

<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>ACTIONS ARISING FROM PZJA 17</b>	<b>Agenda Item No. 1 FOR INFORMATION</b>

## **RECOMMENDATIONS**

1. That the PZJA **NOTES** the progress of action items arising from PZJA 17.

## **BACKGROUND**

A number of action items for PZJA agencies resulted from decisions by the PZJA at its 17<sup>th</sup> meeting held on February 1-2, 2005. The PZJA agencies held a meeting in Canberra following PZJA 17 to identify and allocate actions and to set timetables to achieve the requested outcomes. Monthly teleconferences have been held by the agencies to ensure that results are being achieved, or rescheduling of tasks is agreed upon to reflect the resources available to agencies to complete the identified tasks.

## **DISCUSSION**

The attached table details the actions arising from PZJA 17, the responsible agencies, key dates and comments on progress.

**ATTACHMENT** – Progress on action items from PZJA 17

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<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>TURTLE AND DUGONG FISHERIES</b> <b>Explanatory Note – why are they “fisheries”?</b>	Agenda Item No. 6. a <b>FOR INFORMATION</b>

## RECOMMENDATIONS

1. That the PZJA **NOTES** that the Torres Strait Turtle and Dugong Fisheries in the Australian jurisdiction of the Torres Strait Protected Zone (TSPZ) are *fisheries* under the *Torres Strait Fisheries Act 1984* (TSF Act) and are accordingly the responsibility of the PZJA.

## BACKGROUND

There has been some confusion amongst stakeholders about why the Torres Strait Turtle and Dugong Fisheries are in fact *fisheries* and why responsibility for their management rests with the PZJA.

Turtles and Dugongs in other Commonwealth waters outside of the Torres Strait are administered under *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and do not fall within the responsibility of the Australian Government Fisheries portfolio. This has led to confusion about why Turtle and Dugong resources in the Torres Strait are treated differently.

## DISCUSSION

Torres Strait fisheries are administered under the TSF Act. The PZJA is responsible for the management of fisheries in the Australian jurisdiction of the TSPZ as established under the Torres Strait Treaty (the Treaty).

The TSF Act provides that:

*fish* means all the natural resources of the sea and seabed, including all swimming species and all sedentary organisms, but does not include cetaceans or minerals.

This is a broader definition than under the *Fisheries Management Act 1991*.

The TSF Act also provides that:

*fishing* means the taking of fish, and includes the processing of fish that have been taken or the carrying of fish that have been taken.

In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty and in particular to the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing.

The term “traditional fishing” in the TSF Act is the same as the Treaty and is explicit in its inclusion of turtle and dugong:

*traditional fishing means 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*

### **Resolution**

The last meeting of the PZJA noted that a strategic assessment of the turtle and dugong fishery is being undertaken. It is proposed that the terms of reference for that assessment will include the requirement that:

International agreements that affect the management of the fishery should also be identified and proposals to amend those arrangements identified, if necessary.

The assessment must set out the specific management arrangements that will be applied to the fishery. Accordingly, the assessment must identify (amongst other things) any management plan for the fishery, any bycatch action plan, relevant regulations and any strategic research plan for the fishery. The assessment should also address the appropriateness of existing agency arrangements.

It would require a significant amendment to the TSF Act for the Torres Strait Turtle and Dugong Fisheries to be reclassified as anything other than *fisheries*. Until then, the PZJA should reaffirm its commitment to the management of these fisheries, pending further consideration following strategic assessment of the fisheries.

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<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>COMPLIANCE</b> <b>Separation of FFV and domestic compliance programmes</b>	<b>Agenda Item No. 8. a FOR INFORMATION</b>

## **RECOMMENDATIONS**

That the PZJA **NOTES**:

1. that recent initiatives have been implemented to minimise FFV impacts on the PZJA compliance program and these appear to be working, albeit during a period of less demand from the FFV program on Thursday Island; and
2. that the Commonwealth proposal to directly deliver FFV services should prevent any impacts on the PZJA compliance program in the longer term.

## **BACKGROUND**

Officials were asked at the 17th meeting of the PZJA to consider the separation of FFV and domestic compliance programs and options for achieving improved domestic compliance performance in the Torres Strait.

This followed three successive years where PZJA compliance targets were not met. While there were a number of reasons for this situation, increasing FFV activity and diversion of PZJA resources to counter this problem was considered to be primarily responsible.

A key initiative designed to ensure appropriate PZJA compliance was the provision by the Commonwealth of additional funding to enable Queensland Boating and Fishing Patrol (QBFP) to temporarily employ two additional officers on Thursday Island to deliver FFV compliance services.

These officers have now been engaged but are still in the process of being trained. Therefore they are being utilised on surveillance and response patrols, but still need to be supported by other QBFP staff with appropriate authorities.

To date in 2004/05, PZJA compliance targets are being met or exceeded. On a pro rata basis, at sea surveillance days are running ahead of schedule and visits to outer Islands have also been reactivated.

Therefore the initiatives agreed to better service FFV's appear to be working. It needs to be recognised however that while FFV's continue to be detected in Torres Strait and nearby areas, a change in quarantine procedures has meant that FFV's are either being dealt with by seizing fishing equipment and catch at sea rather than being apprehended and detained at Thursday Island. Therefore the new arrangements in the Torres Strait have not been fully tested in a situation where all clearance duties are performed by Thursday Island staff.

## **DISCUSSION**

Since the 17th meeting of PJZA, the Commonwealth has decided to deliver FFV compliance services through direct employment of officers rather than funding state/territory staff. Therefore there should be no opportunity in future for PZJA compliance resources to be diverted to FFV work.

However, the issue of surveillance platforms remains. PZJA work is often carried out using Customs vessels which are provided without charge. Unfortunately on a number of occasions vessels which are carrying out domestic compliance have been re-tasked to deal with foreign fishing vessels. Paper 8b deals with further options for improving domestic compliance arrangements.

### ***Financial implications***

There are no financial implications for the PZJA.

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<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>FINANCES</b> <b>Supplement to Cost Recovery Paper</b>	Agenda Item No. 9. a <b>FOR DECISION</b>

Supplement for Members – Draft estimates of three options for implementing cost recovery.

A number of options for implementing cost recovery for the identified fisheries have been explored. This was done following allocation of costs based on the 2005/06 budget of both Queensland and AFMA for management of the fisheries into the five activity groups detailed above. For each option, the number of TVH Primaries, TVH tenders and TIB vessels for each fishery as of May 2005 were identified.

### ***Financial implications***

The three options developed for consideration are;

1. Split of costs between “primary” vessel (TVH (non-indigenous) Primaries and TIB (indigenous) vessels) and TVH Tender vessels;
2. Split of cost between TVH Tender vessels and TIB vessels based on proportion of catch; and
3. Split of cost between TVH Tender vessels and TIB vessels.

### ***Option 1***

The cost of management of each fishery is apportioned between the “primary” licence vessel (TVH Primary and TIB vessel) and TVH tender vessels. This is based on the premise that a TIB vessel is the primary vessel of the fishing operation, and that TVH tender vessels operate off a TVH primary vessel. The more TVH tender vessels operating off a primary, the greater the amount a licence holder will pay. The advantages of this method are that it;

1. tries to provide a system which requires the largest users of the resource to contribute the most to the costs; and
2. encourages smaller operations, which is desirable to Traditional Inhabitants.

The estimated cost per “primary” licence vessel and cost per “licence package” (TVH Primary plus associated tenders) for the Tropical Rock Lobster, Finfish (reef line and mackerel fisheries), and Pearl Shell fisheries for this option are detailed in tables 1 – 4 below respectively.

Table 1. TRL fishery Option 1 costs per licence and licence holder

Option 1 - Split of costs between (Primaries + TIB) & Tenders			
% of cost	Sector	Number	Cost
50%	TVH primaries	26	\$ 687
50%	TVH tenders	64	\$ 4,829
incl in TVH primaries %	TIB vessels	424	\$ 687
	Packages	No. tenders	Cost/package
		0	\$ 687
		1	\$ 5,516
		2	\$ 10,346
		3	\$ 15,175
		4	\$ 20,004
		5	\$ 24,834
		6	\$ 29,663
		7	\$ 34,492

Table 2. Reefline fishery Option 1 costs per licence and licence holder

Option 1 - Split of costs between (Primaries + TIB) & TVH Tenders			
% of cost	Sector	Number	Cost
50%	TVH primaries	7	\$ 682
50%	TVH tenders	24	\$ 6,108
incl in TVH primaries %	TIB vessels	208	\$ 682
	Packages	No. tenders	Cost/package
		0	\$ 682
		1	\$ 6,790
		2	\$ 12,899
		3	\$ 19,007
		4	\$ 25,116

Table 3. Mackerel fishery Option 1 costs per licence and licence holder

Option 1 - Split of costs between (Primaries + TIB) & TVH Tenders			
% of cost	Sector	Number	Cost
50%	TVH primaries	15	\$ 191
50%	TVH tenders	30	\$ 1,551
incl in TVH primaries %	TIB vessels	228	\$ 191
	Packages	No. tenders	Cost/package
		0	\$ 191
		1	\$ 1,742
		2	\$ 3,293
		3	\$ 4,844
		4	\$ 6,394

Table 4. Pearl shell fishery Option 1 costs per licence and licence holder

Option 1 - Split of costs between (Primaries + TIB) & TVH Tenders				
% of cost	Sector	Number	Cost	
50%	TVH primaries	18	\$	168
50%	TVH tenders	37	\$	442
incl in TVH primaries %	TIB vessels	79	\$	168
	Packages	No. tenders	Cost/package	
		0	\$	168
		1	\$	610
		2	\$	1,052
		3	\$	1,493
		4	\$	1,935

### **Option 2**

The cost of management of each fishery is apportioned between the TIB vessel and TVH tender sectors based on the catch rate percentage of each of these sectors, and then divided by the number of vessels in each of those sectors.

This method allocates the larger portion of costs to the sector that benefits most from the fishery economically, but this may not be an accurate reflection of how costs are generated for the fisheries as the other options.

The estimated cost per TIB vessel and TVH tender for the Tropical Rock Lobster, Finfish (including reef line and mackerel fisheries), and Pearl Shell fisheries for this option are detailed in tables 5 – 8 below respectively.

Table 5. TRL fishery Option 2 costs per licence and licence holder

Option 2 - Split based on proportion of catch taken by sector				
% of cost	Sector	Number	Cost	
70%	TVH tenders	64	\$	6,761
30%	TIB vessels	424	\$	437
	Packages	No. tenders	Cost/package	
		1	\$	6,761
		2	\$	13,522
		3	\$	20,283
		4	\$	27,045
		5	\$	33,806
		6	\$	40,567
		7	\$	47,328

Table 6. Reefline fishery Option 2 costs per licence and licence holder

Option 2 - Split based on proportion of catch taken by sector				
% of cost	Sector	Number	Cost	
80%	TVH tenders	24	\$	9,773
20%	TIB vessels	304	\$	193
	Packages	No. tenders	Cost/package	
		1	\$	9,773
		2	\$	19,547
		3	\$	29,320
		4	\$	39,094

Table 7. Mackerel fishery Option 2 costs per licence and licence holder

Option 2 - Split based on proportion of catch taken by sector				
% of cost	Sector	Number	Cost	
80%	TVH tenders	30	\$	2,481
20%	TIB vessels	228	\$	82
	Packages	No. tenders	Cost/package	
		1	\$	2,481
		2	\$	4,962
		3	\$	7,443
		4	\$	9,924

Table 8. Pearl shell fishery Option 2 costs per licence and licence holder

Option 2 - Split based on proportion of catch taken by sector				
% of cost	Sector	Number	Cost	
70%	TVH tenders	37	\$	618
30%	TIB vessels	79	\$	124
	Packages	No. tenders	Cost/package	
		1	\$	618
		2	\$	1,236
		3	\$	1,855
		4	\$	2,473

### **Option 3**

The cost of management of each fishery is apportioned between the TIB vessel and TVH tender sectors based on the number of vessels in each of those sectors.

This method may best account for the proportioning of management costs across the fishery as TVH tenders and TIB vessels undertake the fishing activities and therefore attract the management actions (compliance, licensing etc) regardless of licence type. Primary TVH vessels are not costed against as all primary vessels have a minimum of one tender that is used to fish, and therefore costs are recovered in that way.

The estimated cost per TIB vessel and TVH tender for the Tropical Rock Lobster, Finfish (reef line and mackerel fisheries), and Pearl Shell fisheries for this option are detailed in tables 9 – 12 below respectively.

Table 9. TRL fishery Option 3 costs per licence and licence holder

Option 3 - Split of costs between TIB & Tenders			
Sector	Number	Cost	
TVH tenders	64	\$	1,267
TIB vessels	424	\$	1,267
Packages	No. tenders	Cost/package	
	1	\$	1,267
	2	\$	2,533
	3	\$	3,800
	4	\$	5,067
	5	\$	6,334
	6	\$	7,600
	7	\$	8,867

Table 10. Reefline fishery Option 3 costs per licence and licence holder

Option 3 - Split of costs between TIB & TVH Tenders			
Sector	Number	Cost	
TVH tenders	24	\$	894
TIB vessels	304	\$	894
Packages	No. tenders	Cost/package	
	1	\$	894
	2	\$	1,788
	3	\$	2,682
	4	\$	3,576

Table 11. Mackerel fishery Option 3 costs per licence and licence holder

Option 3 - Split of costs between TIB & TVH Tenders			
Sector	Number	Cost	
TVH tenders	30	\$	361
TIB vessels	228	\$	361
Packages	No. tenders	Cost/package	
	1	\$	361
	2	\$	721
	3	\$	1,082
	4	\$	1,443

Table 12. Pearl shell fishery Option 3 costs per licence and licence holder

Option 3 - Split of costs between TIB & TVH Tenders			
Sector	Number	Cost	
TVH tenders	37	\$	282
TIB vessels	79	\$	282
Packages	No. tenders	Cost/package	
	1	\$	282
	2	\$	563
	3	\$	845
	4	\$	1,127

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<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>FINANCES PZJA 2005/06 Budget</b>	<b>Agenda Item No. 9. b FOR DECISION</b>

## **RECOMMENDATIONS**

That the PZJA **AGREES** to the;

1. attached draft PZJA budget for the 2005/06 financial year noting that it represents an increase of \$155,121 over the 2004/05 allocation;
2. allocation of additional funding to implement proposals for works depending on the decisions on agenda items at this meeting;
  - a. in the Bêche-de-mer fishery (agenda item 4) to meet strategic assessment recommendations (\$167,500) including the establishment of a Hand Collectables Working Group (\$12,500 per year);
  - b. for improvements to the domestic compliance program (agenda item 8b - \$210,000 per year); and
3. development of a budget for the implementation of aspects of a quota management system for the Tropical Rock Lobster fishery depending upon the outcomes of agenda item 3.

## **BACKGROUND**

The Australian Fisheries Management Authority (AFMA) and the Queensland Department of Primary Industries and Fisheries (QDPIF) jointly prepare a budget for fisheries management, surveillance and enforcement programs in the Torres Strait Protected Zone on behalf of the Torres Strait Protected Zone Joint Authority (PZJA).

## **DISCUSSION**

The budgets for AFMA and QDPIF programs for the Torres Strait fisheries for the 2005/06 financial year have been processed (attached). Overall, the combined budget for works in the Torres Strait fisheries has increased by \$155,121 (4.4%) from the 2004/05 budget of \$3,498,080 to \$3,653,201. AFMA has advised that it has the necessary funds to cover the budget increase while QDPIF is currently examining its budget position.

The AFMA Board approved AFMA's 2005-06 budget in early July, which overall increased by \$94,626 (4.3%) from the 2004/05 budget to \$2,308,128. This amount includes the budgets for Administration (including committees) and Torres Prawn.

Queensland's proposed budget has increased by \$60,495 (4.5%) from the 2004/05 budget to \$1,345,073.

At present only the Torres Prawn fishery is cost recovered, with cost recovery for the Tropical Rock Lobster, Spanish Mackerel, Reefline and Pearl Shell fisheries being discussed at agenda item 9a. Cost recovery from these fisheries, if implemented, will have an effect on future budgets, but it will not be in place for the 2005/06 financial year.

A number of proposals are detailed in Agenda papers that will require additional funds during 2005/06 that have not been budgeted for. These are new costs for the PZJA and will require additional funding.

1. To implement the recommendations arising from the Bêche-de-mer strategic assessment (agenda item 4b) the total estimated cost of undertaking projects will be in the order of \$167,500. The establishment of a Hand Collectables Working Group (agenda item 4a) is estimated to cost approximately \$12,500 annually and is included in the total amount.
2. The proposal for a trial to be undertaken using private charter vessels for 100 days per year for fisheries compliance purposes (agenda item 8b) would require additional funding of approximately \$210,000 per year.
3. Implementation of aspects of a quota management system (agenda item 3 a) for the Tropical Rock Lobster fishery for 2006 before full implementation in 2007 entails higher costs associated with monitoring quota landings, and ensuring adequate compliance with the regime, and setting TACs. The additional costs have not been formally calculated.

Australian Fisheries Management Authority  
Final budget levybase for the 2005/2006 financial year

<u>Torres Strait - Administration</u> Description	<u>2005/2006</u> Budget			<u>2004/2005</u> Budget			<u>increase/(decrease)</u>		
	Total	Industry	Govt	Total	Industry	Govt	Total	Industry	Govt
<b><u>Direct Costs</u></b>									
Salaries & On-costs	377,795	-	377,795	252,508	-	252,508	125,287	-	125,287
Consultants & Contractors	110,000	-	110,000	119,000	-	119,000	(9,000)	-	(9,000)
Travel & Subsistence	71,750	-	71,750	47,826	-	47,826	23,924	-	23,924
Other Administrative Costs	315,990	-	315,990	308,660	-	308,660	7,330	-	7,330
<b>Total Direct Costs</b>	<b>875,535</b>	<b>-</b>	<b>875,535</b>	<b>727,994</b>	<b>-</b>	<b>727,994</b>	<b>147,541</b>	<b>-</b>	<b>147,541</b>
<b><u>Overheads *</u></b>	<b>336,757</b>	<b>-</b>	<b>336,757</b>	<b>240,148</b>	<b>-</b>	<b>240,148</b>	<b>96,609</b>	<b>-</b>	<b>96,609</b>
<b><u>Research</u></b>	<b>500,000</b>	<b>-</b>	<b>500,000</b>	<b>500,000</b>	<b>-</b>	<b>500,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b><u>RAGs+</u></b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b><u>Research Administration</u></b>	<b>27,534</b>	<b>-</b>	<b>27,534</b>	<b>31,999</b>	<b>-</b>	<b>31,999</b>	<b>(4,465)</b>	<b>-</b>	<b>(4,465)</b>
<b><u>Indirect Costs</u></b>									
MAC / CC Costs	115,975	-	115,975	215,450	-	215,450	(99,475)	-	(99,475)
Logbook Program	50,828	-	50,828	46,500	-	46,500	4,328	-	4,328
Data Management	-	-	-	25,396	-	25,396	(25,396)	-	(25,396)
Licensing and Registers	-	-	-	-	-	-	-	-	-
Compliance	127,382	-	127,382	156,784	-	156,784	(29,402)	-	(29,402)
Observers	-	-	-	-	-	-	-	-	-
<b>Total Indirect Costs</b>	<b>294,185</b>	<b>-</b>	<b>294,185</b>	<b>444,130</b>	<b>-</b>	<b>444,130</b>	<b>(149,945)</b>	<b>-</b>	<b>(149,945)</b>
<b><u>Total Costs</u></b>	<b>2,034,011</b>	<b>-</b>	<b>2,034,011</b>	<b>1,944,271</b>	<b>-</b>	<b>1,944,271</b>	<b>89,740</b>	<b>-</b>	<b>89,740</b>

\* overheads are allocated based on direct costs and direct staff numbers

+ industry's share is 25% of the total cost - the govt share is funded by the AFMA Research Fund

Australian Fisheries Management Authority  
Final budget levybase for the 2005/2006 financial year

<u>Torres Strait - Committees</u> Description	<u>2005/2006</u> Budget			<u>2004/2005</u> Budget			<u>increase/(decrease)</u>		
	Total	Industry	Govt	Total	Industry	Govt	Total	Industry	Govt
<b><u>Direct Costs</u></b>									
Salaries & On-costs	10,684	-	10,684	67,541	-	67,541	(56,857)	-	(56,857)
Consultants & Contractors	-	-	-	-	-	-	-	-	-
Travel & Subsistence	86,800	-	86,800	84,594	-	84,594	2,206	-	2,206
Other Administrative Costs	4,100	-	4,100	4,152	-	4,152	(52)	-	(52)
<b>Total Direct Costs</b>	<b>101,584</b>	<b>-</b>	<b>101,584</b>	<b>156,287</b>	<b>-</b>	<b>156,287</b>	<b>(54,703)</b>	<b>-</b>	<b>(54,703)</b>
<b><u>Overheads *</u></b>	<b>14,391</b>	<b>-</b>	<b>14,391</b>	<b>59,163</b>	<b>-</b>	<b>59,163</b>	<b>(44,772)</b>	<b>-</b>	<b>(44,772)</b>
-									
<b><u>Research</u></b>	-	-	-	-	-	-	-	-	-
<b><u>RAGs+</u></b>	-	-	-	-	-	-	-	-	-
<b><u>Research Administration</u></b>	-	-	-	-	-	-	-	-	-
<b><u>Indirect Costs</u></b>									
MAC / CC Costs	-	-	-	-	-	-	-	-	-
Logbook Program	-	-	-	-	-	-	-	-	-
Data Management	-	-	-	-	-	-	-	-	-
Licensing and Registers	-	-	-	-	-	-	-	-	-
Compliance	-	-	-	-	-	-	-	-	-
Observers	-	-	-	-	-	-	-	-	-
<b>Total Indirect Costs</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b><u>Total Costs</u></b>	<b>115,975</b>	<b>-</b>	<b>115,975</b>	<b>215,450</b>	<b>-</b>	<b>215,450</b>	<b>(99,475)</b>	<b>-</b>	<b>(99,475)</b>

\* overheads are allocated based on direct costs and direct staff numbers

+ industry's share is 25% of the total cost - the govt share is funded by the AFMA Research Fund

Australian Fisheries Management Authority  
Final budget levybase for the 2005/2006 financial year

<u>Torres Prawn</u>	<u>2005/2006</u>			<u>2004/2005</u>			<u>increase/(decrease)</u>		
	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>
Description	Total	Industry	Govt	Total	Industry	Govt	Total	Industry	Govt
<b><u>Direct Costs</u></b>									
Salaries & On-costs	77,824	77,824	-	68,983	68,983	-	8,841	8,841	-
Consultants & Contractors	-	-	-	-	-	-	-	-	-
Travel & Subsistence	25,650	25,650	-	29,720	29,720	-	(4,070)	(4,070)	-
Other Administrative Costs	6,165	6,165	-	6,475	6,475	-	(310)	(310)	-
<b>Total Direct Costs</b>	<b>109,639</b>	<b>109,639</b>	<b>-</b>	<b>105,178</b>	<b>105,178</b>	<b>-</b>	<b>4,461</b>	<b>4,461</b>	<b>-</b>
<b><u>Overheads *</u></b>	<b>53,151</b>	<b>53,151</b>	<b>-</b>	<b>49,032</b>	<b>49,032</b>	<b>-</b>	<b>4,119</b>	<b>4,119</b>	<b>-</b>
-									
<b><u>Research</u></b>	-	-	-	-	-	-	-	-	-
<b><u>RAGs+</u></b>	-	-	-	-	-	-	-	-	-
<b><u>Research Administration</u></b>	-	-	-	-	-	-	-	-	-
<b><u>Indirect Costs</u></b>									
MAC / CC Costs	-	-	-	-	-	-	-	-	-
Logbook Program	44,956	44,956	-	43,359	43,359	-	1,597	1,597	-
Data Management	13,227	13,227	-	30,661	30,661	-	(17,435)	(17,435)	-
Licensing and Registers	-	-	-	-	-	-	-	-	-
Compliance	53,144	26,572	26,572	41,000	20,500	20,500	12,144	6,072	6,072
Observers	-	-	-	-	-	-	-	-	-
<b>Total Indirect Costs</b>	<b>111,327</b>	<b>84,755</b>	<b>26,572</b>	<b>94,521</b>	<b>94,521</b>	<b>-</b>	<b>16,806</b>	<b>(9,766)</b>	<b>26,572</b>
<b><u>Total Costs</u></b>	<b><u>274,117</u></b>	<b><u>247,545</u></b>	<b><u>26,572</u></b>	<b><u>269,231</u></b>	<b><u>248,731</u></b>	<b><u>20,500</u></b>	<b><u>4,886</u></b>	<b><u>(1,186)</u></b>	<b><u>6,072</u></b>

\* overheads are allocated based on direct costs and direct staff numbers

+ industry's share is 25% of the total cost - the govt share is funded by the AFMA Research Fund

**QUEENSLAND FISHERIES (DRAFT ONLY)**

**TORRES STRAIT PROTECTED ZONE**

**BUDGET ESTIMATES 2005 - 2006**

**SCHEDULE B**

**PART 1 - SALARY AND COSTS**

1. Salaries And Leave Loading	Incl VMS staff	\$398,593	
2. Locality Allowances		\$41,638	
3. Superannuation Contributions		\$50,821	
4. Long Service Leave Attributions		\$5,979	
5. Work Cover		\$2,989	
6. Overtime and Penalty Allowances		\$48,607	
7. Payroll Tax		\$26,446	
<b>Total (Part 1)</b>			<b>\$575,073</b>

**PART 2 - OPERATING**

1. Air Travel	Remote Area Travel	\$15,000	
	Senior/Resource Management/Licencing	\$15,000	
	Field Staff	\$30,000	\$60,000
2. Air Charter			\$0
3. Vessel Charter ( 50% ACS/QPOL/Charter)			\$60,000
4. Vessel Operating Costs			
	Fuel and Oils	\$7,000	
	Survey/Registration	\$1,000	
	Other/Lease	\$12,000	\$20,000
5. Vehicle Lease/Operating Costs			\$20,000
6. Service Costs			\$5,000
7. Fringe Benefit Tax			\$5,000
8. Staff Appointment and Transfer	No Interchange 05/06	\$5,000	
9. Training and Seminars	Incl VMS Training	\$5,000	
10. Travelling Allowances			
	Management/Licencing/VMS	Incl VMS Training-\$2k	
	Field Staff (Incl T/A Costs on Charter Vessel)		\$20,000
11. Telex/Phones/Fax/Paging/Polling Costs	Incl \$18k polling costs		\$35,000
12. Office/Lease/General Requirements			\$30,000
13. Uniforms			\$4,000
14. Maintenance of Capital Items			
	Inshore Vessels	\$7,000	
	Trailers	\$2,000	
	Communications/Licence Database	\$11,000	
	Miscellaneous	\$5,000	
	Depots/Buildings	\$6,000	\$31,000
15. Postage & Freight			\$5,000
<b>TOTAL ( PART 2)</b>			<b>\$305,000</b>

**PART 3 - CAPITAL ITEMS**

**1. New Capital Items**

NIL		\$0	
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**2. Replacement Capital Items**

NIL - Internal Asset Lease Scheme applies (IALS), Allowance made for 50% AFMA expenditure for:			
REPAIRS TO PEARLS BUILDING		\$20,000	

<b>TOTAL ( PART 3)</b>			<b>\$20,000</b>
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**PART 4 OVERHEAD CALCULATIONS**

<u>UNIT</u>	<u>AMOUNT</u>	<u>COMMENT</u>
1. Board and Managing Directors (SMT, DG, DDG)	\$0	Cost Share Formulae
2. Executive Management (Fisheries Group)	\$0	Cost Share Formulae
3. Environmental Management	\$0	Cost Share Formulae
4. Research and Data Administration	\$0	Cost Share Formulae
5. Human Resources	\$0	Cost Share Formulae
6. Finance	\$0	Cost Share Formulae
7. Legal	\$0	Cost Share Formulae
8. Office Services	\$0	Cost Share Formulae
9. Policy , Planning and Communications	\$0	Cost Share Formulae
10. Information Systems	\$0	Cost Share Formulae
<b>TOTAL ( PART 4)</b>	<b>\$445,000</b>	

**\$1,345,073**

<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>LEGISLATION</b> <b>Implications of New Detention Arrangements, TSF Act Amendment to Redefine Fishing, Review of TSF Act, Declaration of a Sponge Fishery, NOO Governance project</b>	Agenda Item No. 11. <b>FOR INFORMATION</b>

## RECOMMENDATIONS

That the PZJA NOTES:

1. that the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005 (the Bill) has now passed through the House of Representatives and is due to be introduced into the Senate in the winter 2005 parliamentary sitting.
2. the progress made on amending the term 'fishing' in the *Torres Strait Fisheries Act 1984* for the purposes of better controlling fishing effort;
3. the declaration of a sponge fishery is being progressed, and will be complete by the end of 2005; and
4. the progress of the National Oceans Office 'Torres Strait Treaty Natural Resource Management Governance Review' project as the basis for a review of the *Torres Strait Fisheries Act 1984*.

## BACKGROUND / DISCUSSION

### *Implications of new detention arrangements*

As discussed at the last meeting, an urgent legislative bid was made in August 2004 for amendments to the *Fisheries Management Act 1991*, the *Torres Strait Fisheries Act 1984* and the *Migration Act 1958*. The Bill passed through the House of Representatives during the autumn 2005 parliamentary sitting and will be introduced into the Senate in the winter 2005 parliamentary sitting.

The amendments contained in the Bill are designed to address concerns about the arrangements for detaining illegal foreign fishers contained in the TSF and other Acts. The Bill will provide the legislative framework necessary for the Australian Fisheries Management Authority and the Department of Immigration and Multicultural and Indigenous Affairs to run a jointly managed, land-based detention facility for illegal foreign fishers. The Bill will provide maximum consistency between arrangements for managing illegal foreign fishing in the Torres Strait and the rest of Australia's waters.

### *Torres Strait Fisheries Act 1984 Amendment to redefine 'fishing'*

At the 17<sup>th</sup> meeting of the PZJA a paper was presented that outlined the need for an amendment of the *Torres Strait Fisheries Act 1984* (TSF Act) to be made to prevent an increase in effective fishing effort arising from assistance being provided to licensed fishing vessels from unlicensed vessels. It was believed that redefining the term "fishing" in the TSF Act to that defined in the *Fisheries Management Act 1991* (FMA) would resolve this issue.

There is concern that the definitions of “take” and “carry” in the TSF Act do not adequately prevent unlicensed vessels from assisting the fishing operations of licensed vessels. For example it might be possible for an unlicensed vessel to support the operation of a number of tenders without either the unlicensed or licensed vessels breaching the legislation. TSFMAC acknowledged at their meeting of November 2004 that this will require an amendment to the Act and that this issue should be addressed as a first step by redefining the term “fishing” along the lines of that defined in the FMA, as soon as possible.

The Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) have begun the process to amend the definition in the TSF Act. However, as this is a significant change, legal advice has been sought on the implications for redefining ‘fishing’ in the TSF Act. The process involved in gaining an amendment is extensive and it is not likely that it will occur until at least mid 2006.

### ***Declaration of a Sponge Fishery***

Currently, anyone who holds a Torres Strait fishing boat licence issued under Section 19(2) of the *Torres Strait Fisheries Act 1984* could harvest sponge for sale. Fisheries managers were concerned that recent publicity about a sponge aquaculture project and sponge farming generally, eg. World market value of US\$40M, could lead to opportunistic harvesting of sponge.

The PZJA at its 17<sup>th</sup> meeting agreed to determine 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*.

Legal advice is being sought on declaring the sponge fishery. When drafting instructions were sent to the Office of Legislative Drafting, an issue arose in relation to the need to declare the fishery for a sedentary organism in the territorial sea of Australia north of the Seabed Jurisdiction Line. The Office of International Law in the Attorney General’s Department is providing the advice.

As soon as the issue is resolved, DAFF will move to make the amendment to the regulations and declare the fishery. This is not likely to be completed until the end of 2005.

### ***NOO Treaty NRM Governance Review project***

The Department is contributing funds from its Fisheries Resources Research Fund (FRRF) to the National Oceans Office (NOO) for a project entitled ‘Review of the Torres Strait Treaty Natural Resource Management Governance Arrangements’ (the Project).

The Project will review the existing governance arrangements in and between Australia and Papua New Guinea (PNG) that give effect to the Torres Strait Treaty (the Treaty) and will make recommendations for improvement of these arrangements.

The objectives of the Project are:

- to provide options for improving the joint natural resource management regime in accordance with the requirements of the Treaty; and
- to recommend how cross-border fisheries management can be best integrated with broader natural resource management and environmental management requirements within a new regime.

It is anticipated that the Project will lead to:

- more effective joint management between Australia and PNG of the shared natural resources of the Torres Strait;
- ongoing sustainable management of fisheries and other culturally significant resources in the Torres Strait; and
- protection of the Torres Strait marine environment.

Extensive consultation with relevant departments and agencies has been conducted as part of the Project. The Torres Strait Protected Zone Joint Authority (PZJA) agencies have been integral in informing and guiding the Project.

The final report is due to be released shortly and will be formally presented at PZJA 19.

The outcomes of the report will provide some basis on which to progress the review of the TSF Act.

### ***Financial implications***

There are costs associated with the new detention arrangements, but these have been budgeted for through a Cabinet Submission. Costs involved with seeking legal advice on redefining the term fishing and on declaring a sponge fishery will be paid for by the Australian Government Department of Agriculture, Fisheries and Forestry.

The Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) contributed \$30,000 to the NOO project through the FRRF. Some costs may be incurred in the implementation of the recommendations from this report, but as yet these have not been estimated.

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<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>PZJA ANNUAL REPORT 2003/04</b>	Agenda Item No. 12 <b>FOR DECISION</b>

## **RECOMMENDATIONS**

1. That the PZJA **AGREES** to endorse and sign the *Torres Strait Protected Zone Joint Authority Annual Report 2003-04*.

## **BACKGROUND**

Section 41 (1) of the *Torres Strait Fisheries Act 1984* states that;

“the Protected Zone Joint Authority shall, as soon as practicable after 30 June each year, prepare a report on the activities of the Protected Zone Joint Authority in that year ending on that date and on the condition during that year of the fisheries to which the functions of the Protected Zone Joint Authority applied in that year.”

The 2003-04 annual report for the PZJA is produced in accordance with this section of the Act.

## **DISCUSSION**

The PZJA Annual Report for 2003-04 (attached) describes PZJA activities during the period 1 July 2003 to 30 June 2004. It also reports the condition of the fisheries in the Torres Strait Protected Zone (TSPZ). The format of the report remains unchanged from that of the 2002-03 PZJA Annual Report that has recently been signed by the Members of the PZJA.

The completion of this report brings the annual reporting for the PZJA up to date, with the 2004-05 annual report about to be commenced given the completion of that reporting period.

A review of the content and structure of the report will be undertaken, to ensure that the report is addressing all the issues that have occurred in the fishery for the reporting period in a concise and effective way. This will be undertaken by the PZJA agencies.

### ***Financial implications***

The costs associated with the production of the annual report are accounted for in the budgeting process each year, and no additional financial resources are required to complete this process.

**ATTACHMENT** – PZJA Annual Report 2003/04

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<b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b>	<b>Meeting No. 18 5-6 July 2005</b>
<b>OUT-OF-SESSION DECISIONS For the period 3 Feb – 4 July 2005</b>	Agenda Item No. 13 <b>FOR CONFIRMATION</b>

## **RECOMMENDATIONS**

That the PZJA **CONFIRMS** the out-of-session:

1. endorsement of the Torres Strait Beche-de-mer Fishery strategic assessment report for submission to the Australian Government Department of the Environment and Heritage (DEH), as a decision of the PZJA;
2. endorsement of the Torres Strait Finfish Fishery strategic assessment report for submission to the Australian Government Department of the Environment and Heritage (DEH), as a decision of the PZJA; and
3. decision to the change in format of future PZJA meetings to a stakeholder meeting on day one and the Authority meeting on day two, as a decision of the PZJA.

## **BACKGROUND**

Four out-of-session decisions were made by the PZJA in the period between PZJA 17 (1-2 February 2005) and PZJA 18.

### ***Beche-de-mer strategic assessment***

The strategic assessment report for the Beche-de-mer Fishery was endorsed out-of-session to give DEH ample time to provide their recommendations. Those recommendations have been provided and must be endorsed by the PZJA for export approval to be granted (see agenda paper 4 regarding the Beche-de-mer Fishery)

### ***Finfish Fishery strategic assessment***

The strategic assessment of the Finfish Fishery must be completed by 1 December 2005 to comply with the 12 month extension granted by DEH. An out-of-session decision will be sought to endorse the strategic assessment report for submission to DEH well before the December deadline.

### ***PZJA meeting format***

The PZJA agreed at its 17<sup>th</sup> meeting that future meetings of the PZJA would be preceded by stakeholder forums. To give effect to this agreement an out-of-session decision was sought on 7 April 2005, and subsequently agreed by the two other members on 28 April and 4 May, that future meetings of the PZJA would comprise a stakeholder meeting on day one and the authority meeting on day two.

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