

MEMORANDUM OF UNDERSTANDING

between

THE AUSTRALIAN GOVERNMENT

and

**QUEENSLAND
NEW SOUTH WALES,
VICTORIA
TASMANIA
SOUTH AUSTRALIA
WESTERN AUSTRALIA**

and

THE NORTHERN TERRITORY

with respect to

**PROPOSED RESOURCE SHARING
ARRANGEMENTS FOR
COMMONWEALTH FISHERIES**

Introduction

The draft Resource Sharing MOU has been developed to formalise agreement between the Australian Government and the States/Northern Territory (NT) for management of any non-commercial component of resource sharing arrangements, that is, the recreational fishing and, where relevant, indigenous components to be by the States/NT.

- *This is consistent with existing practice and the outcomes of the Commonwealth Fisheries Policy Review that suggested that MOUs or some similar framework be established with the States/NT to formally provide them with the jurisdiction to manage recreational fishing.*
- *It is also consistent with earlier decisions, such as the 1998 National Cooperative Arrangements for the management of recreational and charter fishing for tuna and billfish.*

Resource Sharing refers to arrangements that enable different sectors access to fisheries resources in Commonwealth managed fisheries. These sectors can include the commercial fishing industry the recreational/charter fishing industry and the indigenous fishing sector.

For the purposes of this MOU, Resource Sharing refers to Commonwealth managed fisheries only.

The draft MOU recognises that day-to-day management of fisheries, following implementation of resource sharing arrangements, may differ from fishery to fishery. The draft MOU also recognises that different jurisdictions may implement different management strategies to give effect to agreed resource sharing arrangements. However, it also encourages consideration of consistency of management across a fishery.

The General Principles for Resource Sharing were initially developed at a stakeholder workshop (the Coolangatta Workshop) in 2002. Since then, the principles have evolved further following extensive consultation with stakeholders.

- *The General Principles set out the broad goals that resource sharing arrangements will aim to meet and the development of specific resource sharing arrangements will be generally based on these Principles. They include recognition of key elements, such as:*
 - *fisheries resources are a common property resource;*
 - *access to fisheries resources will be on the basis of all ecologically sustainable development principles;*
 - *resource sharing arrangements should be developed in close consultation with stakeholders and relevant State/Territory management agencies, and according to agreed criteria; and*
 - *resource sharing needs to be adequately resourced, with costs equitably shared.*

A Resource Sharing Process, setting out an agreed consultative process for developing resource sharing arrangements on a fishery-by-fishery basis has been established by the Australian Government.

The key elements of the Process include:

- research and information collection;*
- ongoing stakeholder consultations;*
- considering resource sharing mechanisms based on the principles;*
- final determination of sharing mechanisms; and*
- application of the decision.*

It is important to note that prior to implementing resource sharing arrangements in a specified fishery, agreement will be reached with stakeholders and relevant jurisdictions on cost-sharing arrangements.

Any perceived need for adjustment assistance will be considered on a case-by-case basis.

MEMORANDUM OF UNDERSTANDING

Proposed resource sharing management arrangements between the States, Northern Territory and Australian Governments for Commonwealth managed fisheries

Agreeing that the States and Northern Territory Governments are better placed to manage non-commercial fishing and **recognising** earlier decisions to this effect;

Recognising that the Australian Government retains an overall stewardship role to ensure the ecologically sustainable development and management of Australia's fisheries resources;

Noting that resource sharing arrangements for Commonwealth managed fisheries will be determined in consultation with stakeholders on a fishery by fishery basis and that resource sharing arrangements may take a number of different forms;

the States, Northern Territory and Australian Government agree:

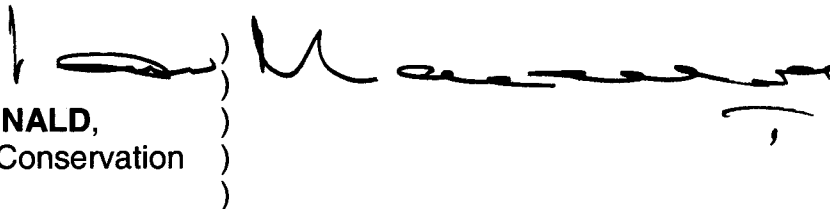
1. The Australian Government Department of Agriculture, Fisheries and Forestry will take the lead role in resource sharing negotiations in Commonwealth managed fisheries.
2. The relevant States and Northern Territory Governments will be directly involved in any resource sharing negotiations, including the development of agreed resource sharing criteria. These negotiations will have regard to ecologically sustainable development objectives and by-catch issues.
3. Any resource sharing arrangements agreed will be implemented by the relevant State, Northern Territory and Australian Governments in accordance with agreed arrangements.
4. Management arrangements to implement any non-commercial fishing component of a resource sharing determination will be decided by the


relevant State and Northern Territory Governments on a case by case basis and in consultation with relevant stakeholders.

5. Management arrangements will be consistent with the agreed relevant resource sharing arrangement. While different jurisdictions may implement different management strategies to give effect to the determination, consideration should be given to consistency of management across a fishery.
6. Relevant State and Northern Territory Governments will report through agreed processes as to the efficacy of the management arrangements for recreational/charter fishing under a resource sharing arrangement.
7. The Australian, State and Northern Territory Governments will consider relevant resource sharing issues during any negotiations on Offshore Constitutional Settlement agreements. This Memorandum may be attached to an OCS agreement as an annex.

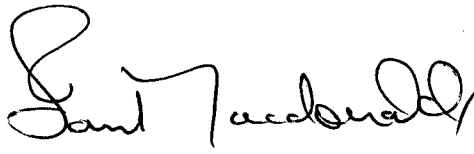
Dated this 3rd day of December 2004

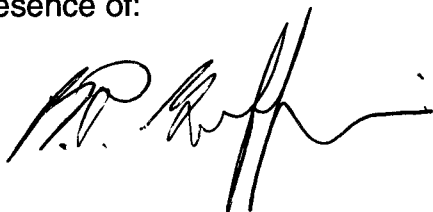
Signed for and on behalf of the
Australian Government by
SENATOR THE HON IAN MACDONALD,
Minster for Fisheries, Forestry and Conservation
In the presence of:




DARIC QUINLIVAN

Signed for and on behalf of the
New South Wales Government by
THE HON IAN MACDONALD
Minister for Primary Industries
In the presence of:





Signed for and on behalf of the
Victorian Government by
THE HON BOB CAMERON,
Minster for Agriculture
In the presence of:

KEVIN LOVE

Kevin Love

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) *RS Cameron*
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Signed for and on behalf of the
Queensland Government by
THE HON HENRY PALASZCZUK
Minster for Primary Industries and Fisheries
In the presence of:

CAMERON DILL

Cameron Dill

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) *[Signature]*
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Signed for and on behalf of the
Western Australian Government by
THE HON KIM CHANCE
Minster for Agriculture, Forestry and Fisheries
In the presence of:

IAN LONGSON
Acting Director General, WA Department of Agriculture

Ian Longson

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) *[Signature]*
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Signed for and on behalf of the
South Australia Government by
THE HON RORY McEWEN,
Minster for Agriculture, Food and Fisheries
In the presence of:

JIM HALLION
CEO, PIRSA.

(JIM HALLION)

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) *[Signature]*
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Signed for and on behalf of the
Tasmanian Government by
THE HON STEVEN KONS
Minster for Primary Industries and Water
In the presence of:

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KIM EVANS



Signed for and on behalf of the
Northern Territory Government by
THE HON KON VATSKALIS,
Minster for Primary Industry and Fisheries
In the presence of:

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Ray Clarke

