

<p>Torres Strait PZJA Protected Zone Joint Authority</p>   <p>Queensland Government</p>	<p>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</p>	<p>Meeting No. 17 1-2 February 2005</p>
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SUMMARY RECORD

1. The seventeenth meeting of the Torres Strait Protected Zone Joint Authority (the PZJA) was held in the Torres Strait Regional Authority office on Thursday Island on Tuesday and Wednesday 1 and 2 February 2005.
2. The meeting was chaired by the Australian Government Minister for Fisheries, Forestry and Conservation, Senator the Hon Ian Macdonald. Queensland was represented by the Queensland Minister for Primary Industries and Fisheries, the Hon Henry Palaszczuk MP. The Torres Strait Regional Authority (TSRA) was represented by Mr John T Kris, Chair of the Torres Strait Regional Authority.
3. Invited stakeholders participated in the PZJA meeting as observers. This enabled the Ministers and Mr Kris to seek stakeholder input to key issues as they were considered. A list of meeting participants, including observers, is annexed at **Attachment A**.
4. Mr Don Mosby opened the meeting with a prayer.

Agenda

5. The order of the agenda was changed to consider the resource allocation agenda item first.

The agenda for the meeting is at **Attachment B**.

Outcomes

6. The outcomes from the meeting are at **Attachment C**.

LIST OF PARTICIPANTS

PZJA MEMBERS

Senator the Hon Ian Macdonald
Australian Government Minister for
Fisheries, Forestry and Conservation
Chairman of the Protected Zone Joint
Authority

The Hon Henry Palaszczuk MP
Queensland Minister for Primary
Industries and Fisheries

Mr John Toshie Kris
Chairperson
Torres Strait Regional Authority

RESPECTIVE DELEGATIONS

Senator Macdonald's Office

Mr Philip Connole
Chief of Staff
Mr Angus Nicholls
Fisheries Adviser
Mr Todd Loydell
NRM Adviser

Minister Palaszczuk's Office

Mr Cameron Dick
Senior Ministerial Policy Adviser

Torres Strait Regional Authority

Mr Wayne Seekee
A/g General Manager
Mr Don Mosby
TSRA Fisheries Committee
Mr Brendan O'Connor
Policy Manager
Mr Peter Yorkston
Fisheries Coordinator
Mr Toshio Nakata
Fisheries Consultant
Mr Ken Bedford
Fisheries Consultant
Ms Miya Isherwood
NRM Officer

Department of Agriculture Fisheries Forestry

Mr Daryl Quinlivan
Executive Manager
Ms Inga Davis
Policy Officer

Queensland Department of Primary Industries and Fisheries

Mr John Pollock
Executive Director Fisheries
Mr Jim Gillespie
General Manager Fisheries
Dr John Kung
Fisheries Management Officer
Mr Lyndon Peddell
District Officer QFBP

Australian Fisheries Management Authority

Mr Richard McLoughlin
Managing Director
Ms Trysh Stone
Senior Fisheries Manager
Mr Jim Prescott
Manager Torres Strait Fisheries
Mr Mick George
Senior Management Officer

OBSERVERS

Papua New Guinea

The Hon Ben Semri MP
Minister for Fisheries
Mr Sylvester Pokajam
Managing Director, National Fisheries
Authority
Mr Phillip Polon
A/g Adviser, Fisheries Management
Mr Barre Kare
Manager Licensing & Information
Mr Karl Yalo
Prawn Operator
Mr Samson Jubi
Prawn Operator

Department of Foreign Affairs and Trade

Ms Suzy Wilson
Treaty Liaison Officer

Industry Representatives

QSLA

Ms Rosemary Millward

Rock Lobster Fishery

Mr Yen Loban

Mr Richard Bowie

Mr William Bowie

Mr Graham Hirakawa

Mr Peter Ah Loy

Queensland Rock Lobster Association

Mr Brett Arlidge

Prawn Fishery

Mr Mark Millward

Mr Barry Wilson

Line Fishery

Mr Kila Odo

Mr Lota Warria

Mr Carl D'Aguiar

DRAFT FINAL

PZJA 17 AGENDA

1. Resource allocation in the Torres Strait fisheries **FOR DECISION**
2. Turtle and Dugong Fishery
 - a. Marsh report **FOR DECISION**
 - b. NHT update **FOR DISCUSSION**
 - c. Strategic assessment **FOR DECISION**
3. Latent effort update **FOR DECISION**
4. Finfish Fishery
 - a. Management principles and management objectives **FOR INFORMATION**
 - b. Management arrangements **FOR DECISION**
 - c. Area and net closures **FOR DECISION**
5. Tropical Rock Lobster (TRL) Fishery
 - a. Management arrangements for 2005 **FOR DECISION**
 - b. Further management arrangements and issues **FOR DECISION**
6. Torres Strait Prawn Fishery (TSPF)
 - a. Management arrangements for 2005 **FOR DECISION**
 - b. Implementation of Observer Program **FOR INFORMATION**
7. Compliance
 - a. Domestic compliance activity report 2003/04 **FOR DECISION**
 - b. Risk Assessment and Compliance Plan **FOR DECISION**
 - c. Joint compliance between Australia and PNG **FOR INFORMATION**
8. Finances
 - a. Cost recovery for Torres Strait Fisheries **FOR DECISION**
 - b. TSRA Fisheries Coordinator role **FOR DECISION**
9. Other Torres Strait Fisheries
 - a. Sponge Fishery **FOR DECISION**
 - b. Trochus Fishery **FOR DECISION**
10. Other issues
 - a. Update on legislative amendments **FOR INFORMATION**
 - b. PZJA website **FOR DECISION**
 - c. PZJA Annual Report 2002/03 **FOR DECISION**
11. Fisheries Consultative Structure
 - a. Review of consultative structure and continued appointment of PWG Chair
FOR DECISION

b. TRL Resource Assessment Group **FOR DECISION**

c. Remuneration of TSFMAC Chair **FOR DECISION**

12. PZJA out-of-session decisions

a. Strategic assessments **FOR CONFIRMATION**

b. Reinstatement of Reef Line Fishery tenders **FOR CONFIRMATION**

c. Catch sharing arrangements with PNG for 2005 **FOR CONFIRMATION**

DRAFT FINAL

PZJA 17 OUTCOMES

Resource Allocation in Torres Strait Fisheries

The PZJA **AGREED** that:

1.
 - a. resource allocation principles, noted at PZJA 15 regarding the *prima facie* order of priority in Torres Strait fisheries, be applied on a fishery by fishery basis, since the *Torres Strait Fisheries Act 1984* (TSF Act) cannot be implemented universally when the issues in each fishery differ;
 - b. traditional fishing as defined in the Torres Strait Treaty (the Treaty) and the TSF Act (the taking, by traditional inhabitants for their own or their dependants' consumption or for use in the course of other traditional activities, of the living natural resources of the sea, seabed, estuaries and coastal tidal areas, including dugong and turtle) receives the first priority of access in the Australian share of the catch in the Torres Strait fisheries;
 - c. the Treaty and TSF Act provide priority in the administration of Torres Strait Fisheries to traditional fishing, community fishing, and commercial fishing that is not community fishing and the PZJA will have regard to this priority when making resource allocation decisions;
2. the PZJA considers its role is to sustainably manage fisheries to preserve healthy fish stocks and that it will make decisions on resource allocation between the Torres Strait Islander and non-Islander sectors as a priority where a threat to the sustainability of the stock exists or where this becomes necessary to give effect to the requirements of the Torres Strait Treaty and the TSF Act 1984;
3. fisheries management should aim to deliver commercially viable fisheries as well as biological sustainability and that this is consistent with the economic objectives of the Treaty regarding optimum resource use and economic development;
4. a "specialist group" (which includes relevant skills and experience) be formed under the Chairmanship of the Commonwealth to develop scenarios for the future development of the fisheries in the Torres Strait, and more particularly, to specify options for achieving Recommendations 1 – 3 above in the Reef Line and Tropical Rock Lobster fisheries"; and
5. this specialist group report back to the next meeting of the PZJA with the objective of making a decision at the next meeting.

Turtle and Dugong Fishery

The PZJA **AGREED** that:

1. there is a high level of concern regarding the current harvest estimates of turtle and dugong in the Torres Strait;
2. community based management is required to reduce unsustainable harvesting;
3. it appears unlikely that the NHT project being administered by NAILSMA (understood to be \$569,300) will provide sufficient resources to the Torres Strait communities to achieve successful community based management.

The PZJA **REQUESTED** that:

4. the Commonwealth Minister for Fisheries Forestry and Conservation explore with the Minister for Environment and Heritage the means for funding activity comprising the engagement of a Torres Strait Co-ordinator, part time monitors in each of 17 communities, and the development of monitoring and management plans in the communities;
5. the Queensland Minister also explore avenues for contributing to the cost of the project.

The PZJA **NOTED** that:

6. the total cost of this program is likely to be in the order of \$1.3 million over 2 years.
7. the TSRA propose to co-manage the development of the plans with AFMA; and
8. PNG will be involved in the management planning process.

Strategic Assessment

The PZJA **NOTED**:

1. that the Turtle and Dugong Fishery is subject to strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* and was commenced on 7 December 2004;
2. the strategic assessment process is likely to highlight the inadequate controls over harvesting in the Torres Strait of turtle and dugong and the need to limit catches to a sustainable level;
3. that policy issues may arise in the near future, committing the PZJA to a closer working relationship with PNG in the management of the shared turtle and dugong resources of the Torres Strait; and
4. the scope and likely cost of the assessment and the possibility of employing a contractor to undertake the assessment.

The PZJA **AGREED** that:

5. PNG should be engaged in the future management of the Turtle and Dugong Fishery through the strategic assessment process;
6. the strategic assessment submission for the Turtle and Dugong Fishery should be commenced as a priority over the other non-export fisheries; and
7. the Chair of the PZJA be requested to seek the Minister for Environment and Heritage's agreement to appropriate criteria for this assessment reflecting the unique nature of these fisheries.

Latent Effort Update

The PZJA **NOTED**:

1. the success of the latent effort reduction process in the Tropical Rock Lobster, Reef Line and Spanish Mackerel fisheries;
2. that the process has removed substantial latent effort in these fisheries; and
3. the TSFMAC's high level of concern regarding the need for the capping of effort among licences that pass the latent effort criteria that are currently inactive, but may be reactivated.

The PZJA **AGREED**:

4. to issue a press release notifying of the success of the latent effort reduction process.

The PZJA **REQUESTED**:

5. the respective working groups to develop effective effort or catch controls and report back to PZJA 18.

Finfish Fishery

Management Principles and Objectives

The PZJA **ENDORSED**:

1. the revised principles as recommended by the TSFMAC.

The PZJA **NOTED**:

2. that the options for implementing the principles were not agreed by all stakeholders. In particular, on Principle 2 (Principle 3 of the revised document) regarding restricting total effort to its current level until a sustainable level can be determined. Concern was expressed that the effort management regime designed to control total effort should include all sectors, including future PNG involvement; and
3. the progress made by the FWG on developing the objectives and that the TSFMAC has referred the objectives back to the FWG to consider prioritising objectives to available resources and assess the work required.

Management Arrangements

The PZJA **AGREED**:

4. to introduce Potato Cod, Queensland Groper, Chinaman Fish, and Paddletail as “no take” species in the Torres Strait;
5. to introduce a take and possession limit on Maori wrasse of one (1) fish per licence held in a licence package;
6. to introduce a minimum and maximum size limit for Maori Wrasse of 750 mm minimum and 1200 mm maximum; and
7. to introduce a minimum size limit for barramundi cod of 450 mm.

The PZJA **AGREED**:

8. to refer to the working group for additional advice on Red Bass, including consideration of the implementation of size limits to deal with stock productivity and food safety concerns.

The PZJA **NOTED**:

9. that the spawning closure periods will be considered in due course.

Area and Net Closures

The PZJA **NOTED**:

10. that the reef line fishery is closed to line fishing west of 142°31'49”;
11. the outcome of the consultation amongst Traditional Inhabitants and their desire to maintain the closure area that presently exists in the line fishery;
12. that the closure of the net fishery has been considered by the working group and TSFMAC and the support for closing the (mesh) net fishery subject to agreement from Traditional Inhabitants following further consultation;
13. the support by Traditional Inhabitants for the closure of the (mesh)net fishery;
14. the outcomes of the QSIA TS Line Fisheries meeting of 28th January 2005 and refers the issues of lack of security, the grant of long term statutory fishing rights, the need to cap effort, and consideration of the introduction of quota systems to the FWG for further investigation (attached); and

15. that the industry may pursue the matter of a voluntary buyback scheme with the PZJA in accordance with the outcomes of the QSIA meeting of 28 January 2005.

The PZJA **AGREED**:

16. to closing the remaining area of the finfish net fishery noting this closure is not intended to inhibit the development of a barramundi fishery in the top western area should it be desired by those communities; and
17. to allow a representative from both the reef line and Spanish mackerel fishery to sit on the TSFMAC.

Tropical Rock Lobster Fishery

The PZJA **AGREED** in principle to adopt a quota system for the TRL fishery from 2006 and to develop:

1. a detailed proposal for implementing this system by a consultant engaged by the PZJA for consideration at the 18th PZJA meeting;
2. the allocation of quota to both sectors being based on the most current available data and on receipt of advice from an Allocation Panel to be appointed by the PZJA. The composition of that panel be settled at the 18th PZJA meeting; and
3. a review being undertaken of what additional scientific evidence is required to estimate reliable Total Allowable Catches for the purposes of setting annual quotas.

The PZJA **AGREED**:

4. to issue an investment warning for the TRL Fishery.

Boat Replacement Policy

The PZJA **AGREED**:

5. that the current Boat Replacement Policy be maintained at this time but should be reconsidered as part of the implementation of the effort management system.

Areas closed to Hookah

The PZJA **AGREED**:

6. to request the TRL Working Group to consider the introduction of areas closed to hookah and report back to the PZJA. Note that in the event that the working group cannot agree to a consensus view to provide the PZJA with a report which includes the differing views to enable a decision to be taken.

Recreational Fishing Closure

The PZJA **AGREED**:

7. to make a request to Queensland to implement a recreational fishery closure in Torres Strait to coincide with the commercial fishery closure in the Torres Strait.

Act Amendment

The PZJA **AGREED**:

8. to seek an amendment to the *Torres Strait Fisheries Act 1984* by redefining the term “fishing” to that as defined in the *Fisheries Management Act 1991*.

Prawn Fishery

The PZJA **NOTED**:

1. that negotiations with both Torres Strait Islanders (TSI) and Papua New Guinea (PNG) have commenced and should be concluded by March 2005; and

2. the removal of TSI and PNG access from the fishery alone is insufficient to reduce the effort in the fishery to a sustainable level in the longer term.

The PZJA AGREED:

3. not to make any decisions in relation to effort allocations in this fishery until the outcomes of the negotiations are known;
4. to implement a program of effort reduction to sustainable levels when those negotiations have concluded;
5. that the Torres Strait Prawn Fishery management arrangements for 2005 are as for 2004;
6. to request that the Prawn Working Group and the TSFMAC provide the PZJA with timelines and proposals for effort reductions based on the delay-difference model and the alternative management workshop; and
7. that DAFF will consult with ABARE about the application of its economic modelling for the Northern Prawn Fishery to the Torres Strait Prawn Fishery and report to the alternative management workshop. DAFF will also consult ABARE about the possibility of social assessments but could make no undertakings about this work being pursued.

The PZJA NOTED:

8. the commencement of an observer program in the Torres Strait Prawn Fishery in 2005 using scientific observers.

Compliance

The PZJA NOTED:

1. the Torres Strait domestic compliance activity report for 2003/04.

The PZJA AGREED:

2. that officials consider the separation of FFV and domestic compliance programs and options for achieving an improved domestic compliance performance in the TS and report back to PZJA 18.

Risk Assessment and Compliance Plan

The PZJA AGREED to:

3. endorse the Torres Strait Risk Assessment and Compliance Plan; and
4. to request officers to report on further options for enhancing the compliance program in the Torres Strait at PZJA 18.

Joint Compliance between Australia and PNG

The PZJA NOTED the:

5. shared compliance concerns of the Torres Strait region; and
6. joint compliance arrangements for the TSPZ being pursued between Australia and PNG.

Finances

Cost Recovery

The PZJA AGREED:

1. in principle, to move to cost recovery in the Tropical Rock Lobster, Finfish (including the reef line and mackerel fisheries); and Pearl Shell Fishery;

2. to the development of a policy on the application of cost recovery to indigenous fishers, having regard to the AFMA Cost Recovery Impact Statement (CRIS) for consideration at PZJA 18; and
3. to direct agencies to develop a proposal to put to the next PZJA meeting for agreement, on a mechanism to implement cost recovery in these fisheries, and to provide draft estimates of the costs and cost per licence holder for the provision of services according by the categories of services outlined in the AFMA CRIS.

TSRA Fisheries Co-ordinator role

That the PZJA **AGREED**:

4. to extend the Fisheries Coordinator position for a further three-year term with the TSRA and Queensland and Australian Governments each contributing \$30,000 per annum;
5. to allocate the revenue raised from Traditional Inhabitant Boat license fees for Community Fisher Group capacity building to participate more effectively in the PZJA consultative structure via the TSRA; and

The PZJA **NOTED**:

6. that the TSRA has allocated \$200,000 for 2004/2005 to enable the Community Fisher representatives to build capacity on ground and participate in the PZJA consultative processes.

Sponge Fishery

The PZJA **NOTED**:

1. the work being undertaken in relation to bath sponge aquaculture in the Torres Strait
2. the prawn industry opposition to a blanket ban on the taking of sponges; and

The PZJA **AGREED**:

3. to determining the Sponge fishery as a Torres Strait fishery by adding it to "Schedule 2 - Short methods of reference to certain areas of Australian jurisdiction" of the *Torres Strait Fisheries Regulations 1985*; and
4. to implementing a Fisheries Management Notice, prohibiting the harvesting of sponges unless an appropriate authorisation is held, providing for a maximum of one in possession, with a review of this limit to be undertaken in 12 months time.

Trochus Fishery

The PZJA **NOTED**:

1. the current management arrangements and issues of the Torres Strait Trochus Fishery;
2. the need to implement an improved data collection program and a system that gives effect to the quota provisions for the fishery; and

The PZJA **AGREED**:

3. to the implementation of a prohibition on the use of hookah and SCUBA apparatus in the Trochus Fishery.

Legislative Amendments

The PZJA **NOTED**:

1. that the *Border Protection Legislation (Deterrence of Illegal Foreign Fishing) Amendment Bill 2004* will be introduced at the 2005 autumn sitting of parliament; and
2. the amendments to the TSFA that the Bill will introduce.

PZJA Website

The PZJA **APPROVED**:

1. the establishment of a PZJA website.

PZJA Annual Report 2002 - 03

The PZJA **NOTED**:

1. that the *Torres Strait Protected Zone Joint Authority Annual Report 2002-03* has been completed and is ready for endorsement and signing out of session.

Fisheries Consultative Structure

The PZJA **AGREED**:

1. to improve the current process used to appoint non-Islander members to its advisory groups, based on the AFMA model for appointing industry members;
2. to discuss once a year how well the consultative structure is working;
3. that 'terms of members' on PZJA consultative bodies in Torres Strait should normally be for a period of three years commencing from the date of appointment by the PZJA; and
4. to the continued appointment of Mr Jim Gillespie as Prawn Working Group Chair.

The PZJA **APPROVED**:

5. a policy of replacing members who do not attend two consecutive meetings without consulting the Chair of the relevant committee and that should a member be replaced, the Chair notify the member in writing of their membership status.

TRL Resource Assessment Group (RAG)

The PZJA **AGREED**:

1. to the establishment of a TRL RAG; and
2. to request the Chair of the TSFMAC to provide advice to the PZJA on the role and efficacy of the SAC in light of the creation of this RAG.

The PZJA **NOTED**:

1. that the Working Group has been asked to clarify the terms of reference, membership and inter-consultative body relationships for the RAG.

Remuneration for TSFMAC Chair

The PZJA **AGREED:**

1. that the Chairman of the TS MAC be paid the same per diem sitting fees (\$446 per day) and travel rates as the majority of Chairs of Management Advisory Committees (MAC) that come under the authority of the Australian Fisheries Management Authority (AFMA) and that the same conditions for payment apply;
2. that payments be backdated until July 2003 when the current Chairman, Prof Russell Reichelt, was appointed to the position; and
3. that in line with the cost sharing arrangements for management of the TS Fisheries, the Chairman be paid through the AFMA payroll system as is the procedure for AFMA's MAC Chairs.

Strategic Assessments

The PZJA **CONFIRMED:**

1. that the declaration of the Tropical Rock Lobster Fishery as an approved Wildlife Trade Operation is conditional and that the PZJA and AFMA will implement the recommendations from DEH and observe the WTO conditions; and
2. that agreement has been made to commence the strategic assessment of the non-export Torres Strait fisheries.

The PZJA **NOTED:**

3. that the Torres Strait Prawn Fishery assessment report has been submitted to DEH, awaiting recommendations;
4. that the assessment reports for the Sea Cucumber(Bêche-de-mer) Fishery and Finfish Fishery were released for public comment in September 2004 and the assessment reports for these fisheries will need to be considered by the PZJA out-of-session; and
5. that AFMA will commence the strategic assessment of the Crab, Trochus and Pearl Shell fisheries as resources become available.

Reinstatement of Reef Line Fishery tenders

The PZJA **CONFIRMED:**

1. the July 2004 decision to reinstate Reef Line Fishery tenders as a decision of the PZJA.

The PZJA **NOTED:**

2. that the Reef Line Fishery tenders were reinstated in August 2004.

Catch sharing arrangements with PNG for 2005

The PZJA **CONFIRMED:**

1. the catch sharing arrangements entered into with PNG for 2005 as a decision of the PZJA.

The PZJA **NOTED:**

2. the changes to Part 2 of Schedule B – Spanish Mackerel.

Next Meeting of PZJA

The PZJA **AGREED**:

1. to meet 5 – 6 July 2005 for PZJA Meeting No. 18;
2. to tentatively set the dates for PZJA Meeting No. 19 for 14 – 15 December 2005;
3. that future meetings would be preceded by stakeholder forums; and
4. for officials from Commonwealth, Queensland and TSRA to meet at least one month prior to draft the agendas and papers and arrange for distribution to stakeholders.

Dated this day of 2005

IAN MACDONALD

**Commonwealth Minister for Fisheries, Forestry and Conservation
Chairman of the Protected Zone Joint Authority**

For and on behalf of the Protected Zone Joint Authority