



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

This ARRANGEMENT is made between the Commonwealth of Australia (“the Commonwealth”) and the State of Western Australia (“the State”).

WHEREAS:

- (a) The Commonwealth and the State entered into the “Arrangement between the Commonwealth and the State of Western Australia in relation to the Joint Authority Demersal Gillnet and Longline Fishery in waters south of Latitude 33° South” as was published in the Commonwealth of Australia Gazette No. GN 4 at page 349 to 352 on 1st February 1995 (“the Joint Authority Arrangement”).
- (b) The Joint Authority Arrangement provides that, pursuant to section 71 of the *Fisheries Management Act 1991* (“the Commonwealth Act”) and the then section 8H of the *Fisheries Act 1905* (WA) (“the Repealed State Act”), fishing for specified species of fish by means of demersal gillnet and longline within coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the then *Petroleum (Submerged Lands) Act 1967* (“the Repealed Petroleum Act”) under the heading “Area that includes the Adjacent Area in respect of Western Australia” south of Latitude 33° South is to be managed by the Western Australian Fisheries Joint Authority in accordance with the law of Western Australia.
- (c) Despite the repeal of the Repealed Petroleum Act, the reference in clause 2 of the Arrangement to the “Area that includes the Adjacent Area in respect of Western Australia” in Schedule 2 to the Repealed Act is now read to be a reference to the “Scheduled area for Western Australia” in item 5 of Schedule 1, to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, by the application of paragraph 10(c) of the *Acts Interpretation Act 1901*.
- (d) Item 7 of Schedule 3 to the *Fish Resources Management Act 1994* (WA) (“the State Act”) provides that an arrangement made under section 8H of the Repealed State Act and in force immediately before the commencement of the State Act continues in force, on commencement of the State Act, as if the arrangement had been made under section 22 of the State Act.
- (e) Subsection 75(1) of the Commonwealth Act provides that an arrangement made under, *inter alia*, section 71 of the Commonwealth Act may be terminated by instrument approved by the

Commonwealth Minister responsible for administering the Commonwealth Act and the State Minister responsible for administering the State Act.

- (f) Subsection 22(2) of the State Act provides that an arrangement made under section 71 of the Commonwealth Act may be terminated as provided by subsection 75(1).

NOW IT IS MUTUALLY ARRANGED as follows:

- (1) The Joint Authority Arrangement as described in paragraph (a) of the recitals to this instrument is, pursuant to subsection 75(1) of the Commonwealth Act and subsection 22(2) of the State Act, terminated.
- (2) This Arrangement to terminate the Joint Authority Arrangement will take effect for the purpose of subsection 75(2) of the Commonwealth Act on 1 December 2018.

The Hon. Anne Ruston

Assistant Minister for Agriculture and Water Resources

on behalf of the Commonwealth under

the *Fisheries Management Act 1991*

in the presence of

Date: 30 July 2018

The Hon. David Kelly

Minister for Water; Fisheries; Forestry; Innovation and ICT;

Science on behalf of the State

under the *Fish Resource Management Act 1994*

in the presence of

Date: 14 July 2018