any conditions attached to the monitoring;
 - (d) any other particulars required by the Joint Authority.
- (4) The notice cannot require the payment of a fee in relation to the monitoring.
- (5) The NOF licensee and the person in charge of fishing operations under the NOF licence must comply with a notice given under subclause (1).

72 Offence of failing to monitor

- (1) A person commits an offence if:
 - (a) a NOF licensee receives a notice under clause 71; and
 - (b) the person is the NOF licensee or the person in charge of fishing operations under the NOF licence; and
 - (c) the person fails to comply with the notice.

Maximum penalty: 100 penalty units.

- (2) An offence against subclause (1) is an offence of strict liability.

73 Compulsory monitoring after offence

- (1) The Joint Authority may, by written notice to a NOF licensee, require a vessel operating under the NOF licence to be monitored if the NOF licensee or the person in charge of fishing operations under the NOF licence:
 - (a) is found guilty of an offence against this Plan; or
 - (b) is given an infringement notice for an offence against this Plan that includes a warning of the power to require monitoring under this clause and pays the penalty amount indicated in the notice.

- (2) The Joint Authority may, in the notice, require that either:
 - (a) fishing monitoring equipment be installed and operated for 10 months on the vessel; or
 - (b) a fishery observer be carried on board the vessel for at least 7 days.
- (3) The notice must specify the following:
 - (a) the specific details of the required equipment or fishery observer;
 - (b) any conditions attached to the monitoring;
 - (c) any other particulars required by the Joint Authority.
- (4) In deciding whether to give a notice, the Joint Authority must take into account the following:
 - (a) the nature and seriousness of the offence committed or alleged to have been committed;
 - (b) whether the NOF licensee or person in charge was previously found guilty of, or given an infringement notice for, any offence related to fishing;
 - (c) any other matter the Joint Authority considers relevant.

74 Compliance with compulsory monitoring notice

- (1) If a notice containing a requirement mentioned in clause 73(2)(a) is given to a NOF licensee:
 - (a) the NOF licensee must, within 60 days after receiving the notice, install fishing monitoring equipment in accordance with the notice; and
 - (b) the person in charge of fishing operations under the NOF licence must operate the fishing monitoring equipment for 10 months starting on the 60th day after receiving the notice; and
 - (c) the NOF licensee must pay a fee for data analysis of 100 revenue units per day of fishing under the NOF licence during the 10 month monitoring period, payable within 14 days of the end of each voyage.

- (2) If a notice containing a requirement mentioned in clause 73(2)(b) is given to a NOF licensee:
- (a) the person in charge of fishing operations under the NOF licence must:
 - (i) carry the person specified in the notice on board any vessel fishing under the NOF licence for at least 7 days; and
 - (ii) permit the person to act as a fishery observer while on board a vessel; and
 - (b) the NOF licensee must pay a fee of 700 revenue units per day while the fishery observer is on board the vessel, payable within 14 days after the last day the observer was on board.

75 Offence of failing to monitor after offence

- (1) A person commits an offence if:
- (a) the person is a NOF licensee; and
 - (b) a notice is given to the person under clause 73(1); and
 - (c) the notice requires the installation of fishing monitoring equipment on a vessel; and
 - (d) the person intentionally fails to comply with clause 74(1)(a).

Maximum penalty: 170 penalty units.

- (2) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and
 - (b) a notice is given to the NOF licensee under clause 73(1); and
 - (c) the notice requires the operation of fishing monitoring equipment on a vessel; and
 - (d) the person intentionally fails to comply with clause 74(1)(b).

Maximum penalty: 170 penalty units.

- (3) A person commits an offence if:
- (a) the person is the person in charge of fishing operations under a NOF licence; and

Part 7 General matters

- (b) a notice is given to the NOF licensee under clause 73(1); and
- (c) the notice requires a fishery observer to be carried on board the vessel; and
- (d) the person intentionally fails to comply with clause 74(2)(a).

Maximum penalty: 170 penalty units.

- (4) Strict liability applies to subclauses (1)(a), (b) and (c), (2)(a), (b) and (c) and (3)(a), (b) and (c).

Part 7 General matters

76 Defence to prosecution

It is a defence to a prosecution for an offence against a provision of this Plan if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

77 Approved forms

The Joint Authority may approve:

- (a) forms for this Plan; and
- (b) digital forms for giving notices under this Plan.

78 Determination of mesh size

To determine the mesh size of finfish trawl gear, the following method is to be used:

- (a) immediately before the measurement is taken, the part of the net to be measured is to be soaked in fresh or salt water for not less than 5 minutes;
- (b) the part of the net to be measured is to be suspended vertically;
- (c) the distance between the surface of a knot and the surface of the opposite knot in the same mesh or, in the case of a mesh without knots, the opposite corners of a mesh is to be measured by means of a device which has 2 arms, the upper of which is fixed and the lower of which:
 - (i) is capable of moving freely in relation to the upper; and
 - (ii) has a weight of 3 170 grams acting on it;

Part 8

Transitional matters for Northern Offshore Fishery Management Plan 2023

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- (d) the device is to be graduated so that the distance between the upper and lower arms of the device can be ascertained to the nearest millimetre;
 - (e) the device is to be suspended so that the upper arm is in contact with the top of the mesh being measured and the lower arm is free to move, allowing the weight acting on the lower arm to pull the mesh taut;
 - (f) the measurement of the mesh is to be taken to be the average measurement of 10 meshes at least 30 cm from each other.

Part 8 Transitional matters for Northern Offshore Fishery Management Plan 2023

79 Definitions

In this Part:

commencement means the commencement of clause 2.

Demersal Fishery means the fishery declared under regulation 102 of the *Fisheries Regulations 1992* as in force immediately before the commencement.

Demersal Fishery licence means a licence granted under regulation 105 of the *Fisheries Regulations 1992* as in force immediately before the commencement.

Timor Reef Fishery means the fishery declared under regulation 141B of the *Fisheries Regulations 1992* as in force immediately before the commencement.

Timor Reef Fishery licence means a licence granted under regulation 141E of the *Fisheries Regulations 1992* as in force immediately before the commencement.

80 Grant of NOF licenses to holders of Demersal Fishery licences and Timor Reef Fishery licences

- (1) A person who, immediately before the commencement, holds one or more Demersal Fishery licences or Timor Reef Fishery licences may apply to the Joint Authority for the grant of the same number of NOF licences.
- (2) Subject to subclause (3), the Joint Authority must grant the person the same number of NOF licences as the number of Demersal Fishery licences and Timor Reef Fishery licences held by the person immediately before the commencement.

- (3) A person who applies under subclause (1) after **[date to be determined]** is not entitled to:
- (a) the grant of a NOF licence under subclause (2); or
 - (b) the allocation of fishery units under clause 82 or 83.

81 Revocation of Demersal Fishery licences and Timor Reef Fishery licences

All Demersal Fishery licences and Timor Reef Fishery licences are revoked on the commencement.

82 Allocation for fishery units previously held in Demersal Fishery

- (1) The Joint Authority must allocate fishery units in each of the Arafura, Gulf of Carpentaria and Joseph Bonaparte Gulf management zones to a NOF licence if:
 - (a) an application for the licence is made under clause 80 before **[date to be determined]**; and
 - (b) immediately before the commencement the applicant held a Demersal Fishery licence to which fishery units were attached.
- (2) The number of fishery units allocated under this clause for each species group in each management zone must be proportional to the share of the total number of fishery units in the Demersal Fishery that were attached to the Demersal Fishery licence for that species group immediately before the commencement.

Example for clause 82

Immediately before the commencement a person held a Demersal Fishery licence with 20 000 fishery units for goldband snapper attached. The total number of fishery units for goldband snapper in the Demersal Fishery was 400 000. Because the person held 5% of the fishery units for goldband snapper, the person would be allocated 5% of the fishery units for goldband snapper in each of the Arafura, Gulf of Carpentaria and Joseph Bonaparte Gulf management zones.

83 Allocation for fishery units previously held in Timor Reef Fishery

- (1) The Joint Authority must allocate fishery units in the Timor management zone to a NOF licence if:
 - (a) an application for the licence is made under clause 80 before **[date to be determined]**; and

-
- (b) immediately before the commencement the applicant held a Timor Reef Fishery licence to which fishery units were attached.
 - (2) The number of fishery units allocated under this clause for each species group in the Timor management zone is equal to number of fishery units in the Timor Reef Fishery that were attached to the Timor Reef Fishery licence for that species group immediately before the commencement.

Example for clause 83

Immediately before the commencement, a person held a Timor Reef Fishery licence with 100 fishery units for red snapper attached. The person's NOF licence would be allocated 100 fishery units for red snapper in the Timor management zone.

84 Allocation of fishery units to Territory

The Joint Authority must allocate to the Territory any fishery units in any management zone that are not allocated under clauses 82 and 83.

85 Allocation of initial quota units

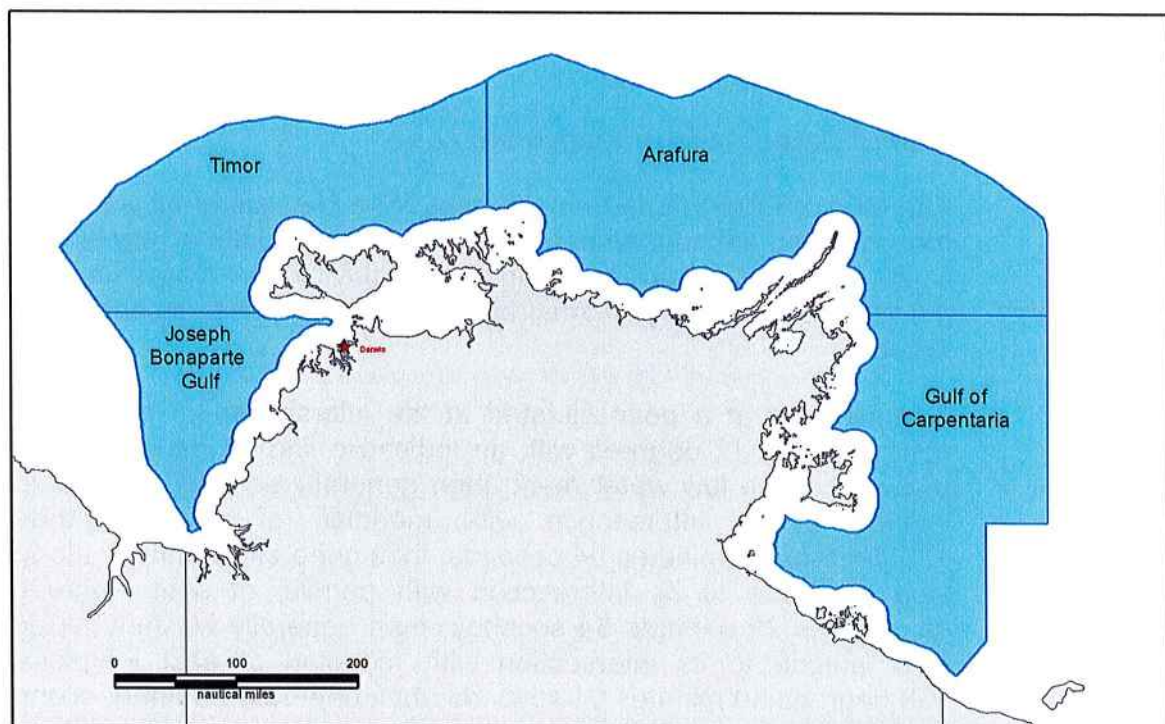
After allocating fishery units to a NOF licence under this Part, the Joint Authority must allocate quota units to the NOF licence in an amount equal to the number of fishery units attached to the licence but prorated to the portion of the licensing year remaining.

Schedule 1 Management zones

clause 11

1 Illustrative map

The following is an illustrative map of the area of the Northern Offshore Fishery and the 4 management zones.



2 Arafura management zone

The Arafura management zone consists of all waters in the adjacent area in respect of the Territory north of parallel of south latitude 12 degrees and east of meridian of east longitude 132 degrees 36 minutes being part of the Arafura Sea in the Northern Territory of Australia bounded by lines described as follows:

Commencing at a point situated at the intersection of meridian of east longitude 132 degrees 36 minutes with an indicative line 15 nautical miles seaward of the low water mark; then generally northerly by said longitude to its intersection with the Australian Fishing Zone boundary; then generally north-easterly, south-easterly, north-easterly and south-easterly by said boundary to its intersection with meridian of east longitude 139 degrees

Schedule 1 Management zones

12 minutes 04 seconds; then generally southerly to the intersection of parallel of south latitude 10 degrees 50 minutes 54 seconds with meridian of east longitude 139 degrees 12 minutes 34 seconds; then generally southerly to the intersection of parallel of south latitude 10 degrees 59 minutes 54 seconds with meridian of east longitude 139 degrees 15 minutes 04 seconds; then generally southerly by said longitude to its intersection with parallel of south latitude 12 degrees; then generally westerly by said latitude to its intersection with an indicative line 15 nautical miles seaward of the low water mark; then generally northerly, westerly, south-westerly, westerly, north-westerly and westerly by said indicative line to its point of commencement.

3 Gulf of Carpentaria management zone

The Gulf of Carpentaria management zone consists of all waters in the adjacent area in respect of the Territory south of parallel of south latitude 12 degrees being part of the Gulf of Carpentaria in the Northern Territory of Australia bounded by lines described as follows:

Commencing at a point situated at the intersection of parallel of south latitude 12 degrees with an indicative line 15 nautical miles seaward of the low water mark; then generally easterly along said latitude to its intersection with meridian of east longitude 139 degrees 15 minutes 04 seconds; then generally southerly along said longitude to its intersection with parallel of south latitude 14 degrees 29 minutes 54 seconds; then generally westerly along said latitude to its intersection with meridian of east longitude 138 degrees 30 minutes 04 seconds; then generally southerly along said longitude to the intersection of parallel of south latitude 15 degrees 54 minutes 54 seconds; then generally south-westerly on a bearing of about 218 degrees 47 minutes 30 seconds to its intersection with an indicative line 15 nautical miles seaward of the low water mark; then generally north-westerly, northerly, easterly and northerly by said indicative line to its point of commencement.

4 Joseph Bonaparte Gulf management zone

The Joseph Bonaparte Gulf management zone consists of all waters in the adjacent area in respect of the Territory south of parallel of south latitude 12 degrees being part of the Joseph Bonaparte Gulf in the Northern Territory of Australia bounded by lines described as follows:

Commencing at a point on the prolongation of the WA/NT border where it intersects an indicative line 15 nautical miles seaward from the low water mark; then generally north-westerly to the intersection of parallel of south latitude 14 degrees 19 minutes 24 seconds with

Schedule 1 Management zones

meridian of east longitude 128 degrees 53 minutes 04 seconds; then generally north-westerly to the intersection of parallel of south latitude 13 degrees 59 minutes 54 seconds with meridian of east longitude 128 degrees 42 minutes 19 seconds; then generally north-westerly to the intersection of parallel of south latitude 13 degrees 49 minutes 39 seconds with meridian of east longitude 128 degrees 33 minutes 19 seconds; then generally northerly to the intersection of parallel of south latitude 13 degrees 39 minutes 39 seconds with meridian of east longitude 128 degrees 30 minutes 49 seconds; then generally northerly to the intersection of parallel of south latitude 13 degrees 15 minutes 24 seconds with meridian of east longitude 128 degrees 28 minutes 04 seconds; then generally northerly by said longitude to its intersection with parallel of south latitude 12 degrees 55 minutes 24 seconds; then generally northerly to the intersection of parallel of south latitude 12 degrees 32 minutes 39 seconds with meridian of east longitude 128 degrees 24 minutes 04 seconds; then generally northerly to the intersection of parallel of south latitude 12 degrees 26 minutes 24 seconds with meridian of east longitude 128 degrees 22 minutes 04 seconds; then generally north-westerly on a bearing of about 324 degrees 08 minutes 50 seconds to the intersection with parallel of south latitude 12 degrees; then generally easterly along said latitude to its intersection with an indicative line 15 nautical miles seaward of the low water mark; then generally south-easterly and south-westerly by said indicative line to its point of commencement.

5 Timor management zone

The Timor management zone consists of all waters in the adjacent area in respect of the Territory north of parallel of south latitude 12 degrees and west of meridian of east longitude 132 degrees 36 minutes being part of the Timor Sea in the Northern Territory of Australia bounded by lines described as follows:

Commencing at a point situated at the intersection of parallel of south latitude 12 degrees with an indicative line 15 nautical miles seaward of the low water mark; then generally westerly along said latitude to its intersection with meridian of east longitude 128 degrees 02 minutes 40 seconds; then generally north-westerly to the intersection of parallel of south latitude 11 degrees 47 minutes 54 seconds with meridian of east longitude 127 degrees 53 minutes 49 seconds; then generally north-westerly on a bearing of about 328 degrees 13 minutes 30 seconds to its intersection with the Australian Fishing Zone boundary; then generally north-easterly, easterly and north-easterly by said boundary to its intersection with meridian of east longitude 132 degrees 36 minutes; then generally southerly by said longitude to its intersection with an indicative line 15 nautical miles seaward of the low water mark; then generally westerly, north-westerly,

Schedule 1 Management zones

south-westerly and south-easterly by said indicative line to its point of commencement.

Note for Schedule 1

The descriptions of the management zones in this Schedule use GDA94 Geographical Coordinates and the bearings are True Mid.

Schedule 2 Finfish trawl gear regulated areas

clause 43

1 Joseph Bonaparte Gulf Trawl Area

The Joseph Bonaparte Gulf Trawl Area consists of all waters in the adjacent area in respect of the Territory south of parallel of south latitude 12 degrees being part of the Joseph Bonaparte Gulf in the Northern Territory of Australia bounded by lines described as follows:

Commencing at an indicative point situated at the intersection of parallel of south latitude 12 degrees with meridian of east longitude 128 degrees 06 minutes; then generally easterly along said latitude to its intersection with meridian of east longitude 129 degrees 10 minutes; then generally southerly along said longitude to its intersection with parallel of south latitude 12 degrees 30 minutes; then generally easterly along said latitude to its intersection with meridian of east longitude 129 degrees 20 minutes; then generally southerly along said longitude to its intersection with parallel of south latitude 13 degrees; then generally westerly along said latitude to its intersection with meridian of east longitude 128 degrees 45 minutes; then generally north-westerly on a bearing of about 324 degrees 31 minutes 30 seconds to its intersection with the western side of the Joseph Bonaparte Gulf Management Zone; then generally north-westerly by said boundary to its intersection with meridian of east longitude 128 degrees 06 minutes; then generally northerly by said longitude to its point of commencement.

2 Timor Trawl Exclusion Area

The Timor Trawl Exclusion Area consists of all waters in the adjacent area in respect of the Territory being part of the Timor Sea in the Northern Territory of Australia bounded by lines described as follows:

Commencing at an indicative point situated at the intersection of the Australian Fishing Zone boundary with meridian of east longitude 132 degrees 36 minutes; then generally southerly along said longitude to the intersection with parallel of south latitude 9 degrees 43 minutes 47 seconds; then generally south-westerly to the intersection of parallel of south latitude 11 degrees with meridian of east longitude 129 degrees 40 minutes 10 seconds; then generally westerly along said latitude to its intersection with meridian of east longitude 128 degrees 29 minutes 10 seconds; then generally north-easterly to the intersection of parallel of south latitude 10 degrees 05 minutes 14 seconds with meridian of east longitude 129 degrees 09 minutes 42 seconds; then generally easterly to the

Schedule 2 Finfish trawl gear regulated areas

intersection of parallel of south latitude 9 degrees 57 minutes 47 seconds with meridian of east longitude 130 degrees 47 minutes 50 seconds; then generally north-easterly on a bearing of about 44 degrees 09 minutes 30 seconds to its intersection with the Australian Fishing Zone boundary; then generally north-easterly by said boundary to its point of commencement.

Note for Schedule 2

The descriptions of the areas in this Schedule use GDA94 Geographical Coordinates and the bearings are True Mid.

s 22(1)(a)(ii)

From: NORRIS, Wez <Wez.NORRIS@afma.gov.au>
Sent: Monday, 25 March 2024 2:01 PM
To: Day, George; DLO Watt - **s 47E(d)**
Cc: **s 22(1)(a)(ii)**; WILLOCK, Anna
Subject: RE: Demersal and Timor Reef Fisheries [SEC=OFFICIAL]
Attachments: Background Notes_Ministers Office_^{s 47G(1)(a)} meeting_26 March 2024.docx

OFFICIAL

Afternoon all,

Please find attached some briefing points for your meeting with ^{s 47G(1)(a)} ^{s 22(1)(a)(ii)},

Happy to provide any additional information/clarification.

Cheers

W

Wez Norris
 Chief Executive Officer
 Australian Fisheries Management Authority

Ph: **s 47F(1)**
 Mo: 0411 885 566

**OFFICIAL**

From: Day, George
Sent: Sunday, March 24, 2024 7:34 AM
To: DLO Watt - Agriculture ; **s 47E(d)**
Cc: **s 22(1)(a)(ii)** ; NORRIS, Wez ; WILLOCK, Anna
Subject: RE: Demersal and Timor Reef Fisheries [SEC=OFFICIAL]

Hi ^{s 22(1)(a)(ii)},

Sorry I picked this up late, but this should be covered by AFMA (Wez and Anna copied) as they are leading engagement with NT on this issue. Ive attached the key ministerial submission from last year for context.

Welcome to the role!
 Kind regards

George Day

Assistant Secretary, Fisheries Branch
 Agvet Chemicals, Fisheries, Forestry
 Department of Agriculture, Fisheries and Forestry
 t +61 2 6271 6466 | m s 47F(1)
 w www.agriculture.gov.au | e george.day@aff.gov.au



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From: DLO Watt - Agriculture <dlo.watt@aff.gov.au>
Sent: Friday, March 22, 2024 11:23 AM
To: s 47E(d) <s 47E(d) @aff.gov.au>
Cc: DLO Watt - Agriculture <dlo.watt@aff.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@aff.gov.au>; Day, George <George.Day@aff.gov.au>
Subject: FW: Demersal and Timor Reef Fisheries [SEC=OFFICIAL]

Hi team

s 22(1)(a)(ii) will be meeting with s 47F(1)

in Canberra next Tuesday 26 March.

Would it be possible to get some background notes for Alana by **COB next Monday, 25 March** please? Via email is fine but happy to discuss if you'd prefer to send up via PDMS.

For your awareness, today is actually my last day as DLO (12 months has flown by!) and the lovely s 22(1)(a)(ii) will be taking over from next Monday. It's been so great working with you both and the division while I've been here, and I'll definitely swing by to say hi and thank you when I'm back in Ag House 🟡 - - 😊

Have a lovely weekend!

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii) (she/her)
 Departmental Liaison Officer | Office of Senator the Hon Murray Watt
 Minister for Agriculture, Fisheries and Forestry
 Minister for Emergency Management

M: s. 22(1)(a)(ii) E: DLO.Watt@aff.gov.au
 Parliament House, Canberra, ACT 2600 Australia

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) >
Sent: Thursday, March 21, 2024 5:08 PM
To: DLO Watt - Agriculture <dlo.watt@aff.gov.au>
Subject: FW: Demersal and Timor Reef Fisheries [SEC=OFFICIAL]

Hi Wis

Sorry for late notice but I'm meeting with s 47F(1) – can I please get some background notes by cob Monday.

I've had a look in PDMS and there doesn't seem to be a response yet to the correspondence.

Thanks very much.

s 22(1)(a)(ii)

From: DLO Watt - Agriculture <dlo.watt@aff.gov.au>
Sent: Wednesday, November 22, 2023 1:46 PM
To: s 47E(d) <s 47E(d)@aff.gov.au>
Cc: DLO Watt - Agriculture <dlo.watt@aff.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@aff.gov.au>
Subject: FW: Demersal and Timor Reef Fisheries [SEC=OFFICIAL]

Hi team

Please register the below and attached for min reply and assign to AFF division.

Cheers

s 22(1)(a)(ii) (she/her)
 Departmental Liaison Officer | Office of Senator the Hon Murray Watt
 Minister for Agriculture, Fisheries and Forestry
 Minister for Emergency Management

M: s 22(1)(a)(ii) E: DLO.Watt@agriculture.gov.au
 Parliament House, Canberra, ACT 2600 Australia

From: s 47F(1) <s 47F(1)@3sticks.com.au>
Sent: Monday, November 20, 2023 5:50 PM
To: Minister Watt <minister.watt@aff.gov.au>
Cc: Is 47F(1) <s 47F(1)>; Wes Norris (<wez.norris@protected.agriculture.gov.au>) <wez.norris@protected.agriculture.gov.au>; s 47F(1) (s 47F(1) <s 47F(1)>) <s 47F(1)>; s 47F(1) (s 47F(1)@bigpond.com) <s 47F(1)>; s 47F(1) <s 47F(1)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@aff.gov.au>
Subject: Demersal and Timor Reef Fisheries

Dear Minister Watt

Please find attached a letter from s 47G(1)(a) and a copy of the 2023 Demersal Fishery and the Timor Reef Fishery updates.

Best regards

s 47F(1)

Australia Bay Seafoods Pty Ltd
 E: s 47F(1)@3sticks.com.au
 P: s 47F(1)

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AFMA Securing Australia's fishing future

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Background Notes – meeting with s 47F(1)**(s 47G(1)(a))**

- The Northern Territory Fisheries Joint Authority (NTFJA) is responsible for two adjacent fisheries in Commonwealth waters known as the Demersal Fishery (DF) and the Timor Reef Fishery (TRF). Under the NTFJA, the Northern Territory has responsibility for managing these fisheries on a day-to-day basis.
- In June 2023, Minister Paul Kirby, the Northern Territory Minister for Agribusiness and Fisheries, wrote to Minister Watt, in his capacity as the other member of the NTFJA seeking formal endorsement of the proposed draft management plan Northern Offshore Fishery (NOF), which merges the DF and TRF.
- Minister Watt declined to sign the draft management plan (supporting the recommendation in the brief from AFMA) due to concerns raised by the Appeal Court about the fishery definitions in the current Offshore Constitutional Settlement. The Minister directed AFMA to work with NT Fisheries to review the future jurisdictional arrangements for these fisheries (i.e. retain Joint Authority or transition to either sole NT or sole Commonwealth jurisdiction).
- Industry stakeholders were informed of this decision via a letter in early November, which only served to further heighten industry concerns.
- In an attempt to address these concerns, AFMA and NT Fisheries held a stakeholder briefing on 7 December 2023. Further information on the future jurisdictional options under consideration was provided with the opportunity provided for stakeholders to put forward their initial position, although stakeholders did not take this up.
- The key briefing outcome was for the NTFJA agencies to provide a 'OCS Options Paper', which included preliminary information on future jurisdictional options including possible issues and potential timeframes and costs. This was distributed to all DF and TRF licence holders for comment in late December 2023, with a month allowed to provide submissions.
- Four submissions were received, which encompassed a range of views and preferences, with no consensus or even clear preference on future jurisdictional arrangements, although all requested more detail on timelines, costs and resourcing of the different options.
- AFMA's long standing position is that while there are many aspects of the fishery that make it more amenable to AFMA management, there are also large transitional challenges that mean we would only seek do so with clear support from the NT and a strong support from industry.
- The position of NT Fisheries has been inconsistent. While the outgoing Director of NT Fisheries (who retired in December) was supportive of a transition to the Commonwealth, the current acting Director is strongly in favour of a transition to the NT and has advised that this is also the view of the NT Minister.

s 47G(1)(a)

- Due to concerns raised by recreational fishing bodies, NT Fisheries undertook an additional short consultation period with those groups following the consultation with licence holders. Submissions were received from all three peak bodies invited to provide comment – with the recreational sector showing a preference for sole NT management.
- Noting the most recent advice from NT, and the lack of a strong industry consensus for sole Commonwealth jurisdiction, AFMA has asked NT Fisheries to have their Minister write to Minister Watt as quickly as possible to confirm their position.
- If such a position is received, AFMA would recommend that Minister Watt agree to transition to NT jurisdiction. This will allow an orderly process to amend the OCS, execute NT jurisdiction and allow them to move forward with their existing plans for the fishery.
- Considering where things are currently, the following key points are important to note:
 - The decision making on future jurisdiction is complicated due to the lack of unity within industry.
 - NT Fisheries and AFMA are considering the result of industry feedback.
 - The Commonwealth is expecting correspondence from the NT Minister to outline the NT's position on future jurisdiction on these fisheries.
 - The NTFJA agencies acknowledge the need for rapid resolution to the jurisdiction question to alleviate the uncertainty industry is facing.

Background

In 2018, the NT commenced the promotion of a merger between the DF and the TRF, to create the NOF.

s 47G(1)(a)

s 42(1)

s 47G(1)(a)

s 47G(1)(a)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Thursday, 6 July 2023 10:33 AM
To: s 22(1)(a)(ii)
Cc: Cully, Emma; s 22(1)(a)(ii); Day, George
Subject: Weekly Update Fisheries Branch [SEC=OFFICIAL]
Attachments: s 22(1)(a)(ii) Meeting Friday 7th July .pdf

Hi s 22(1)(a)(ii),

Please see attached the weekly update from Fisheries branch.

Kind Regards

s 22(1)(a)(ii)

Executive Assistant to David Porritt A/g Assistant Secretary Engagement Branch

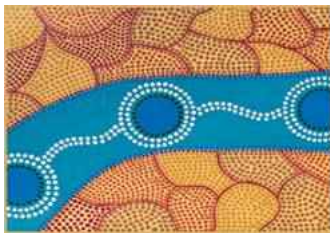
Executive Assistant to George Day Assistant Secretary Fisheries Branch

Agvet Chemicals, Fisheries, Forestry and Engagement Division.

Department of Agriculture, Fisheries and Forestry

e. s 22(1)(a)(ii)@aff.gov.au p. s 22(1)(a)(ii)

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OFFICIAL: Sensitive

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTY

MEETING WITH FISHERIES ADVISOR – s 22(1)(a)(ii)

ACTION ITEMS – Friday 7th July 2023

Topic/Issue	Action	Update/progress	PDMS reference #	Key date/s
Northern Territory Fisheries Joint Authority – proposed Northern Offshore Fishery	For information	N.T Fisheries Minister Kirby is seeking the Minister’s endorsement to progress a (revised) draft Management Plan for the proposed Northern Offshore Fishery which merges the Demersal Fishery and Timor Reef Fishery. AFMA and the s 42(1)	s 47E(d)	

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Wednesday, 17 July 2024 11:00 AM
To: Day, George
Cc: Greenville, Jared; WILLOCK, Anna; s 22(1)(a)(ii) ; s 22(1)(a)(ii)
Subject: RE: NTFJA [SEC=OFFICIAL]

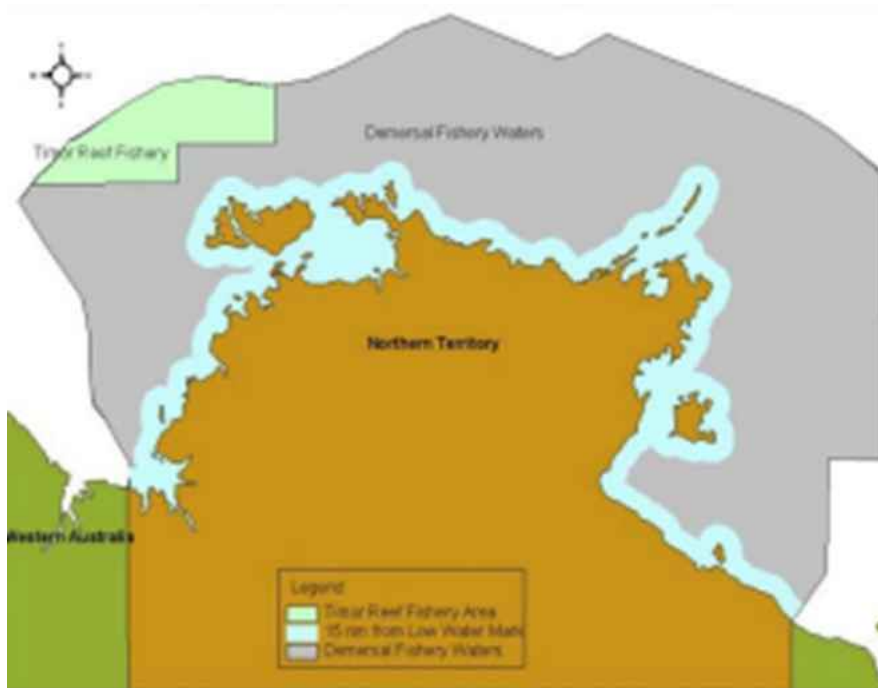
Thanks very much for this

From: Day, George
Sent: Tuesday, July 16, 2024 6:25 PM
To: s 22(1)(a)(ii)
Cc: Greenville, Jared ; WILLOCK, Anna ; s 22(1)(a)(ii) ; s 22(1)(a)(ii)
Subject: RE: NTFJA [SEC=OFFICIAL]

Hi ^{s 22(1)(a)(ii)}, updated advice on NTFJA as discussed:

The Northern Territory Fisheries Joint Authority (NTFJA) and the Demersal Fishery and Timor Reef Fishery.

- Joint Authorities are arrangements between the Commonwealth and State or Northern Territory (NT) Governments to allow for the joint management of fisheries in waters relevant to a State or the Northern Territory.
- The Northern Territory Fisheries Joint Authority (NTFJA) was established in 1983. It currently comprises Senator the Hon Minister Watt as the Commonwealth Minister for Agriculture , Fisheries and Forestry and the Hon Mark Monaghan as the NT Minister for Agribusiness and Fisheries.
- NTFJA has responsibility for managing:
 - The Demersal Fishery: targets mainly red snappers and goldband snappers using traps and trawl gear. The fishery is offshore, starting 15 nautical miles from the low water mark.
 - The Timor Reef Fishery: targets mainly goldband snappers, and also red snappers and red emperors. It mainly uses traps.



- Under the NTFJA, the NT has responsibility for managing these fisheries on a day-to-day basis.

Proposal to merge the Timor Reef Fishery and Demersal Fishery

- Around 2018, the NT Government proposed a merger of the Timor Reef Fishery and Demersal Fishery to create the Northern Offshore Fishery.
- The merger has been opposed by some commercial fishers and supported by others, with the different views primarily influenced by the anticipated impact of the merger on fishing rights.
- The proposed new management arrangements were litigated by one fishing company, Australia Bay Seafoods. This action concluded with the judgement of the Full Federal Court of Appeal handed down in November 2022. While that judgement dismissed the company's appeal, it also cast doubt over whether the proposed new Northern Offshore Fishery was appropriately provided for under the existing arrangements between the Commonwealth and NT (an Offshore Constitutional Settlement arrangement) or whether that arrangement would need to be amended.
- Given the issues raised by the Federal Court of Appeal, Minister Watt has not endorsed the draft management plan for the Northern Offshore Fishery, instead seeking advice from NTFJA officials as to whether the existing Joint Authority arrangements remained appropriate or if single jurisdictional authority would be more effective.

Proposal to move to a single jurisdiction manager

- There has been long-standing Commonwealth position of terminating Joint Authorities and transitioning fisheries to single jurisdiction management.
- On 7 June 2024 Minister Monaghan sought Minister Watt's agreement for the Timor Reef Fishery and Demersal Fishery to continue to be managed solely by the NT as NT fisheries.
- There would be benefits of the Commonwealth, through the Australian Fisheries Managers Authority (AFMA), managing the fisheries including its experience in operating large scale quota systems and because some target species are shared with Indonesia.

- However, transition to AFMA would mean starting the fishery from scratch in line with its legislative objectives meaning a longer period of uncertainty as well as additional costs to establish the fishery.
- There was no consensus on preferred managers among **commercial fishers**. This is primarily driven by industry expectations about the allocation of fishing rights under the different managers. However, the consistent view is there an overriding need to remove uncertainty for industry as quickly as possible.
- The NT Government consulted with the **recreational fishing sector** regarding the transition to a single manager and advised that the sector supports management by the NT.
- Given the distance offshore, we are not aware of any interest from **First Nations fishers**.

Next steps

- Minister Watt has advised Minister Monaghan that he is agreeable to the NT managing the Timor Reef Fishery and Demersal Fishery as NT fisheries. In doing so he recommended that the NT rapidly form a stakeholder advisory group and ensure that adequate resources are assigned to resolving the outstanding management issues in the fishery.

s 42(1)

Kind regards

George Day

Assistant Secretary, Fisheries Branch

Agvet Chemicals, Fisheries, Forestry

Department of Agriculture, Fisheries and Forestry

t +61 2 6271 6466 | m s 47F(1)

w www.agriculture.gov.au | e george.day@aff.gov.au



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s 22(1)(a)(ii)

From: Day, George
Sent: Monday, 6 November 2023 5:36 PM
To: s 22(1)(a)(ii) ; s 22(1)(a)(ii) ; s 22(1)(a)(ii)
Subject: FW: Letter [SEC=OFFICIAL]
Attachments: 3 November 2023 Letter Demersal and Timor Reef Fisheries.pdf

Kind regards

George Day

Assistant Secretary, Fisheries Branch
Agvet Chemicals, Fisheries, Forestry
Department of Agriculture, Fisheries and Forestry

t +61 2 6271 6466 | m s 47F(1)

w www.agriculture.gov.au | e george.day@aff.gov.au



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From: s 47F(1)
Sent: Friday, November 3, 2023 10:07 AM
To: NORRIS, Wez
Cc: WILLOCK, Anna ; MACDONALD, Brodie ; WALLIS, Darci ; Day, George ; s 47F(1) ; s 47F(1)
Subject: RE: Letter [SEC=OFFICIAL]

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Good morning Wez,
Copy of signed version of letter is attached.

It will be emailed to licence holders and the NT Seafood Council this morning.

Thank you

s 47F(1)
Aquatic Resource Manager | Fisheries Division
t. s 47F(1)

Department of Industry, Tourism and Trade
Northern Territory Government of Australia
33 Vaughan Street, BERRIMAH NT 0828
GPO Box 3000, Darwin NT 0801

nt.gov.au



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From: s 47F(1) <s47f1@nt.gov.au>
Sent: Friday, 3 November 2023 8:15 AM
To: NORRIS, Wez <Wez.NORRIS@afma.gov.au>
Cc: WILLOCK, Anna <Anna.WILLOCK@afma.gov.au>; MACDONALD, Brodie <Brodie.Macdonald@afma.gov.au>; WALLIS, Darci <Darci.WALLIS@afma.gov.au>; Day, George <George.Day@aff.gov.au>; s 47F(1) <s47f1@nt.gov.au>; s 47F(1) <s47f1@nt.gov.au>
Subject: RE: Letter [SEC=OFFICIAL]

Thanks Wez – I will arrange a signed version to be returned to you and then we will email out to licence holders this morning
 Cheers

s 47F(1)



s 47F(1)
 Senior Executive Director Fisheries
 t. s 47F(1)

Department of Industry, Tourism and Trade
Northern Territory Government of Australia
 33 Vaughan Street Berrimah NT 0800
 GPO Box 3200, Darwin NT 0801

nt.gov.au

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From: NORRIS, Wez <Wez.NORRIS@afma.gov.au>
Sent: Friday, 3 November 2023 7:55 AM
To: s 47F(1) <s47f1@nt.gov.au>
Cc: WILLOCK, Anna <Anna.WILLOCK@afma.gov.au>; MACDONALD, Brodie <Brodie.Macdonald@afma.gov.au>; WALLIS, Darci <Darci.WALLIS@afma.gov.au>; Day, George <George.Day@aff.gov.au>; s 47F(1) <s47f1@nt.gov.au>; s 47F(1) <s47f1@nt.gov.au>
Subject: Letter [SEC=OFFICIAL]

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OFFICIAL

Hi ^{s 47F(1)},

Thanks very much for the comments and changes to the letter. Please find attached what I think is a final version, signed by me and ready for your please.

Cheers

W

Wez Norris

Chief Executive Officer

Australian Fisheries Management Authority

Ph: ^{s 47F(1)}

Mo: 0411 885 566

Protected: ^{s 47F(1)}



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Australian Government
Australian Fisheries Management Authority

3 November 2023

Dear licence holder

We are writing to inform all licence holders of the Demersal Fishery and Timor Reef Fishery about the current status of proposed management reforms that impact these fisheries.

You would be aware that these fisheries are the subject of an Offshore Constitutional Settlement (OCS) arrangement between the Commonwealth and the Northern Territory governments that provides for the fisheries to be managed by the Northern Territory Fisheries Joint Authority (NTFJA) in accordance with the laws of the Northern Territory. The NTFJA membership comprises of the Minister responsible for fisheries from each jurisdiction.

Recently the former NT Minister for Agribusiness and Fisheries, the Hon Paul Kirby, wrote to Senator the Hon Murray Watt, Commonwealth Minister for Agriculture, Fisheries and Forestry, seeking his endorsement of a draft Management Plan for a new combined fishery – the Northern Offshore Fishery. Upon consideration, Minister Watt advised Minister Kirby in a letter dated 20 October, that he was not prepared to endorse the release of the draft Management Plan for public consultation.

The reason for Minister Watt's decision was that the judgement of the Federal Court of Australia – Full Court on the most recent litigation (handed down on 14 November 2022), while upholding the case presented by the NT and Commonwealth governments, raised a matter about whether the existing OCS arrangement could encompass the proposed new combined fishery.

To resolve this matter with certainty, the NTFJA has sought advice from the respective departments on the best form for a new OCS arrangement including whether the current Joint Authority arrangements remain appropriate or if a single jurisdictional authority would be more effective. Additionally, should the latter approach be proposed, which jurisdiction would be best placed to assume sole management responsibility. In preparing this advice for the NTFJA, we are keen to understand industry's perspective on preferred governance structures, and will be in contact with licence holders in the near future.

We fully understand the urgency for industry to have settled management arrangements to ensure operational security, guide investment and address other issues, such as WTO approval, and can assure you that it is also a shared priority for both jurisdictions. Ministerial resolution of the future governance arrangement is a critical first step in this process.

If you wish to discuss the above, please do not hesitate to contact one of the signatories.

Yours sincerely

s 47F(1)

s 47F(1)

s 47F(1)

Senior Executive Director Fisheries
Department of Industry, Tourism and Trade
Northern Territory Government of Australia

Wéz Norris
Chief Executive Officer
Australian Fisheries Management Authority

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Lakes Entrance

PO Box 408
Lakes Entrance VIC 3909
P:0447 019 916

s 22(1)(a)(ii)

Subject: FW: NTFJA Stakeholder Meeting [SEC=OFFICIAL]
Location: Microsoft Teams Meeting

Start: Thu 7/12/2023 12:00 PM
End: Thu 7/12/2023 1:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: WALLIS, Darci

Importance: High

-----Original Appointment-----

From: WALLIS, Darci
Sent: Wednesday, December 6, 2023 11:20 AM
To: WALLIS, Darci; Day, George; s 47F(1) ; MACDONALD, Brodie; s 47F(1) ; s 47F(1) @nt.gov.au; WILLOCK, Anna; NORRIS, Wez; s 47F(1)
Cc: s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1)
Subject: [SEC=OFFICIAL] FW: FW: NTFJA Stakeholder Meeting [SEC=OFFICIAL]
When: Thursday, 7 December 2023 10:30 AM-11:30 AM (UTC+09:30) Darwin.
Where: Microsoft Teams Meeting
Importance: High

OFFICIAL

-----Original Appointment-----

From: WALLIS, Darci <Darci.WALLIS@afma.gov.au>
Sent: Tuesday, 5 December 2023 9:57 AM
To: WALLIS, Darci; s 47F(1) ; MACDONALD, Brodie; s 47F(1) ; s 47F(1) @nt.gov.au; WILLOCK, Anna; NORRIS, Wez; s. 47F(1)
Cc: s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1) ; s 47F(1)
Subject: [SEC=OFFICIAL] FW: [SEC=OFFICIAL] NTFJA Stakeholder Meeting [SEC=OFFICIAL]
When: Thursday, 7 December 2023 10:30 AM-11:30 AM (UTC+09:30) Darwin.
Where: Microsoft Teams Meeting
Importance: High

Good morning Demersal Fishery and Timor Reef Fishery stakeholders,
 On behalf of AFMA and the NTFJA, you are invited to an industry stakeholder meeting via Microsoft Teams to discuss the recent decision not to progress the proposed Northern Offshore Fishery and next steps (see attached agenda).

The meeting is scheduled for:

12 – 1 PM (ACT, NSW, VIC)
10.30 - 11.30 AM (NT)
9 – 10 AM (WA)
11.30 AM – 12.30 PM (SA)

To join the meeting, please refer to instructions below.

s 47E(d)

Thank you

s 47F(1)

s 47F(1)

Aquatic Resource Manager | Fisheries Division

t. s 47F(1)



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Northern Territory Government of Australia
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AFMA Securing Australia's fishing future

We acknowledge the Aboriginal and Torres Strait Islander Peoples as the Traditional Owners and Custodians of this Country. We recognise their connection to land, sea and community. We pay our respect to them, their cultures, and their Elders, past, present and emerging.

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NORTHERN TERRITORY FISHERIES JOINT AUTHORITY***Annotated agenda – Industry stakeholder meeting****Thursday 7 December 2023***1. Introductions / procedural matters****2. Discussion on recent decision and current status quo**

- AFMA to provide an overview of recent decision to not progress Northern Offshore Fishery (NOF) proposal
- Reiterate content in recent correspondence

3. Next steps

- Provide an update on next steps– i.e. development of a new Offshore Constitutional Settlement arrangement.
- Discuss opportunities for industry input

4. Discussion on future management options

Opportunity for industry to share preferences on:

- Jurisdictional responsibility preferences
- Priorities for management framework

5. Other Business

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