

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
MEETING ADMINISTRATION Ratification of TSPMAC No. 5 meeting record	Agenda Item No. 1.1 FOR DECISION

RECOMMENDATIONS

1.1.1 The TSPMAC **AGREES** to adopt the minutes from the December 4, 2007 TSPMAC meeting (TSPMAC No. 5).

BACKGROUND

Minutes of the December 4, 2007 TSPMAC meeting (TSPMAC No. 5) were distributed to members on the 19 December 2007, with comments sought by 11 January 2008. Comments were received from members and incorporated where feasible. An amended version was distributed to all TSPMAC members on 20 February 2008.

Members were informed that the 20 February 2008 version would be used for ratification purposes at TSPMAC No. 6 if no further comments were received. No additional comments have been received from TSPMAC members.

DISCUSSION

Comments were received by a number of members on the draft minutes distributed on 19 December 2007. Changes were made as required and the revised version is provided at Attachment 1.1A for ratification by the TSPMAC.

FINANCIAL IMPLICATIONS

Nil.



Australian Government
Australian Fisheries Management Authority

ATTACHMENT 1.1A



Queensland
Government



TORRES STRAIT
PZJA
PROTECTED ZONE
JOINT AUTHORITY



Torres Strait Prawn Management Advisory Committee (TSPMAC)

DRAFT MINUTES
TSPMAC NO. 5
4 DECEMBER 2007

CAIRNS

Acting CHAIR: Mr. John Pollock



**TORRES STRAIT PRAWN
MANAGEMENT ADVISORY COMMITTEE MEETING No. 5**
4th/5th December, 2007: Commencing at 8:30 am
Venue: Bluewater 2 Room, The Pacific International Hotel
Address: Cnr. The Esplanade & Spence St, Cairns, QLD, 4870

Preliminaries – Chairs opening remarks/Apologies/Adoption of Agenda

AGENDA

1 Meeting Administration

- 1.1 Disclosure of interests (Chair)
- 1.2 Ratification of TSPMAC#4 meeting record (AFMA)
- 1.3 Actions and/or business arising from previous TSPMAC meetings (AFMA)

2 Reports

- 2.1 Alternative effort management system – PZJA discussions (DAFF)
- 2.2 Industry report - season summary, 2007 (TSPEHA)
- 2.3 Compliance report - season update on activities, 2007 (QB&FP)
- 2.4 Observer program report - preliminary summary, 2007 & Plan for 2008 (AFMA)
- 2.5 Data report – trends in 2007 catch and effort data (QDPI&F)

3 Management

- 3.1 Strategic Assessment of the fishery (AFMA)
- 3.2 Management Plan update (AFMA/QDPI&F)
- 3.3 Fisheries Management and Logbook Notices to be Revoked (AFMA)
- 3.4 Proposed area closures (AFMA)
- 3.5 TSPF Handbook, 2008 (AFMA)
- 3.6 Harvest Strategy update (QDPI&F)
- 3.7 Ecological Risk Assessment update (AFMA)
- 3.8 Torres Strait Scientific Advisory Committee Terms of Reference and membership (AFMA)
- 3.9 Australia/PNG Bilateral Fisheries talks - Prawn Catch Sharing Arrangements 2008 (DAFF)

4 Finance

- 4.1 2008 Levies (AFMA/QDPI&F)
- 4.2 Research levy (AFMA/QDPI&F)

5 Research

- 5.1 Research - Torres Strait Prawn Research Program: Progress report (QDPI&F)

6 Other business

- 6.1a Australian fisheries survey report 2007 (ABARE)
- 6.1b Dates for next meeting

Individuals wishing to attend the meeting as an observer are required to contact the Chair (Mr. Jim Gillespie: Jim.Gillespie@dpi.qld.gov.au) notifying him of your desire to attend.

The following members and observers were in attendance at TSPMAC 5.

Members	Permanent observers
Acting Chair - Mr. John Pollock	NFA - Lester Baule
QDPI&F - Mr. Shane Gaddes	NFA - Phillip Polon
AFMA - Dr. David Wilson	DAFF - Paul Pak Poy
AFMA - Mr. Andy Bodsworth	
Research - Ms. Carissa Fairweather (QDPI&F)	Observers
Industry - Mrs. Rosemary Millward (TSPEHA)	Observers - Keryn O'Regan (AFMA)
Industry - Mr. Mark Millward (TSPEHA)	ABARE - Simon Vieira
Industry - Mr. Rob Giddens (TSPEHA)	QDPI&F - Shane Fava
Industry - Mr. Barry Wilson (TSPEHA)	DAFF - Stan Lui
Executive Officer - Ms. Lisa Cocking (AFMA)	BRS - James Woodhams

DECISION RECORD FROM TSPMAC 5

Preliminaries

The TSPMAC Chair

5.0.1 The TSPMAC **ENDORSED** Mr. John Pollock as temporary chair for TSPMAC 5.

Disclosure of Interest

5.1.1 The TSPMAC **NOTED**:

(a) the requirements for Disclosure of Interests by TSPMAC members as set out in Fisheries Management Paper No.1; and

(b) that no conflicts of interest were indicated by any member.

Ratification of TSPMAC 4 Meeting Record

5.1.2 The TSPMAC **AGREED** to adopt the minutes from the June 14-15, 2007 TSPMAC meeting.

Progress on Actions arising

5.1.3.1 The TSPMAC **NOTED** the information updates provided regarding the action items from previous TSPMAC meetings.

5.1.3.2 The TSPMAC **AGREED** that DAFF should compile a PZJA decision register that includes the date of the PZJA meeting, the decision title and the gazettal notice for the decision including a date. A progress report will be provided at TSPMAC 6.

Alternative Effort Management System

5.2.1 The TSPMAC **NOTED** that no decision was reached by the PZJA regarding the Alternative Effort Management System proposal.

Industry Report

5.2.2.1 The TSPMAC **NOTED** the Industry report provided in respect of the 2007 season for the TSPF.

5.2.2.2 The TSPMAC **AGREED**:

- (a) that any correspondence to be tabled at a TSPMAC meeting must be provided to the TSPMAC Executive Officer prior to the meeting for distribution to MAC members; and
- (b) to include in the meeting record, a copy of the letter from The Minister for Fisheries, Forestry and Conservation to industry discussing a number of industry concerns.

Compliance Report

5.2.3 The TSPMAC **NOTED** the update on compliance activities provided in respect of the 2007 season for the Torres Strait Prawn Fishery.

Observer Program

5.2.4.1 The TSPMAC **NOTED** the activity in the observer program in the fishery for 2007 to date, and the proposed activity in 2008.

5.2.4.2 The TSPMAC **AGREED** to review the objectives and effectiveness of the observer program at the next TSPMAC meeting.

Data Report – Trends in 2007 Catch and Effort Data

5.2.5 The TSPMAC **NOTED** the preliminary information presented on the trends in the 2007 catch and effort data compared with earlier years.

TSP Strategic Assessment Report

5.3.1 The TSPMAC **NOTED** that the draft fishery assessment of the TSPF was submitted to the Department of Environment and Water Resources (DEW) on November 14, 2007 and is currently open for public comment.

Management Plan

5.3.2.1 The TSPMAC **NOTED** the update provided in respect to the progress of the TSPF Management Plan.

5.3.2.2 The TSPMAC **AGREED** that:

- (a) AFMA should determine why the Australian sector of the TSPF are covering 100% of the costs of the fishery, including the drafting of the management plan instead of costs being divided between all industry members; and
- (b) the draft plan should go through the TSPMAC for a two week consultation period out-of-session and comments be forwarded on to AFMA before it is released for public consultation.

Management and Logbook Notices to be Revoked

5.3.3 The TSPMAC **RECOMMENDED** that the PZJA **AGREE**:

- (a) to provide for a prohibition on the taking, processing or carrying of tropical rock lobster in the area of the prawn fishery by a TSPF boat licence or treaty endorsed licence, as set out in FMN No. 19, in the TSPF management plan;

- (b) to provide for a prohibition on the taking of prawns in the area of the prawn fishery by a boat in respect of which a Papua New Guinea licence is in force, as set out in FMN No. 29, in the TSPF management plan;
- (c) to provide for a prohibition on the taking, processing or carrying of Morton Bay bugs, in the area of the prawn fishery, that have a carapace width of less than 75 mm, as set out in FMN No. 56, in the TSPF management plan;
- (d) to provide for a prohibition on the taking, processing or carrying of shark in any form in the prawn fishery, in the TSPF management plan;
- (e) to provide for the mandatory use of logbooks in the TSPF management plan, with specifics on the type of logbook and other administrative details as required by the PZJA to be provided for as TSPF licence conditions; and
- (f) to Fisheries Management Notices Nos. 19, 29, 56 and 61, and Logbook Notice No. 16 being revoked in recognition of the overlap between the contents of both the FMN's and the Logbook Notice and the TSPF management plan as detailed in (a), (b), (c), (d) and (e), in conjunction with the introduction of the TSPF management plan.

Proposed Areas Closures

5.3.4.1 The TSPMAC **NOTED** the proposal to close the area of Australian jurisdiction around Turu Cay, Deliverance Island and Kerr Islet to prawn trawling.

5.3.4.2 The TSPMAC **AGREED** that the proposal should be presented to industry members at the next industry forum for agreement.

TSPF Handbook

5.3.5 The TSPMAC **NOTED** the update provided in regard to the Torres Strait Prawn Handbook 2008.

Harvest Strategy Update

5.3.6.1 The TSPMAC **RECOMMENDED** a process to consult the broader industry and other stakeholders on the development of a Harvest Strategy for the fishery.

5.3.6.2 The TSPMAC **AGREED**:

(a) that the development and implementation of a preliminary Harvest Strategy for 2008 should take precedence over the finalisation of the management plan; and

(b) that a long term harvest strategy would be developed under the management plan.

5.3.6.3 The TSPMAC **NOTED** and provided comment on the draft discussion paper.

Ecological Risk Assessment

5.3.7 The TSPMAC **NOTED** the update provided on the development and implementation of the Level 2 Ecological Risk Assessment of the TSPF.

Torres Strait Scientific Advisory Committee (TSSAC)

5.3.8.1 The TSPMAC **NOTED** the finalised terms of reference and membership guidelines for the Torres Strait Scientific Advisory Committee (TSSAC).

5.3.8.2 The TSPMAC **AGREED** that any advertisement for an Industry representative on the TSSAC should be sent to all Industry TSPMAC members for consideration.

Australia/PNG bilateral fisheries talks

5.3.9.1 The TSPMAC **RECOMMENDED** the PZJA notes that Australia and Papua New Guinea have agreed, in principle, to continued preferential entitlement arrangements for the prawn fishery on the following basis:

- (a) that preferential entitlement arrangements instituted in the 2007 season will be carried forward for a period of five years (2008 – 2013); and
- (b) Australia will need to consult with PNG annually on these arrangements so that Papua New Guinea has the first call on the entitlements.

5.3.9.2 The TSPMAC **AGREED** that two rounds of offers should be made for the PNG days on a pro rata basis one at the beginning of the season and one once it is underway.

2008 Levies

5.4.1 The TSPMAC **NOTED** the 2008 Levies for the Torres Strait Prawn Fishery (TSPF), as provided in the explanatory statement.

Research Levies

5.4.2.1 The TSPMAC **NOTED** the information provided on fisheries research levies.

5.4.2.2 The TSPMAC **AGREED** that PZJA agencies are to provide an options paper for TSPMAC consideration in 2008.

TSPF Research Program

5.5.1 The TSPMAC **NOTED** the results presented from the Torres Strait Prawn Research Program.

ABARE Report

5.6.1 The TSPMAC **NOTED** the summary of results from ABARE's most recent survey of the Torres Strait Prawn Fishery.

PRELIMINARIES

Mr. John Pollock opened the meeting at 9 am.

Welcome

Mr. John Pollock welcomed everyone to the meeting.

Apologies

Apologies were received from Mr. Clive Turnbull and Mr. Jim Gillespie of QDPI&F and Mr. Toshio Nakata of the TSRA for being unable to attend the meeting.

TSPMAC Chair

Mr. Andy Bodsworth from AFMA discussed the need to endorse Mr. John Pollock as the acting Chair for the meeting. He explained that the PZJA Standing Committee had been notified of the proposed acting chair and that they had ENDORSED Mr. Pollock as acting TSPMAC chair for the December 4th and 5th meeting. The MAC resolved to accept Mr. Pollock as acting chair for the meeting.

Mrs. Rosemary Millward suggested discussing the filling of the ongoing MAC Chair. Mrs. Millward discussed her preference for an independent chair to be elected to the ongoing role as they provide an independent view which is important. The meeting agreed that the PJZA should be asked to appoint an independent chair for the TSPMAC if Mr. Jim Gillespie is unable to remain as Chair. Mr Bodsworth commented that there is likely to be additional costs associated with this. Industry members commented that these costs had already been factored into the MAC budget. This will be confirmed for the 2008/2009 budget.

TSRA Representation

Mrs. Millward discussed her concern with the lack of TSRA representation at the TSPMAC meetings where issues of vital importance to the fishery are discussed. She commented that she is distressed that TSRA member don't come to the meeting and then advise PZJA members at meetings that they have not been sufficiently informed about TSPF issues. Mr. Bodsworth comments that these points are valid and suggested the MAC writing a letter to TSRA voicing their concern.

Action: AFMA to coordinate the drafting of a letter to the TSRA expressing the MAC's concern regarding the lack of TSRA representation at TSPMAC meetings.

Adoption of Agenda

The A/g Chair asked members whether there are any proposed changes to the draft agenda. Industry members requested that agenda items 5.1 (TSPF research program update), 2.5 (2007 data report) and 6.1 (ABARE report) be moved to the front of the agenda as these papers will provide important information that may aid discussions later in the meeting.

Industry also requested that the proposed objectives for the TSPF management plan be discussed by the meeting.

Members agreed to the proposed changes.

(EO's note: Some agenda items were considered out-of-sequence. Minutes have been produced in this order as it provides the best flow of information. As a consequence, some agenda item numbers may appear out of order in the minutes.)

1. MEETING ADMINISTRATION

1.1 Disclosure of interests

The A/g Chair discussed disclosure of interests with the MAC and commented that members only need to comment on individual conflicts of interest not industry wide conflicts. The MAC agreed to raise any conflicts of interest that arise throughout the meeting.

No conflicts of interest were indicated by any member.

1.2 Ratification of minutes

Dr. David Wilson of AFMA advised that the draft minutes of the TSPMAC 4 meeting held on 14-15 June 2007 had been circulated to members on 16 July 2007. An amended version with suggested changes was distributed to members on 22 November 2007. The Chair called for any additional comments regarding the minutes. The following changes were suggested (changes are denoted by *italic font*);

Page 13 paragraph one should read "...Vannamei producing countries and the *wild caught industry* in Argentina."

Page 15 Paragraph 4 "the current Harvest Strategy Policy is to set *the* biomass level at 1.2 *times BMSY* which sets the..."

Page 15 Paragraph 5 "...approximately 6000 nights *in the Australian area of jurisdiction.*"

The meeting agreed to adopt the minutes of TSPMAC 4 with the proposed changes.

1.3 Actions arising

Dr. Wilson provided an update of the progress of actions arising from previous meetings.

Table 1. Actions and/or business arising from previous TSPMAC meetings.

TSPMAC meeting of 14 June, 2007				
	Action	Date item was added	Responsibility	Status
TSP MAC 4.1.	AFMA to identify whether Government can pay the total costs or subsidise the cost for hiring an external drafter for the drafting of the management plan.	TSPMAC 4 – 14 June 2007	AFMA	Complete – Response was provided in TSPMAC5 paper 3.2. No assistance can be provided as management plan costs are borne by industry
TSP MAC	DAFF to meet with the AQIS imported foods program to	TSPMAC 4 – 14 June 2007	DAFF	Ongoing – A Verbal update

4.2.	determine if the testing regime for prawns from PNG waters can be reduced for vessels that have already obtained approval from AQIS to export prawns caught in Australian waters.			was provided at TSPMAC 5; DAFF commented that they need to formalise the process and will deliver a response to industry in a month or two.
TSP MAC 4.3.	AFMA and Mr Giddins to liaise with the AFMA Observer program to discuss the logistics of how the program operates and develop a dialogue between the industry and the observer program to improve the program.	TSPMAC 4 – 14 June 2007	AFMA & Mr Giddins.	Ongoing – A verbal update was provided at TSPMAC 5; Mr Giddins contacted Mr Auld in the observer section (AFMA) to discuss problems with the program last week.
TSP MAC 4.4.	AFMA and DAFF to reply to some of the concerns raised by industry in paper TSPMAC 4, 12.2.	TSPMAC 4 – 14 June 2007	AFMA & DAFF	Complete – A verbal report was provided at TSPMAC 5
TSP MAC 4.5.	Government agencies to work towards identifying solutions in regard to increased access for the 2007 season.	TSPMAC 4 – 14 June 2007	QDPI&F	Complete – A report was provided in TSPMAC 5 paper 3.6 - PNG access is secured for 2007.
TSP MAC 4.6.	AFMA/DAFF to forward the draft PZJA paper in regard to access for the 2007 season to industry prior to it being finalised.	TSPMAC 4 – 14 June 2007	AFMA/DAFF	Complete – A verbal response was provided at TSPMAC 5 - PZJA 21 papers were emailed to TSPMAC industry members on August 23, 2007 for comment. No comment was received by AFMA. The wording of paper was modified to reflect the industry's

				obligations
TSP MAC 4.7.	AFMA to identify why there has been an increase in the costs of the observer program for the 2007/2008 financial year.	TSPMAC 4 – 14 June 2007	AFMA	Complete – A Verbal report was provided at TSPMAC 5. - \$7000 increase in overheads - \$4000 increase in administrative costs (wages) - \$6000 increase in observer salary - \$5500 increase in travel.
TSP MAC 4.8.	AFMA to identify why there was a large increase in costs for the administration item of the 2006/2007 budget.	TSPMAC 4 – 14 June 2007	AFMA	Complete – A verbal report was provided at TSPMAC 5 and budget surplus indicted in TSPMAC 5 paper 4.1; costs increased due to an additional full time AFMA staff member.
TSP MAC 4.9.	Members to provide comments to AFMA in regard to the draft TSPF levy Explanatory Statement as appropriate.	TSPMAC 4 – 14 June 2007	AFMA to invite all members to provide comments.	Complete – No comments were received.
TSP MAC 4.10.	QDPI&F to determine what maps the QB&FP use to determine the closure areas in the TSPF.	TSPMAC 4 – 14 June 2007	DPI&F	Incomplete/Ongoing – verbal report at TSPMAC 5. QDPI&F Staff confirmed that this will be addressed at the next meeting
TSP MAC 4.11.	QDPI&F and AFMA to further identify options for the setting of reference points in the TSP as part of an overall harvest strategy.	TSPMAC 4 – 14 June 2007	DPI&F and AFMA	Ongoing – An update was provided in TSPMAC 5 paper 3.6.
ongoing and incomplete actions carried forward from previous minutes				
	Approach FRDC to see if funding is available to fund another two BRD workshops in Brisbane and Cairns.	TSPMAC 3 – 17 February 2007	AFMA	Incomplete – This issue was discussed at TSPMAC 5. Industry would

				like to pursue this for the 2008/2009 financial year. Meetings were suggested for late June or July
	AFMA to send the TSSAC revised Terms of Reference and proposed membership to TSPMAC members.	TSPMAC 3 – 17 February 2007	AFMA	Complete – The TOR are provided in TSPMAC 5 paper 3.8.
	AFMA to discuss with the OLDP the wording of Section 29(6), to ensure that the period of TAE amendment can be longer than two months in the event of an emergency situation that requires a longer period of amendment.	TSPMAC 2 – 19&20 September 2006	AFMA	Complete – Drafter has included this provision in the Plan.
	DAFF to co-ordinate trip to Spencer Gulf and provide details of costings and funding available.	TSPMAC 2 – 19&20 September 2006	DAFF	Incomplete – Trip was cancelled due to inappropriate timing. Industry requested clarification of how the money was acquitted and agreed to organise the trip with HS visits at minimal costs.
	Draft a summary of the historic management arrangements in the Torres Prawn fishery.	TSPMAC 1 – 13&14 June 2006	QDPI&F / AFMA / DAFF	Incomplete – A verbal response at TSPMAC 5. Industry asked that a decision register be produced which includes the decision and date that PZJA decisions had been legislated as some information is missing from the annual reports. DAFF agreed to compile this document.

	Undertake an audit of Fishery Management Notices and PZJA decisions for consideration during the drafting of the management plan.	TSPMAC 1 – 13&14 June 2006	DAFF / AFMA	Ongoing – as part of the Mgt Plan. Additional information is provided in TSPMAC 5 paper 3.3.
	That the working group formed to progress the management plan models certain scenarios for the rounding up or down of days and reports back to the MAC.	TSPMAC 1 – 13&14 June 2006	Shane Gaddes & Working Group	Complete – Verbal report at TSPMAC 5 and in paper 3.2. Rounding is not possible due to the licensing database
	That the consideration of a spatial management system be considered at a future MAC meeting. Consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.	TSPMAC 1 – 13&14 June 2006	MAC	Ongoing – update provided in TSPMAC 5 paper 3.6.
	Quarterly updates on the progress of the research plan are provided to the MAC.	TSPMAC 1 – 13&14 June 2006	Stephen Colquitt	Ongoing – update provided in TSPMAC 5 paper 5.1.

The meeting noted the status of the actions arising.

Action: DAFF to compile a PZJA decision register which includes the date of the PZJA meeting, the decision title and the gazettal notice for the decision including a date. A progress report will be provided at TSPMAC 6.

3.2. Management Plan

Dr. Wilson provided an update on the status of the TSPF Management Plan. The MAC briefly discussed the management plan objectives. Industry expressed the need to develop objectives that convey where the fishery is heading. They commented that objectives should include the key issues for the fishery, including both industry based objectives, economic efficiency as well as environmental and stock based objectives.

Mr. Bodsworth commented that the objectives are the same as in the TSF Act however there are additional fishery specific objectives for the Plan that are open to input from industry and management bodies regarding what the fishery wants to achieve. He stated that there are three major Torres Strait Fishery objectives that are the backbone to the Plans objectives:

- ecologically sustainable development of the fishery;
- promoting profitability of the fishery through effective management arrangements including allowing optimal yields and minimising management costs. Mr. Bodsworth commented that there are obviously external factors including fuel which cannot be effected by management arrangements; and
- ensuring fishery management honours treaty obligations with PNG.

Industry commented on the need to add an objective that government will fully utilise the fishery. They commented that the overall fishery may be profitable however some industry members may still be fishing uneconomically.

The A/g Chair discussed the use of the terms “optimal utilisation” or “fully utilised” and commented that industry and Government need to have a discussion regarding these two terms as they have slightly different meanings.

Mr. Bodsworth acknowledged the validity of the discussion and commented that the redrafting of the objectives aims to tailor them more specifically to the fishery.

Dr. Wilson moved discussions to the issue of funding of the management plan that was raised at TSPMAC 4. Dr. Wilson informed the meeting that it is AFMA policy for the complete costs of management plans to be borne by industry in cost recovered fisheries and that there was no reason for the TSPF to deviate from this policy. Industry questioned whether AFMA had fully examined external funding for the drafting of the management plan as requested at TSPMAC 4. Mr. Bodsworth indicated that all internal avenues had been exhausted.

Industry then went on to question why levies are only paid by them when DAFF and PNG also hold licenses however do not pay a portion of the costs. Mr. Gaddes indicated this had previously been discussed at TSPMAC 3. However, AFMA agreed to determine why 100% of the fishery costs, including drafting, were to be charged to the Australian sector of the fishery.

Action – AFMA To determine why the Australian sector of the TSPF are covering 100% of the fishery costs including the costs of drafting the management plan instead of them being divided between all industry members.

The meeting noted that the management plan objectives were presented at the last TSPMAC meeting held in June 2007. At this meeting members requested more time to consider the objectives, however no comments were received except from PZJA agency members.

Industry questioned the necessity for the MAC to endorse the management plan. Mr. Bodsworth commented that there will be some sort of public consultation undertaken. Mrs. Millward commented that endorsement by the MAC is necessary as it will reduce the risks of problems being raised later in the process. She suggested a two week MAC consultation period followed by a possible phone hook up or written submission to confirm their comments on the Plan.

The meeting agreed that the draft plan should go through the MAC for a two week period out-of-session before it is released for public consultation. They agreed that this can happen over the Christmas period.

Action: Draft management plan to be distributed to the MAC for a two week consultation period.

Action: MAC to submit comments on the draft management plan in writing to AFMA.

Mrs. Millward questioned why days cannot be rounded under the management plan. She asked whether this is a result of costs. Mr Gaddes discussed that it is a result of the licensing system and commented that he will add a paragraph into the minutes clarifying the exact reason that days cannot be rounded.

“The issue associated with rounding is that a database can’t discriminate between part days resulting from an initial conversion from units to use entitlement, as opposed to resulting from a transfer or temporary transfer of units that convert to integers and decimal.”

Agenda item 2.5 2007 catch and effort data

Ms. Carissa Fairweather of QDPI&F presented the catch and effort data from the 2007 fishing season (the power point presentation for this report can be obtained from the updated minutes at the following link:
http://www.pzja.gov.au/notices/mac/2007/m20071204/tspmac5_complete_papers.pdf).

The general trends of the data from the annual catch and effort graph indicated an overall decrease in effort. This is likely a result of reduced fishing days, increased fuel prices and decreased product value. The data shows a steady increase in tiger prawn catch rates since 2000 which indicates an increase in biomass. Endeavour prawn catch increased since 2003 however decreased in 2007. Industry commented that this trend is likely to be a result of poor market prices for endeavour prawns which lead to reduced targeting. Further, they expressed concerned that the text explaining the data currently indicated that it is a result of reduced CPUE; indicating reduced biomass; rather than explaining that it is a result of reduced targeting by industry. Ms Fairweather agreed to look into the wording to try to reflect the reduced targeting.

Action: Ms. Fairweather and Mr. Turnbull to discuss the wording used in the report to explain the reduced take of endeavour prawns in order to reflect the reduced targeting by industry rather than implying reduced CPUE.

Agenda item 5.1 Update of the Prawn Surveys for 2007

Ms. Fairweather presented an update of the prawn surveys for 2007. She reiterated the purpose of the surveys is to determine the spatial and temporal distribution of commercial prawn species by collecting data which can be compared with logbook data including;

- sex & spawning condition;
- size (carapace length - weight);
- Fishery independent CPUE.

The meeting discussed the use of the data in setting TAEs. The Chair questioned whether there was data that is yet to be analysed. Carissa commented that the data from the January and February analysis should be available for next year. Carissa commented that the November data is still being processed and will be available early 2008. Further there will be a more detailed analysis of the 2007 survey data in 2008.

Agenda Item 6.1 ABARE Report

Mr. Simon Vieira from ABARE presented the results of the 2006/07 TSPF economic survey. The survey collected data from the 2004-05 and 2005-06 season. Survey

results indicated that net economic returns for 2004-05 and 2005-06 financial years were negative for the first time for the TSPF. This is a result of low market prices, reduced catch and increased fuel prices.

Mrs. Millward questioned whether the 31.2% reduction in effort was incorporated into the analysis as it would have an effect on the economic performance of the fishery.

Dr. Wilson questioned the impact of the 31.2% effort reduction on the data presented as the effort reduction was introduced for the 2006 season which started 1 March 2006 and ended 1 December 2006. Given that the 2005-06 ABARE survey period ended 30 June 2006, the survey would have only included four months from the 2006 season. The remainder of the 2005-06 survey data covered the previous '2005' season. Thus, the results presented are largely pre-effort reduction. Further, the Northern Prawn Fishery displayed similar trends in the data obtained by ABARE and this is a similar fishery to the TSPF.

Industry members commented that they are still concerned that the TSPF had more severe economic effects as a result of the effort reduction. Further, Mrs. Millward was concerned that the paper had been released without incorporating the 31.2% reduction into the figures which was misleading to readers. Mr. Vieira commented that the paper goes into more detail than his presentation so there is little concern that information will be misinterpreted by readers. Further, he commented that the effort reduction is discussed in the section of the paper outlining the background to the fishery. Industry also questioned the choice of boats for the survey. Mr. Millward commented that the size and capacity of the boat will affect the results. Further, the failure to include the fuel rebate is likely to have caused an increase in fuel costs of ~\$30,000-50,000 per boat. However, the diesel fuel rebate is included in the analysis of the financial performance of the fishery.

The meeting moved its focus to the effects of the effort reduction on industry. Mr. Giddins discussed the economics of the fishery and commented that industry do not make a profit until late in the season when overall income exceeds costs. As a result, the fishery went from being reasonably profitable to unprofitable when the effort reduction occurred. Industry further commented that they cannot buy or lease more days to increase their profits due to a lack of capital. Industry are trying to achieve a position where viability for all industry members is achieved. They discussed the allocation of days and voiced their concern that 9,200 days were given for tiger prawns, however no additional days were allocated for king or endeavour prawns.

Mr. Bodsworth discussed the reasons for the effort reduction and commented that at the time, the decision makers decided that the 31.2% reduction was required to ensure the sustainability of the fishery. Mr. Bodsworth suggested that the harvest strategy process can be used as an avenue to address some of the issues that have been raised regarding the effort reduction. He also commented on the need to be aware of the external factors that affect the fishery, aside from management issues.

Mr. Shane Gaddes of QDPI&F added that reallocation of the nights from the effort reduction by Government is unlikely to occur, thus the MAC needs to find a proposal for a way forward which provides evidence to support an increase in effort in the fishery. The A/g Chair acknowledged that the issues of the harvest strategy should be further addressed under agenda item 3.6.

Agenda Item 2.2 Industry Report

Dr. Wilson asked industry members to provide a summary of the 2007 season. Mr. Giddens informed the meeting that direct flights to York Island are no longer occurring. Consequently, industry must now fly through Horn Island which causes a number of logistical problems and deters industry from fishing in this area.

Mrs. Millward commented on the difficulties that are currently being encountered with retaining staff due to low incomes being earned for the Prawn Fishery because of the reduced number of days and the competing high demand for workers in the nearby mining industry. She noted that good crew, particularly those with good mechanical skills, won't stay if they can get more consistent pay elsewhere and can be home every few weeks. The large crew turnover is causing logistical difficulties for vessel owners due to high numbers of unexperienced crew, plus it is difficult to get crew to the vessels because planes don't fly direct to Yorke Island anymore as there are not enough boats there to make the flights viable for the plane company.

Mrs. Millward circulated and requested the tabling of a letter from the PZJA to industry which addressed a number of industry raised issues including:

- compensation for the reduction of days in the fishery;
- introduction of a competitive TAC;
- actions taken by the Government to facilitate an economic efficiency and environmental sustainability;
- use of unutilised PNG nights;
- Harvest Strategy Policy;
- alternative effort management system; and
- internal leasing arrangements.

The letter was tabled for information of MAC members.

Dr. Wilson requested that any correspondence that is to be tabled at a TSPMAC meeting should be provided to the EO prior to the meeting so that the document could be distributed to all members for review. All members agreed.

Mrs. Millward asked through the A/g Chair that it be noted in the Minutes that Industry members of the MAC were concerned that a detailed paper documenting the outcomes and reasons for any PZJA decisions was not presented to the MAC, but rather a brief paper (Item 2.1) simply indicating that no decision was reached by the PZJA. Industry requested that a copy of the letter from the Chair of the PZJA to licensees was included in the Minutes (Attachment 1).

Agenda Item 3.6 Harvest Strategy for 2008

Industry members discussed potential methods for being reallocated their days that had been removed in 2005. Mr. Bodsworth informed the meeting that the harvest strategy would be developed in consultation with industry members. He advised the MAC that Government had aimed to deliver the Harvest Strategy for the 2008 season, as had been requested by Industry at the previous MAC and through correspondence with the PZJA, however the election and other issues have inhibited its progress. Mrs. Millward commented that a Harvest Strategy proposal was put forward to Government and was supported by the Commonwealth Minister on the PZJA but it appeared that the State Minister and the TSRA sought more consultation on this before deciding. The PZJA did not agree to the proposal (*see the decision in Item 2.1*).

Industry members expressed concern that they will be unable to function efficiently for another season at the current reduced effort level. Industry commented that it is not acceptable for them to have to rely on PNG days to get through the year as there was no security in this and reiterated the need to have an interim system in place for 2008 to allow a return to reasonable levels of effort if the management plan is not implemented by the beginning of the season. Industry expressed their concern that currently there is no capacity to allow use of additional days to take endeavour prawns despite the positive results of 2 years of surveys.

Industry members commented that Government should buy industry out if they are unwilling to increase effort to levels that are economically viable to industry. Mr. Millward commented that other Commonwealth and TS Fisheries that have faced effort/quota reductions were offered an Exit package and was of the opinion that these should be offered for the TSP Fishery in order to ensure some licensees could leave the Fishery and those remaining would be economically viable.

Mr. Gaddes commented that PNG and other operators may not agree with this opinion and all operators must be considered. Further the TSRA have noted in the past that the Community Fisher Groups are generally opposed to any increase in effort in the fishery. Industry stated that the TSRA needs to understand that the industry will not be around in the future if they don't get an increase in nights as fishing is no longer economically efficient.

The Chair discussed the proposal to increase the number of nights in the fishery to a level that would improve industry viability. He commented that if biological/survey data implies that the stocks are healthy and can support an increased effort level than days should be increased for 2008. The Chair further commented that we need to put a process in place to complete the management plan and develop the harvest strategy. Mr. Gaddes commented that DPI&F are comfortable with the current health of the stock. Further, Dr. Wilson (AFMA) agreed that it would be acceptable to have interim arrangements in place to allow increased effort next season within agreed sustainability limits; however we would need to explain that they are interim arrangements only and not institutionalise them.

The meeting agreed that the development and implementation of an interim Harvest Strategy for 2008 is the priority for the fishery rather than the development of the management plan. Mrs. Millward agreed that we need to sort out the Harvest Strategy as soon as possible in order to secure additional nights for future seasons. Further she commented that in Industry's opinion broad consultation should be undertaken and the harvest strategy process will lead onto the finalisation of the management plan. The MAC agreed that agenda item 3.9 should be discussed before finalising a proposal for an interim harvest strategy.

Agenda Item 3.9 Catch Sharing Arrangements

Mr. Paul Pak Poy from DAFF informed the meeting that PNG agreed to roll over the 2007 catch sharing arrangements and thus the PNG days will be available for TSP licence holders from the beginning of the season. He commented that it is likely that the days will be offered on a pro rata basis. Industry agreed to this proposal. Mrs. Millward discussed PNG's first preference for their nights under the catch sharing arrangements and questioned how and when we will know if they will be using any of their nights. Mr. Pak Poy advised the meeting that PNG have agreed to inform them by December on the number of nights which will be available.

The meeting agreed that Mr. Gaddes will provide two rounds of offers and the invitation will be sent to all operators for both rounds.

Agenda item 3.6 Harvest Strategy continued...

TSPMAC discussed future harvest strategy options and the need to ensure that sustainability and economic efficiency objectives are efficiently pursued. Mr. Millward commented that there is a need to make the industry more profitable. Industry once again discussed their concern with the loss of legal assets due to the effort reduction. They commented that they seek the return of their original assets as there was no justification for their removal in the first place and they have significant collateral value with lending institutions, additional to their availability to earn annual income and that that this collateral (mortgage) value was lost when the effort reduction was implemented.

Industry requested that their legal allocation be returned equal to their holding at the end of 2005 and that effort is managed in the Fishery by having a set of USE management controls in place to manage annual effort in the Fishery. Industry commented that this would allow monitoring of the fishery to ensure it is being fished sustainably and would also allow Industry members to retain their assets in the Fishery that they had purchased prior to the 2005 reduction.

Mr. Bodsworth commented that the issue of future asset values was best supported through maintaining high catch rates and minimising input costs, including management costs where at all possible. Further he stated that we are going to need to focus on closures and other alternative management arrangements that may allow an increase in effort whilst not exceeding effort associated with optimum yields. Industry members agreed and noted that this proposal came out of the Alternative Management Arrangements Workshop outcomes from 2005 however was never implemented.

Industry proposed that, a number of days be returned to Industry members so they can catch tiger prawns up to 9,200 days and then keep fishing up to a higher level for endeavour prawns with closures in place.

Mrs. Millward suggested that if Government did not consider this a viable option then they should consider, reallocating licensees days to their 2005 level and then allow each individual licensee to fish as many of their allocated days as they can until the 9,200 limit for Tiger Prawns is reached (competitive TAC). Government raised a concern with a competitive TAC as it is not best practice fisheries management due to the "race to fish" mentality that can be created. Mrs. Millward commented that it is unlikely to create the same mentality as it does in other fisheries as the TSPF is extremely isolated and the costs to steam there are high. This results in limited operators remaining in the fishery for the entire season as generally small licensees intending to fish will steam to the Fishery at the start of the season and then leave to go elsewhere after a few months. Mrs. Millward stated that this system will allow the licensees remaining in the Torres Strait to use as much of their allocation as is possible within the 9,200 cap.

Mr. Giddens commented that he believes something needs to be decided on today and sent to the PZJA to ensure the interim arrangements will be implemented for next season. He suggested one other option was to cap the fishery at around 10,000 days (as an example) as an interim for this year as a competitive TAC.

Mr. Gaddes commented that if the days removed in 2005 as part of the 31.2% effort reduction are reinstated to industry and the additional 2,333 PNG nights are allocated, some operators will have more nights allocated to their vessel than they are able to fish in a season (i.e. there are 275 nights that are able to be fished in a prawn season) if a licensee holds 200 nights and is issued a further 100 they will still only be able to fish 275 nights as this is the number of days in the season. Mrs. Millward queried this and said she couldn't understand how they thought this could happen as a licensee can only fish to the total of their individual allocations, not any more, no matter where the days come from (PNG, additional allocations etc). Instead he reiterated the need to move forward and find a reason for allocating additional nights. For example he suggested the argument that based on survey data and stock status we are proposing to allocate a set amount of additional days to industry for 2008.

Mr. Bodsworth commented that he believes the cap is set at the appropriate level for tiger prawns however we need to determine how to access the unused days, i.e. through leasing arrangements. Further, he stated that it is unlikely the PJZA will allow fishing above a sustainable effort level that was consistent with the current tiger prawn stock assessment.

Industry members discussed the current use level of the allocated nights in the fishery and used an example vessel. A five year average for this vessel prior to the 2005 cuts indicate it fished for 260 out of 275 allocated nights. In order to achieve this same level of effort this vessel would require a 44% increase in nights in future seasons. Consequently, Mr. Giddens suggested allocating an additional 25% (8,500 nights). Mr. Gaddes suggested just allocating (on a pro rata basis) the PNG nights which equate to 25% to make it up to 9,200 at the start of the season. Industry reminded Mr. Gaddes that this was only a temporary arrangement, it was possible that the days might not be available and that Industry sought more security than this temporary arrangement, even though they were thankful to PNG for providing it.

The MAC agreed that an interim harvest strategy should be put forward to the PZJA which is similar (not necessarily the same) to a proposal discussed at the 2005 Government Alternative management Workshop in order to allow increased effort for the 2008 season.

The proposal in summary was as follows:

- allocate a total of 12,000 (or an alternative sustainable effort level) allocated fishing days in the fishery in 2008¹;
- allocate each licensee their pro-rata share of these 12,000 (including PNG);
- allow each licensee to fish their individual allocation as they choose so that fishing continues up to the use level of 9,200 allocated fishing days ;
- when fishing levels (as measured by the VMS system) show that fishing overall has reached, for example, 8,000 days then all licensees are sent a notification letter or email advising that there are only 1,200 days remaining until the closures are implemented;
- when the level of 9,200 days is reached (if it is reached at all) then a set of agreed closures (to be finalized) will commence to protect the tiger prawn stock/grounds;
- licensees can continue fishing within their individual allocations as they choose up to the effort cap (e.g. 12,000);

¹ The 12,000 allocated fishing days was suggested as an example of the upper limit of effort that could be directed at endeavour prawn, noting the need for further spatial management measures once an agreed TAE for tigers had been reached.

- when fishing levels reach for example 11,000 days (as measured by the VMS system) then licensees are sent a letter or email indicating that the Fishery will be shut when the level of 12,000 is reached.
- if and when the effort cap (e.g. 12,000) of allocated fishing days is reached then the fishery automatically closes, even if the end of the season is not yet reached.

See Figure 1 for a summary of the total levels at each use point and overall for the Fishery.

It is possible, given the existing levels of effort in the Fishery that total overall effort may not reach the 9,200 day limit. This proposed management strategy allows operators to utilise more days (the additional nights that would be allocated under this proposed system) rather than have to find a system to facilitate the movement of existing nights (i.e. leasing arrangements) to use their total allocation as well as smaller operators having access to use their full allocation if they choose.

This strategy protects both the tiger prawn and endeavour prawn stocks but allows industry (particularly the full time Torres Strait licensees) to be able to fish on a more economically viable basis.

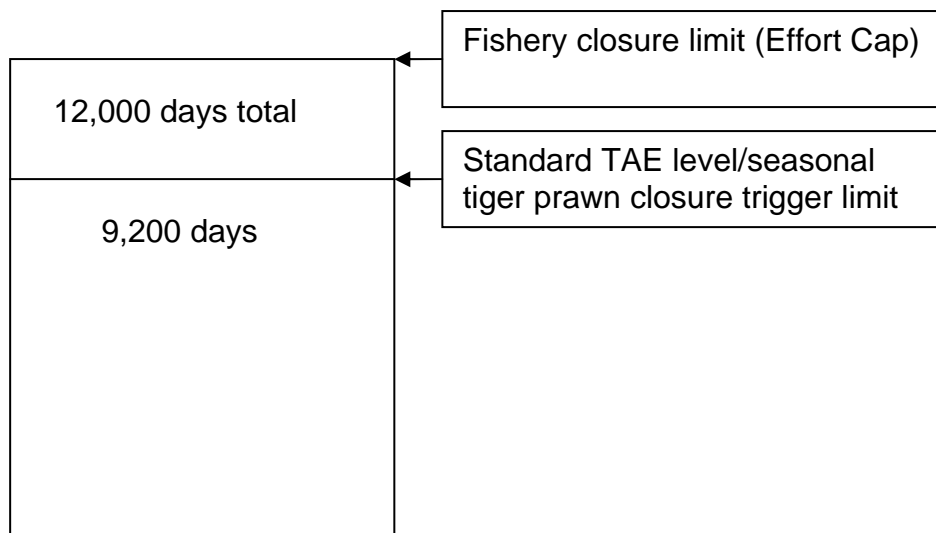


Figure 1. Example Interim harvest strategy proposal for 2008. The first line indicated the day limit which will trigger additional closures to protect tiger prawns. The upper line allows additional fishing for endeavour prawns and represents the upper limit, at which the fishery will close.

Dr. Wilson commented that it will be very difficult to get the closures in place by 1 March 2008. The Chair suggested that the proposal still be put forward as the closures can be put in place later in the season, as the 9,200 night trigger limit won't be reached until some time into the season. Mr. Pak Poy commented that he is not sure whether the PZJA will be in a position to provide a decision Out Of Session before the start of the season. Further, Mr. Gaddes commented that he thinks it will be best if PNG days are allocated at the beginning of the season and this should be stated in the proposal as this will ensure the PNG additional nights will be available to industry at the beginning of the season regardless of whether the full proposal is accepted by the PZJA.

Noting industry advice that the fishery was in a critical state economically, Mr. Bodsworth suggested that if the proposal is widely supported, and presented in the correct way, the PZJA may be able to consider it in time. He also stated the need to

determine the specific reasons as to why the CFG's and TSRA are likely to oppose any increased effort, particularly if it could be demonstrated that such an increase was consistent with sustainability and profitability objectives.

Mrs. Millward commented that she thinks it is necessary to receive a decision from the PZJA out of session to ensure the current 9,200 night limit is not reached before the decision has been made.

Action: The MAC agreed to present an interim harvest strategy proposal agreed upon at TSPMAC 5 to the broader stakeholder groups for consultation and then to the PZJA for consideration for the 2008 season.

The MAC agreed to consult with the broader stakeholder groups regarding the interim harvest strategy proposal (Box 1) to allow increased effort for the 2008 season and then submit a proposal to the PZJA for consideration.

The MAC recognised that the TSPF was operating in very difficult economic circumstances, further illustrated by the ABARE presentation to the MAC, and that urgent attention was required to identify solutions to support industry viability in the 2008 season and beyond. The MAC noted the importance of secure access to the PNG entitlement under agreed preferential entitlement arrangements. The MAC agreed that every effort should be made to fully utilise both tiger and endeavour prawn stocks within sustainability limits. This would assist in the maintenance of key Torres Strait infrastructure, and further support business profitability. Accordingly the MAC recommended that PZJA agencies convene a stakeholder workshop to consider an interim harvest strategy approach for introduction at the start of the 2008 season. The MAC noted the workshop would need to occur in January 2008 as soon as the necessary agency staff and stakeholders were available. Subject to PZJA priorities, the MAC recommended that the initial HS proposal be distributed to the PZJA as soon as possible after the January meeting for their out of session consideration. The proposal was based on a sustainability cap for tiger prawn species being the current estimate of Effort at Maximum Sustainable Yield (Emsy), supported by previously developed spatial closures, in conjunction with an additional effort allocation to allow for targeted fishing for endeavour prawns not exceeding an agreed effort limit (e.g. 12,000 nights).

Refer to Figure 1 above.

The MAC recognised the initial proposal would require further scientific consideration, and further stakeholder consultation, particularly with TSRA and their CFG representatives, none of whom were present at the TS Prawn MAC meeting. The MAC noted that the initial HS proposal appeared largely consistent with key recommendations from the alternative management strategies workshop held in 2005 agreed at that time by workshop participants, and then endorsed by the TS Prawn Working Group and TS Fisheries MAC at that time.

Box 1. Interim harvest strategy proposal agreed upon by MAC members for presentation to broader stakeholder group and the PZJA.

The meeting moved its discussion to the official harvest strategy for the TSPF and Mr. Gaddes questioned whether it should be put on hold until the current interim proposal is developed. He commented that the current proposal cannot be progressed in unison with the official harvest strategy due to limited resources.

Industry added that until the final survey data is received the official (long term) Harvest strategy cannot be completed. Mr. Gaddes questioned how we continue the momentum of the long term Harvest strategy and Mrs. Millward commented that we need continued correspondence with Mr. Turnbull.

The MAC agreed that the long term harvest strategy needs to remain on the agenda for the next MAC meeting when more information will be known about the interim harvest strategy.

Action: place the harvest strategy on the agenda for the next TSPMAC (#6) when more information will be known about the interim Harvest Strategy.

Agenda Item 3.1 Draft Fishery Strategic Assessment Report (SAR)

Dr. Wilson presented an update on the progress of the SAR for the fishery. He indicated that the executive summary for the draft report can be found in Attachment 3.1a and that the comment period closes on 21 December. Comments can be submitted by industry and other stakeholders via DEW's website. A summary of the public comments will be addressed at the next TSPMAC meeting. Industry were concerned that some information about the fishery is missing. Dr. Wilson commented that they should submit these comments via the formal process so they can be included in the final draft. The MAC agreed to this process.

Agenda Item 3.3 Fisheries management and logbook notices to be revoked

Dr. Wilson presented a series of Fisheries Management Notices and a Logbook Notice that should be included in the Management Plan and subsequently revoked when the plan is introduced. The MAC agreed that recommendations 3.3 a, b and c are accepted and can be incorporated into the management plan as long as there is a proviso to ensure that the notice is not revoked until the Plan comes into effect as per recommendation 3.3f.

Action: AFMA to arrange for the incorporation of recommendations 3.3 a, b and c from TSPMAC 5 paper 3.3 into the management plan.

Dr. Wilson detailed the contents of FMN#56 (Prohibition on the taking, processing or carrying of shark in the TSPF) and indicated that licence holders are currently allowed to take the lesser of 5 sharks or 30 kgs of shark in the FMN. Dr. Wilson indicated that the retention of any sharks, rays, or shark or ray parts has been prohibited in both the QLD East Coast Otter Trawl Fishery (ECOTF) and the Northern Prawn Fishery (NPF) since 2001 and 2003 respectively. It was indicated that given that the TSPF is not a shark fishery, the taking, processing or carrying of shark in any quantity collected using trawl gear is not an appropriate practice. In recognition of the overlap of operators among the three fisheries, it would be prudent to prohibit the taking of shark in any form in the TSPF Management Plan and subsequently revoke FMN#56. Industry agreed to recommendation 3.3d) however noted that the management plan needs to allow recreational take of shark. Dr. Wilson indicated that the Management Plan will not regulate recreational fishing. Further, industry wanted assurance that there will be room for consultation through the public consultation phase.

Action: AFMA to arrange the drafting of the management plan to include a prohibition for taking carrying or processing shark in any form in the TSPF as per recommendation 3.3d in TSPMAC 5 paper 3.3 and for the proposed shark ban to be discussed during the upcoming port visits for general industry agreement.

Dr. Wilson indicated that the current Logbook Notice (#16) would best be placed in the Management Plan with the exact details of the type of logbook to be used to be provided for as a licence condition. The MAC agreed to recommendation 3.3e.

Action: AFMA to arrange the drafting of the management plan to provide for the mandatory use of logbooks as per recommendation 3.3e in TSPMAC 5 paper 3.3 and for the type of logbook to be indicated as a licence condition by QDPI&F.

Subsequently, the MAC agreed to revoke fisheries management notices 19, 29, 56 and 61 and logbook notice 16 due to the overlap between them and the draft management plan. The MAC also agreed that they should be revoked in tandem with the introduction of the plan.

Action: AFMA to arrange for fisheries management notices 19, 29, 56 and 61 and logbook notice 16 to be revoked upon implementation of the management plan (as per recommendation 3.3f) in TSPMAC 5 paper 3.3

Agenda Item 3.4 proposed area closures

Dr. Wilson discussed the proposed area closures for the areas of Australian jurisdiction around Deliverance Is., Kerr Islet. and Turu Cay. He indicated that the islands/Cays are recognised as important turtle nesting areas that support significant nesting populations of the vulnerable Green and Flatback turtles. The reefs and seagrass beds surrounding these islands are also an important inter-nesting habitat for these breeding female turtles, during which time, they are relatively inactive and therefore highly susceptible to trawling.

Industry indicated that past MAC meetings raised questions regarding the target species that can be caught around the closure areas. Industry indicated that they didn't fish in these areas. Industry suggested the need for consultation regarding the proposed closures and questioned whether we can undertake such consultation during the port meetings early in the new year. Further, they commented that they were unwilling to agree to something as significant as a closure on behalf of all industry without consultation. Mrs. Millward stated that industry members are more likely to agree to the closures if the interim Harvest Strategy proposal discussed today is implemented.

Industry went on to discuss the green marine park zones which will be implemented throughout the fishery. They believed that if the closures are not implemented it is possible they will become a marine park area instead of additional adjacent areas of water, meaning there will be less restricted areas overall. Mr. Millward again stated that he does not have a comment for or against the closure at this stage.

Action: Government to present and discuss the proposed closures around Deliverance Island, Kerr Islet and Turu Cay at the next industry forum (next years port visits) to gain industry wide agreement.

Agenda Item 3.5 TSPF Handbook

Dr. Wilson asked industry members their opinions of the 2007 Prawn Fishery Handbook layout and contents and questioned whether members had any suggested changes for the 2008 handbook.

Industry acknowledged that it is a useful document and they are happy with the current format and information. They stated that the handbook needs to be distributed before industry go to sea. The industry members commented that they are happy to coordinate the distribution to operators and agreed that February was an appropriate time as long as they are informed so they can arrange pick up and distribution of the books.

Action: AFMA to finalise and distribute the 2008 Prawn Handbook by February 21st, 2008.

Agenda Item 3.7 Ecological Risk Assessment

Dr. Wilson presented an update of the ERA process within AFMA. He informed the meeting that the three model fishery ERAs had been completed however the level 2 analysis for the TSPF has not been progressed since the last MAC. Dr. Wilson informed the MAC that no progress can be made on the TSPF ERA until the level 2 residual risk analysis is calculated and this is expected from the AFMA Environment Section by the end of 2008.

Agenda Item 3.8 Torres Strait Scientific Advisory Committee

Dr. Wilson commented that at the previous TSPMAC meeting industry had requested that the Terms of Reference (TOR) for the TSSAC be distributed to MAC members. He indicated that the TOR are provided in Attachment 3.8A as requested. Dr. Wilson questioned whether industry would be interested in applying for membership on the TSSAC and commented that it was initially thought that a prawn fishery representative would be appointed to the TSSAC. Industry commented that the TSSAC was dominated by other issues irrelevant to fisheries in the past, however hopefully issues will become more fishery focused upon reformation. Industry members requested that any advertisement for an Industry representative on the TSSAC be sent to all Industry TSPMAC members for consideration.

Industry members requested that any advertisement for an industry representative on the TSSAC be sent to all Industry TSPMAC members for consideration.

Action: AFMA to ensure that any advertisement for TSSAC industry representation be forwarded to all Industry TSPMAC members for consideration.

The MAC noted the terms of reference for the TSSAC.

Agenda Item 2.1 Alternative Effort Management System

Mr. Pak Poy discussed the information in this item, informing the MAC that no proposal for the alternative effort management system had been reached due to the Government entering caretaker mode. He asked the MAC for any comments or questions regarding this item. No discussion was raised; however the letter tabled by Mrs. Millward at agenda item 2.2 was also tabled against this agenda item.

Agenda Item 2.3 Compliance Report

Mr. Gaddes provided a brief overview of the compliance report for the fishery for the 2007 season. He commented that no fisheries breaches had been encountered and the major issues for this season included failure to produce vessel documentation, safety issues including vessels not carrying the appropriate safety equipment, and one unregistered tender vessel.

Mr. Millward raised the issue of a compliance officer boarding a vessel to conduct an inspection at an inappropriate. Mr. Gaddes acknowledged this comment and agreed to discuss it with the officers.

Mr. Gaddes informed the MAC that he would distribute a full compliance report upon return to his office.

Agenda Item 2.4 Observer Report

Ms. O'Regan from AFMA presented an update of the observer program for 2007 and future directions. She commented that the data for the 2007 is not yet complete as observers are still returning to port. Ms. O'Regan commented that the major objectives of the observer program are to collect biological data such as length frequency data on commercial species, validate retained and discarded catch weights, identify bycatch species, quantify the efficiency of BRD's, record interactions with TEP species and to collect data to address the provisions of the ERA and BAP. Ms. O'Regan gave an example from the NPF where observers were also collecting data to assist with the ERA process.

Mr. Giddens commented that the observer on his vessel had consulted with him regarding catch estimates and he believed that the observer should have verified / calculated the catch weights by himself. Mr Giddens also acknowledged that he had only ever had one observer on his vessel. Other Industry members stated that they were happy with the observers they had had on their vessels and the work they had conducted.

Ms. O'Regan acknowledged the problems with observers organising to board vessels and commented that operators sometimes refuse to let observers aboard. She stated that the observer program now records which operators are refusing to take observers and the reasons for not doing so. Ms. O'Regan also emphasized the fact that direct flights to York Island had been reduced and no longer coincided with barge days along with the temporal trends of fishing effort throughout the year had created some logistical problems in placing observers in the fishery.

Mrs. Millward suggested pulling boat names out at the start of the season in a lottery type function and requiring these vessels to take an observer that season. This would provide adequate notice to industry. Mr. Gaddes questioned whether VMS data could be used by AFMA and observers to locate boats within close proximity to other vessels to aid timely observer movement between vessels. He agreed to work with the observer program leader to develop a communication strategy using VMS. Ms. O'Regan felt that educating industry regarding the role of the observer program in the

TSPF may assist in distributing observer coverage across the fleet instead of the same vessels every year.

Mr. Giddens raised the problems of one observer who wanted to stay on his boat for a whole month to reduce the number of reports that needed to be written. Ms. O'Regan informed the MAC that this problem has been resolved. Further, Ms. O'Regan requested direction regarding the sampling design and trails for the observer program. She asked for a coordinated approach from all agencies in regards to data collection in the TSPF and emphasised the role of the observer program in the TSPF to collect information required to address agency, management and industry needs.

Action: DPI VMS and AFMA observer sections to liaise regarding utilising VMS as a tool for locating vessels for observers.

Industry commented that they never see the observer reports that are completed aboard their vessel. Ms. O'Regan stated that these reports can be obtained upon request. The MAC commented that a system should be put in place to ensure that all observer reports are sent to the owner of the vessel on which the observations were conducted.

Industry suggested updating the observer section of the handbook in order to better inform operators of the importance of the observer data to the future of the industry. They suggested moving the observer section to the front of the handbook and summarising the last 3 years outcomes. They suggested having one page for skippers and crew which tells you why they should let you on the vessel. Further, Mr. Giddens suggested distributing a reminder letter with licenses. Ms. O'Regan agreed that it would be useful to provide objectives with the letter.

Action: QDPI&F and AFMA to draft a letter regarding observer coverage and the objectives of the observer program in order to promote broader observer coverage aboard TSPF vessels.

Agenda Item 4.1 2008 Levies

Dr. Wilson presented the levies for the 2008 season. He informed the meeting that the license levy will be \$2,786.78 and the per day levy \$9.88. Further, he commented that the day levy will apply to any extra days allocated to Australian licence holders resulting from PNG catch sharing agreements or any other additional day allocations.

Industry discussed possible ways of reducing fishery costs and questioned the costs of the observer program and asked whether they can have less coverage and target specific areas instead.

Mr. Gaddes commented that they may be able to facilitate real time feedback however reiterate that the data is important for the future of the fishery. Further Dr. Wilson commented that 2.5% coverage is a reasonably low level compared to other fisheries.

The MAC agreed to review objectives and effectiveness of the observer program at the next meeting.

Action: AFMA will facilitate the review of objectives and of the effectiveness of the observer program at the next meeting.

Agenda Item 4.2 Research Levies

Dr. Wilson presented a paper on research levies implemented in fisheries throughout the world. He acknowledged the fact that the research funding provided by the commonwealth would run out at the end of 2008/09 and discussed the need to find an alternative funding source for the future. Dr. Wilson asked the MACs position on future funding sources. Industry members commented that they are currently incapable of funding research due to other commitments (government lobbying etc). They commented that if viability of the fishery changes they may be able to fund research however this isn't currently an option. Members agreed to a paper being presented at a future meeting on a possible research levy.

Meeting Review

The chair asked for comments on the structure of the meeting. Mrs. Millward commented that she would prefer that the agenda is structured with research and other important reports at the front of the meeting. She also suggested coaxing quieter MAC members to contribute.

Meeting was closed at 6pm.

Actions Arising from TSPMAC 5

Action reference number	Action	Date item was added	Responsibility
TSPMAC 5.1	Coordinate the drafting of a letter to the TSRA expressing the MAC's concern regarding the lack of TSRA representation at TSPMAC meetings.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.2	Compile a PZJA decision register which includes the date of the PZJA meeting, the decision title and the gazettal notice and date. A progress report will be provided at TSPMAC 6.	TSPMAC 5 – 4-5 December 2007	DAFF
TSPMAC 5.3	Ms. Fairweather and Mr. Turnbull to discuss the wording used in the report to explain the reduced take of endeavour prawns.	TSPMAC 5 – 4-5 December 2007	QDPI&F
TSPMAC 5.4	The MAC agreed to put forward a proposal for an interim harvest strategy and that at a bare minimum the PNG days	TSPMAC 5 – 4-5 December 2007	AFMA to coordinate

	should be allocated at the beginning of the season and work towards the full recommendation.		
TSPMAC 5.5	Determine why all industry members are not paying a portion of the cost recovery.	TSPMAC 5 – 4-5 December 2007	AFMA?
TSPMAC 5.6	Draft management plan to be distributed to the MAC for two weeks for public consultation.	TSPMAC 5 – 4-5 December 2007	AFMA to coordinate
TSPMAC 5.7	MAC to submit comments on the draft management plan in writing to AFMA.	TSPMAC 5 – 4-5 December 2007	AFMA to coordinate
TSPMAC 5.8	Incorporate recommendations 3.3 a, b and c from agenda item 3.3 into the management plan as per recommendation 3.3a, b and c) in TSPMAC 5 paper 3.3.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.9	Arrange the drafting of the management plan to include a prohibition for taking carrying or processing shark in any form in the TSPF as per recommendation 3.3d) in TSPMAC 5 paper 3.3.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.10	Arrange the drafting of the management plan to provide for the mandatory use of logbooks as per recommendation 3.3e) in TSPMAC 5 paper 3.3.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.11	Arrange for fisheries management notices 19, 29, 56 and 61 and logbook notice 16 to be revoked upon implementation of the management plan as per recommendation 3.3f) in TSPMAC 5 paper 3.3	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.12	Discuss west Warrior Reef closures in the next industry forum such as port visits.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.13	Place the harvest strategy on the agenda	TSPMAC 5 – 4-5	AFMA

	for the next MAC meeting when more information will be known about the interim harvest strategy.	December 2007	
TSPMAC 5.14	DPI and AFMA observer section to liaise regarding utilising VMS as a tool for locating vessels for observers.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.15	Review objectives and effectiveness of the observer program at the next meeting.	TSPMAC 5 – 4-5 December 2007	AFMA
TSPMAC 5.16	Mr Gaddes to provide two rounds of offers for PNG nights on a pro rate basis. One should be offered at the beginning of the season and one once it is underway. Invitations will be sent to all operators.	TSPMAC 5 – 4-5 December 2007	QDPI&F

Ongoing or incomplete action items from previous meetings

TSPMAC 4.2.	DAFF to meet with the AQIS imported foods program to determine if the testing regime for prawns from PNG waters can be reduced for vessels that have already obtained approval from AQIS to export prawns caught in Australian waters.	TSPMAC 4 – 14 June 2007	DAFF
TSPMAC 4.10.	QDPI&F to determine what maps the QB&FP use to determine the closure areas in the TSPF.	TSPMAC 4 – 14 June 2007	DPI&F
TSPMAC 4.11.	QDPI&F and AFMA to further identify options for the setting of reference points in the TSP as part of an overall harvest strategy.	TSPMAC 4 – 14 June 2007	DPI&F and AFMA
	Approach FRDC to see if funding is	TSPMAC 3 – 17 February 2007	AFMA

	available to fund another two BRD workshops in Brisbane and Cairns in June/July 2008		
	Co-ordinate a trip to Spencer Gulf in unison with port visits to minimise costs to industry	TSPMAC 2 – 19&20 September 2006	DAFF
	Draft a summary of the historic management arrangements in the Torres Prawn fishery which includes the decision and date that PZJA decisions had been legislated.	TSPMAC 1 – 13&14 June 2006	DAFF
	AFMA to discuss with the OLDP the wording of Section 29(6), to ensure that the period of TAE amendment can be longer than two months in the event of an emergency situation that requires a longer period of amendment.	TSPMAC 2 – 19&20 September 2006	AFMA
	Undertake an audit of Fishery Management Notices and PZJA decisions for consideration during the drafting of the management plan.	TSPMAC 1 – 13&14 June 2006	DAFF / AFMA
	That the consideration of a spatial management system be considered at a future MAC meeting. Consideration will	TSPMAC 1 – 13&14 June 2006	MAC

	be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.		
	Quarterly updates on the progress of the research plan are provided to the MAC.	TSPMAC 1 – 13&14 June 2006	Clive Turnbull

Attachment 1 – Letter from the PZJA Chair the TSPMAC tabled at agenda item 2.2



SENATOR THE HON ERIC ABETZ
Minister for Fisheries, Forestry and Conservation
Manager of Government Business in the Senate
Liberal Senator for Tasmania

16 OCT 2007

Mr Mark Millward
Torres Strait Prawn Entitlement Holders Association
7 James Cook Drive
KEWARA BEACH QLD 4879

Dear Mr Millward *Mark*

Thank you for your letter of 20 July 2007 concerning the Torres Strait prawn fishery. I regret the delay in responding. I have received correspondence from many with an interest in the fishery regarding two proposals for this fishery recently and this letter details my response to both proposals.

The first proposal was for compensation for licence holders within the fishery in relation to the Torres Strait Protected Zone Joint Authority (PZJA) decision to reduce the allocated days available in the fishery to 9200. The other proposal that has been made was to introduce a Competitive Total Allowable Effort (Competitive TAE) arrangement in the fishery.

The Australian Government is determined to ensure a sustainable and profitable Torres Strait prawn fishery, however I am unable to support a request for compensation. The decision made by the PZJA to reduce the number of allocated days available in the fishery **to 9200 was taken on the basis of the best available scientific evidence at the time which** indicated that a reduction to this level was required to protect the health of the fishery, in particular tiger prawn stocks.

The Australian Government has a long-standing policy that does not support compensation or assistance for adjustments in fishing catch or effort levels necessary for sustainability.

Similarly, while the Australian Government is keen to encourage optimal utilisation of the fishery, I cannot support a competitive TAE arrangement. Competitive catch or effort quotas typically encourage a 'race to fish', undermining the biological and economic performance of the fishery, and have a very poor history worldwide. Moreover, a competitive TAE arrangement, where some operators are able to fish in excess of their share of the sustainable effort at the expense of others, would inevitably lead to inequity in

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the fishery. In addition, a competitive TAE arrangement would undermine any leasing market. This view is shared by Queensland and the Torres Strait Regional Authority.

Nevertheless, I am concerned to ensure the future economic and biological health of the fishery. Actions already taken by the Australian Government to this effect include:

- purchasing 16 licences with a total of 2333 allocated fishing days in order to manage Australia's obligations to Papua New Guinea (PNG) under the Torres Strait Treaty;
- funding payments to the Torres Strait Regional Authority for the surrender of three prawn fishing licences reserved for the Torres Strait Islanders to offset the impact on remaining fishers of the reduction in the total allowable effort (TAE);
- funding a \$1 million scientific programme in order to better understand Torres Strait prawn stocks, and to provide the PZJA with options to explore avenues for **increasing fishing effort consistent with a harvest strategy underpinned by modern fisheries management principles**;
- providing \$500,000 in levy subsidies to offset increased costs of developing new management arrangements and any adjustments associated with the licence buyback; and
- securing access for Australian operators to PNG's unused 25% share of the fishery (equating to 2070 fishing days) for the 2007 fishing season.

Notwithstanding these initiatives, I understand that some operators in the fishery are experiencing financial stress, which is being exacerbated by high fuel prices and low product prices. In this regard, I am keen to assist in promoting the optimal sustainable usage of the fishery and the Australian Government is pursuing several options.

More certainty regarding unused PNG entitlements

Australia continues to advocate access for Australian operators to PNG's 25% share of the fishery for 2008 and beyond through a flexible and ongoing catch sharing arrangement. To this end I have written to my PNG counterpart, the Hon. Ben Semri, and to the Managing Director of the PNG National Fisheries Authority seeking the Authority's agreement to such access. I have also spoken to Minister Semri to personally reinforce the request for Australian operators to access the unused PNG share of the fishery and the need for optimal usage of the fishery.

I am pleased to say that an in-principle agreement was made between officials from Papua New Guinea and Australia at the recent annual Australia Papua New Guinea Bilateral Fisheries Discussions in this regard, to be finalised in a catch sharing working group meeting to be held in November.

A Harvest Strategy Policy

To assist in setting the TAE for 2008, I have asked, through Minister Mulherin, that the Queensland Department of Primary Industries and Fisheries scientists prepare advice on the current health of prawn stocks in the fishery, including new information generated through the Australian Government-funded scientific programme. Should the scientific advice support an increase in the number of allocated fishing days in the fishery for 2008, I will support such an increase, noting that as a jointly-managed fishery it will also require the support of my PZJA colleagues.

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
MEETING ADMINISTRATION Actions and/or business arising from previous TSPMAC meetings	Agenda Item No. 1.2 FOR NOTING

RECOMMENDATION

1.2.1 The TSPMAC **NOTES** the information updates provided regarding the action items from previous TSPMAC meetings.

BACKGROUND

The action items and a brief summary of the progress made for each item is contained in Table 1.2A.

Table 1.2A: Actions and/or business arising from previous TSPMAC meetings.

Action reference number	Action	Date item was added	Responsibility	Status
TSPMAC 5.1	Coordinate the drafting of a letter to the TSRA expressing the MAC's concern regarding the lack of TSRA (CFG) representation at TSPMAC meetings.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. AFMA Snr. Mgr. spoke directly with the TSRA and the matter has been resolved (Miscommunication of meeting dates).
TSPMAC 5.2	Compile a PZJA decision register which includes the date of the PZJA meeting, the decision title and the gazettal notice and date. A progress report will be provided at TSPMAC 6.	TSPMAC 5 – 4-5 December 2007	DAFF	Ongoing. DAFF will provide a verbal update at the meeting. An example of how the record will be compiled will be provided. See attachments 1.2A, B and C.
TSPMAC 5.3	Ms. Fairweather and Mr. Turnbull to discuss the wording used in the report to explain the reduced take of endeavour prawns.	TSPMAC 5 – 4-5 December 2007	QDPI&F	Pending. To be finalised at TSPMAC No. 6 – QDPI&F will request TSPMAC clarification of the issue.
TSPMAC 5.4	The MAC agreed to put forward a proposal for an interim harvest strategy and that at a bare minimum the PNG days should be allocated at the beginning of the season and work towards the full recommendation.	TSPMAC 5 – 4-5 December 2007	QDPI&F	Complete. An interim harvest strategy was developed by PZJA agencies in consultation with industry and presented at PZJA 22. PZJA 22 decision record pending. See agenda item 2.6 and

				4.2 for additional details.
TSPMAC 5.5	Determine why all industry members are not paying a portion of the cost recovery.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 5.1 for details.
TSPMAC 5.6	Draft management plan to be distributed to the MAC for two weeks for public consultation.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. Draft Plan circulated from March 11-15, 2008. See agenda item 4.1 for details.
TSPMAC 5.7	MAC to submit comments on the draft management plan in writing to AFMA.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 4.1 for details.
TSPMAC 5.8	Incorporate recommendations 3.3 a, b and c from agenda item 3.3 into the management plan as per recommendation 3.3a, b and c) in TSPMAC 5 paper 3.3.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 4.1 for details.
TSPMAC 5.9	Arrange the drafting of the management plan to include a prohibition for taking carrying or processing shark in any form in the TSPF as per recommendation 3.3d) in TSPMAC 5 paper 3.3.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 4.1 for details.
TSPMAC 5.10	Arrange the drafting of the management plan to provide for the mandatory use of logbooks as per recommendation 3.3e) in TSPMAC 5 paper 3.3.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 4.1 for details.
TSPMAC 5.11	Arrange for fisheries management notices 19, 29, 56 and 61 and logbook notice 16 to be revoked upon implementation of the management plan as per recommendation 3.3f) in TSPMAC 5 paper 3.3	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 4.1 for details. FMN's will be revoked in conjunction with the introduction of the Management Plan.
TSPMAC 5.12	Discuss the NW area closures in the next industry forum such as port visits.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. Verbal update to be provided at TSPMAC No. 6 meeting. PZJA 22 Decision record pending.
TSPMAC 5.13	Place the harvest strategy on the agenda for the next MAC meeting when more	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 4.2 for details.

	information will be known about the interim harvest strategy.			
TSPMAC 5.14	DPI and AFMA observer section to liaise regarding utilising VMS as a tool for locating vessels for observers.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 2.4 for details.
TSPMAC 5.15	Review objectives and effectiveness of the observer program at the next meeting.	TSPMAC 5 – 4-5 December 2007	AFMA	Complete. See agenda item 2.4 for details.
TSPMAC 5.16	Mr Gaddes to provide two rounds of offers for PNG nights on a pro rate basis. One should be offered at the beginning of the season and one once it is underway. Invitations will be sent to all operators.	TSPMAC 5 – 4-5 December 2007	QDPI&F	Complete. Two rounds of offers on PNG nights for the 2008 season were offered to TSPF operators. Letters were sent to industry members on 11 February 2008 and 12 June 2008. The second round of offers also included the days held in trust by the Australian government. See agenda item 2.6 for details.

Ongoing or incomplete action items from previous meetings

TSPMAC 4.2.	DAFF to meet with the AQIS imported foods program to determine if the testing regime for prawns from PNG waters can be reduced for vessels that have already obtained approval from AQIS to export prawns caught in Australian waters.	TSPMAC 4 – 14 June 2007	DAFF	Ongoing. DAFF will provide a verbal update at the meeting.
TSPMAC 4.10.	QDPI&F to determine what maps the QB&FP use to determine the closure areas in the TSPF.	TSPMAC 4 – 14 June 2007	QDPI&F	Complete. WGS84 datum and admiralty charts are used to determine closure areas.
TSPMAC 4.11.	QDPI&F and AFMA to further identify options for the setting of reference points in the TSPF as part of an overall harvest strategy.	TSPMAC 4 – 14 June 2007	QDPI&F/ AFMA	Ongoing. See agenda item 4.2 for details.

	Approach FRDC to see if funding is available to fund another two BRD workshops in Brisbane and Cairns in June/July 2008	TSPMAC 3 – 17 February 2007	AFMA	Complete. Funding was not identified for 2008.
	Co-ordinate a trip to Spencer Gulf in unison with port visits to minimise costs to industry	TSPMAC 2 – 19&20 September 2006	DAFF	Complete. A trip was proposed for April 2007 however cancelled due to inappropriate timing for TSPEHA members. At TSPMAC 3, it was agreed that the TSPEHA would advised the TSPMAC Executive Officer out-of-session of the timing and participation of the Spencer Gulf trip. At TSPMAC 4, it was noted that the TSPEHA had not given information to TSPMAC about dates for the trip. At TSPMAC 5 industry requested clarification of how the funding for the trip was acquitted and the MAC agreed to try to organise a trip with HS visits at minimal costs. The budget appropriate that DAFF sought to undertake the December 2005 trip has since been re-acquitted in the budgetary process.
	Draft a summary of the historic management arrangements in the Torres Prawn fishery which includes the decision and date that PZJA decisions had been legislated.	TSPMAC 1 – 13&14 June 2006	DAFF	Complete. Refer to action item 5.2 above.
	AFMA to discuss with the OLDP the wording of Section 29(6), to ensure that the period of TAE	TSPMAC 2 – 19&20 September 2006	AFMA	Complete. See section 2.6 of the Draft TSPF Management Plan provided as an

	amendment can be longer than two months in the event of an emergency situation that requires a longer period of amendment.			attachment to paper 4.1. The period of amendment will now be determined by the PZJA on a case by case basis.
	Undertake an audit of Fishery Management Notices and PZJA decisions for consideration during the drafting of the management plan.	TSPMAC 1 – 13&14 June 2006	AFMA/ DAFF	Complete. All notices have been reviewed and incorporated into the Mgt Plan where possible.
	That the consideration of a spatial management system be considered at a future MAC meeting. Consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.	TSPMAC 1 – 13&14 June 2006	TSPMAC	Complete. The interim Harvest Strategy proposal has been used as a basis for the long-term Harvest Strategy and incorporates spatial management options as requested by the TSPMAC. See agenda item 4.2 for details.
	Quarterly updates on the progress of the research plan are provided to the MAC.	TSPMAC 1 – 13&14 June 2006	QDPI&F/ Clive Turnbull	Ongoing. QDPI&F to provide a verbal update at the meeting.

DISCUSSION

Updates will be provided on each Action item at TSPMAC No. 6.

TSPMAC #6 agenda item 1.2 - Attachment 1.2A

PZJA decision record arising from TSPMAC action item 5.2

In accordance with action item 5.2 DAFF has commenced a review of decisions made by the Protected Zone Joint Authority in relation to the Prawn fishery. This review will record the legislative instruments relevant to the Prawn fishery, the corresponding PZJA decision, the date and the legislative reference.

In the first instance DAFF has completed a full review of the legislative instruments relating to the Prawn Fishery. These legislative instruments are listed on the PZJA website (www.pzja.gov.au). In relation to the genesis of these legislative instruments DAFF has commenced this process, with an example of progress presented at Attachment 1.2B. Attachment 1.2C provides additional information relating to these legislative instruments. To ensure that this review is both relevant and accurate, the review will only be completed for legislative instruments dating back to 1998. Many of the decision records from the PZJA preceding 1998 have been archived; as such it would be a difficult process to create a complete and comprehensive review of early PZJA decisions.

**TSPMAC #6 agenda item 1.2 - Attachment 1.2B
Prawn Fishery Legislative Instruments and Decisions**

PZJA Decision	FMN	Gazetted	Which FMA was revoked	LEGISLATION REFERENCE
<p>PZJA 12:</p> <p>The PZJA AGREED:</p> <p>* agreed in-principle to require the use of turtle exclusion devices (TEDs) and bycatch reduction devices (BRDs) from the start of the 2002 season, subject to resolving the remaining TED/BRD specification issues.</p>	<p>FMN 81: Requirement for use of turtle excluder device (includes explanatory statement)</p>	<p>21 December 2002</p>	<p>Revokes FMN 60</p>	<ul style="list-style-type: none"> • 16 (1) (c) of the Act
<p>PZJA 17:</p> <p>The PZJA AGREED:</p> <p>* not to make any decisions in relation to effort allocations in this fishery until the outcomes of the negotiations are known;</p> <p>* to implement a program of effort reduction to sustainable levels when those negotiations have concluded;</p>	<p>FMN 72A: Prohibition on taking prawns</p>	<p>12 October 2006</p>	<p>N/A</p>	<ul style="list-style-type: none"> • 16 (1) (a) • 16 (1) (o) • 16 (1A) (d) of the Act

<p>* that the Torres Strait Prawn Fishery management arrangements for 2005 are as for 2004;</p> <p>* 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</p>				
<p>PZJA 18:</p> <p>The PZJA AGREED:</p> <p>* that the issue of effort reduction and associated future management arrangements in the Torres Strait Prawn Fishery be considered at a special meeting of the PZJA in Cairns on Monday 19 January 2004. This would allow stakeholders to conduct consultation on the new proposal introduced by the Chair to reduce effort in the fishery using a staged approach over the next 4 years; and</p>	<p>FMN 72: Prohibition on taking prawns and amendment to FMN no 40</p>	<p>23 Feb 2004</p>	<p>Revokes FMN 43, 25 February 1995</p>	<ul style="list-style-type: none"> • 16 (1) (a) • 16 (1) (o) • 16 (1A) (d) of the Act
<p>PZJA 16</p>	<p>FMN 71: Restriction on net size</p>	<p>23 Feb 2004</p>	<p>Revokes FMN 59, 21</p>	<ul style="list-style-type: none"> • 16 (1) (c)

<p>The PZJA AGREED:</p> <p>* to revert the overall net length from 80m back to 88m, including words in the relevant FMN to define the use and possession of nets including try gear</p>			February 2002	<ul style="list-style-type: none"> • 16 (1) (f) of the Act
<p>PZJA 15</p> <p>The PZJA NOTED:</p> <p>* that it is illegal to take, process or carry dead pearl shell of the species <i>Pinctada maxima</i>; and</p> <p>The PZJA APPROVED:</p> <p>* the removal of the exemption, for persons holding a licence under subsection 19(2) or 19(3) of the <i>Torres Strait Fisheries Act 1984</i> to take, carry or process prawns, to carry not more than four pearl shells at any one time.</p> <p>Mr Waia noted that removal of the above exemption (in xix above) will assist the rebuilding</p>	<p>FMN 69: Prohibition on taking, processing and carrying of Pearl Shell (gear and size restrictions)</p>	23 Feb 2004	Revokes FMN 46, 2 September 1997	<ul style="list-style-type: none"> • 16 (1) (a) • 16 (1) (c) • 16 (1A) (D) • 16 (1) (b) (ii) of the Act • Section 20 of the TSF Act • Qld Fisheries Act 1994

of the pearl shell fishery.				
No information found	FMN 68: Prohibition of the Carriage of Equipment (amendment to FMN 40)	23 Feb 2003		
<p>PZJA 12</p> <p>The PZJA AGREED:</p> <p>* to introduce limits on the retention of shark in the Torres Strait prawn fishery, to be effective from the start of the 2002 season:</p> <ul style="list-style-type: none"> • limiting vessels to retain on-board at any one time a maximum of 5 trunks, to a combined maximum weight of 30kgs; and • banning the practice of shark finning. 	FMN 61: Shark by-catch restriction and shark finning prohibition	27 Feb 2002		<ul style="list-style-type: none"> • 16 (1) (a) • 16 (1A) (d) of the Act
<p>No information found</p> <p>Searched: - PZJA files</p> <ul style="list-style-type: none"> - annual reports - papers 	FMN 56: Prohibition on taking Moreton Bay Bugs (size restriction)	15 May 2001		<ul style="list-style-type: none"> • 16 (1) (b) (iii) • 16 (1A) (d) of the Act

<p>PZJA 9</p> <p>The PZJA AGREED:</p> <p>* that there be a prohibition on the possession of prawns in the area of the Torres Strait prawn fishery between 15 December and 1 March each year</p>	<p>FMN 49: Amendment to FMN 40 (Prohibition on taking prawns and carrying fishing equipment)</p>	<p>29 April 1998</p>		
<p>No Information Found</p>	<p>FMN 40: Prohibition on taking prawns and carrying fishing equipment</p>	<p>25 Feb 1994</p>	<p>Revokes FMN 37, 22 May 1992</p>	

TSPMAC #6 agenda item 1.2 - Attachment 1.2C
Prawn Fishery Legislative Instruments and Decisions - Supplement Page

FMN	PZJA Decision	Corresponding Paper
<p>FMN 81: Requirement for use of turtle excluder device (includes explanatory statement)</p> <p>21 December 2002</p>	<p>PZJA 12:</p> <p>The PZJA:</p> <p>vii) agreed in-principle to require the use of turtle exclusion devices (TEDs) and bycatch reduction devices (BRDs) from the start of the 2002 season, subject to resolving the remaining TED/BRD specification issues.</p>	<p>BACKGROUND</p> <p>The September Prawn Working Group meeting recommended that TEDs and BRDs be introduced in the prawn fishery for the start of the 2002 season (1 March).</p> <p>Most aspects have been agreed, such as:</p> <ul style="list-style-type: none"> i) the maximum bar spacing in the TED grid; ii) the TED needing to be a rigid or semi-rigid device - no soft TEDs will be allowed; iii) the TED needing to be attached to the entire circumference of the net; iv) a mechanism to enable operators to trial modified gear designs, provided any adjustments are consistent with the fundamental TED/BRD principles; and v) that TEDs/BRDs will not be required in try-gear. <p>A few issues remain outstanding, such as the minimum size of the escape opening in the TED, and the BRD specifications.</p> <p>AFMA, QFS and industry are consulting on these issues, with a view to following the approach used in the Queensland east coast trawl fishery provided those specifications are appropriate for Torres Strait conditions.</p>

		<p>At the time of writing, QFS has advised that it is considering giving approval to a TED opening that is 60cm wide and 76cm perpendicular. AFMA, QFS and industry need to assess the suitability of these specifications for Torres Strait conditions. Once this process is complete, the Torres Strait specifications will be finalised by the management agencies - in full consultation with industry and Islander representatives.</p> <p>The specifications will be finalised as soon as possible, to give operators sufficient time to prepare their gear for the 1 March opening of the 2002 Torres Strait season.</p> <p>RECOMMENDATIONS</p> <p>That the PZJA:</p> <ul style="list-style-type: none"> i) give in-principle agreement to the mandatory introduction of TEDs/BRDs in the fishery for the start of the 2002 season (1 March); and ii) note that a few specification issues remain outstanding, but that these will be resolved by the management agencies in full consultation with industry and Islander representatives.
<p>FMN 72A: Prohibition on taking prawns</p> <p>12 October 2006</p>	<p>PZJA 17:</p> <p>The PZJA AGREED:</p> <p>3. not to make any decisions in relation to effort allocations in this fishery until the outcomes of the negotiations are known;</p>	

	<p>4. to implement a program of effort reduction to sustainable levels when those negotiations have concluded;</p> <p>5. that the Torres Strait Prawn Fishery management arrangements for 2005 are as for 2004;</p> <p>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</p> <p>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</p>	
<p>FMN 72: Prohibition on</p>	<p>PZJA 18: 2. The PZJA AGREED</p>	

<p>taking prawns and amendment to FMN no 40</p> <p>23 Feb 2004</p>	<p>i) that the issue of effort reduction and associated future management arrangements in the Torres Strait Prawn Fishery be considered at a special meeting of the PZJA in Cairns on Monday 19 January 2004. This would allow stakeholders to conduct consultation on the new proposal introduced by the Chair to reduce effort in the fishery using a staged approach over the next 4 years; and</p> <p>ii) that the agenda for this meeting will be based on the proposed prawn items for this December 2003 meeting of the PZJA (Attachment D), with the addition of an item to consider arrangements to allow more flexible use of the Torres Strait Islander entitlements.</p>	
<p>FMN 71: Restriction on net size</p> <p>23 Feb 2004</p>	<p>PZJA 16:</p> <p>3. The PZJA AGREED to revert the overall net length from 80m back to 88m, including words in the relevant FMN to define the use and possession of nets</p>	<p>Papers</p> <p>Agenda Item 1.d: Recommendation for the Prawn Fishery – other arrangements</p> <p><i>Net length</i></p>

	including try gear	<p>The maximum length of net in the Torres Strait prawn fishery was reduced from 88 to 80 metres by decision of the PZJA at its twelfth meeting in October 2001. The reduction in net length was an offer by Industry to aid in the control of effective fishing effort. Since the reduction in net length its affect on fishing power/catching efficiency has been debated. There have been no formal studies undertaken to evaluate its effect on effort in the Torres Strait fishery. There are no research funds set aside to undertake the experiments that would be necessary to determine the effect of the ten percent reduction. However studies in the adjacent NPF have indicated that ten percent decrease in the length of gear reduces effective effort by three percent. While there are a number of differences between the two fisheries (in particular the NPF only use twin trawl compared to the quad trawl gear used in the TSPF), this does provide some indication of the level of reduction that the measure achieves.</p> <p>Since this measure has an unquantified affect on fishing power which will not be resolved easily Management believes that net length should be allowed to increase to the 88 metres again and deal with excess effort by managing days in the fishery. Compliance with net length has also been more difficult than anticipated when FMN 59 was introduced. The attached management notice (Attachment 1)amends the wording used in the former notice and makes it more enforceable.</p>
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<p>FMN 69: Prohibition on taking, processing and carrying of Pearl Shell (gear and size restrictions)</p> <p>23 Feb 2004</p>	<p>PZJA 15</p> <p>Retention of Pearl Shell</p> <p>The PZJA:</p> <p>xviii) NOTED that it is illegal to take, process or carry dead pearl shell of the species <i>Pinctada maxima</i>; and</p> <p>xix) APPROVED the removal of the exemption, for persons holding a licence under subsection 19(2) or 19(3) of the <i>Torres Strait Fisheries Act 1984</i> to take, carry or process prawns, to carry not more than four pearl shells at any one time.</p> <p>Mr Waia noted that removal of the above exemption (in xix above) will assist the rebuilding of the pearl shell fishery.</p>	<p>Papers</p> <p>Retention of Pearl Shell</p> <p>The take of pearl shells as by-catch in the prawn fishery (FMN 46) for uses other than culturing for pearls, has raised some questionable issues of sustainability and appropriate use of this resource, which is in a severely depleted state.</p> <p><u>Recommendation:</u></p> <p>That the PZJA:</p> <p>xix) NOTE that it is illegal to take, process or carry dead pearl shell of the species <i>Pinctada maxima</i>; and</p> <p>xx) APPROVE the removal of the exemption, for persons holding a licence under subsection 19(2) or 19(3) of the <i>Torres Strait Fisheries Act 1984</i> to take carry or process prawns, to carry not more than four pearl shells at any one time.</p>
<p>FMN 68: Prohibition of the Carriage of Equipment (amendment to FMN 40)</p> <p>23 Feb 2003</p>	<p>The PZJA:</p> <p>iii) noted that there are other management concerns for the prawn fishery , including the benthic impacts of trawl nets, discard rates, interactions</p>	<p><i>Recommendations from TSFMC</i></p> <p>The recent TSFMC meeting noted PWG progress on developing an options paper for an effort reduction in the fishery.</p> <p>TSFMC noted:</p> <p>i) following an independent review of the stock assessment</p>

	<p>with protected, endangered and threatened species, and the yet uncertain relationship of trawling on tropical rock lobster and pearl shell stocks in the Protected Zone</p>	<p>and agreement on the value of E_{msy} a further discussion paper including the target figure of E_{msy} will be distributed to all interested parties for comment; and</p> <p>ii) that there are a number of other important issues (such as introduction of VMS, BRDs and an observer programme) pending finalisation and that the TSFMC encourages the PWG to complete these issues as soon as possible.</p> <p>RECOMMENDATION</p> <p>That the PZJA:</p> <p>i) note the PWG progress on developing an discussion paper on options to reduce effort in the prawn fishery;</p> <p>ii) note the progress on the independent review of Torres prawn stock assessment;</p> <p>iii) note that other factors about the prawn fishery are management concerns, the benthic impacts of trawl nets, discard rates, interactions with protected, endangered and threatened species, and the yet uncertain relationship of trawling on tropical rock lobster and pearl shell stocks in the Protected Zone; and</p>
<p>FMN 61: Shark by-catch restriction and shark finning prohibition</p>	<p>PZJA 12</p> <p>The PZJA:</p> <p>viii) agreed to introduce limits on the retention of shark in the Torres Strait</p>	<p>Papers: Agenda Item No. 5.11</p> <p>Prawns: Restrictions on the retention of shark</p>

27 Feb 2002	<p>prawn fishery, to be effective from the start of the 2002 season:</p> <ul style="list-style-type: none"> • limiting vessels to retain on-board at any one time a maximum of 5 trunks, to a combined maximum weight of 30kgs; and • banning the practice of shark finning. 	<p>BACKGROUND</p> <p>There are no limits on the retention of shark in the Torres Strait prawn fishery.</p> <p>Agriculture, Fisheries and Forestry Australia (AFFA) is currently preparing a National Plan of Action for the Conservation and Management of Sharks. In addition:</p> <ul style="list-style-type: none"> • AFMA is developing a policy for the sustainable management of all shark species taken in Commonwealth fisheries; • a zero bycatch limit for sharks was recently introduced in the Northern Prawn Fishery. <p>The Prawn Working Group considers that a zero retention limit is not appropriate for the Torres Strait fishery. Instead, the Working Group considers that a bycatch limit be introduced, allowing:</p> <ol style="list-style-type: none"> i) up to 5 trunks, up to a combined maximum of 30kg, to be retained on board at any one time; and ii) banning the finning of the sharks, such that any shark fins retained on board need to remain attached to the trunk. <p>TSFMC endorsed the Working Group recommendation, and the proposal has the full support of all stakeholder groups.</p> <p>RECOMMENDATION</p>
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		<p>That the PZJA introduce limits on the retention of shark in the Torres Strait prawn fishery, to be effective from the start of the 2002 season:</p> <ul style="list-style-type: none"> • limiting vessels to retain on-board at any one time a maximum of 5 trunks, to a combined maximum weight of 30kgs; and • requiring any shark fins retained on board to remain attached to the trunk.
<p>FMN 56: Prohibition on taking Moreton Bay Bugs (size restriction)</p> <p>15 May 2001</p>	<p>No information found Searched: - PZJA files</p> <ul style="list-style-type: none"> - annual reports - papers 	<p>No information found Searched: - PZJA files</p> <ul style="list-style-type: none"> - annual reports - papers
<p>FMN 49: Amendment to FMN 40</p> <p>29 April 1998</p>	<p>PZJA 9</p> <p>Prawn Fishery: Possession of prawns in the closed season</p> <p>The PZJA agreed that there be a prohibition on the possession of prawns in the area of the Torres Strait prawn fishery between 15 December and 1 March each year</p>	<p>Mention in the 1997-1998 annual report</p>
<p>FMN 40: Prohibition on taking prawns and carrying</p>	<p>Only mention of effort reduction</p>	<p>Mention in the management regulations of the 1993-94 annual report</p>

fishing equipment		
25 Feb 1994		

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
MEETING ADMINISTRATION PZJA FMP No. 1 (May 2008)	Agenda Item No. 1.3 FOR DECISION

RECOMMENDATION

1.3.1 The TSPMAC **AGREES** to abide by all policies for the operation and administration of Management Advisory Committees as described in PZJA FMP No.1 (May 2008).

BACKGROUND

The PZJA Fisheries Management Paper No. 1 (May 2008) “Torres Strait Fisheries Management Advisory Committee and Associated Committees and Working Groups” (Attachment 1.3A) sets out operational guidelines for all PZJA consultative bodies, including Management Advisory Committees”. Section 4.1 of PZJA FMP No. 1 (2008 states:

“The role of a MAC is to advise the PZJA on management issues for the fisheries managed under the Act. It provides the forum where issues relating to the fisheries are discussed, problems identified and possible solutions developed. The outcome of these deliberations determines the recommendations a MAC will make to the PZJA concerning the management of relevant fisheries.”

A MAC may request advice from relevant Working Groups, Resource Assessment Groups or Scientific Advisory Committees. Section 8 of PZJA FMP No.1 (May 2008) details the roles of the members of a MAC. Specifically, members must be prepared to meet the following requirements:

- to put views clearly and concisely and be prepared to negotiate to achieve acceptable outcomes and compromises where necessary;
- they must act in the best interests of the fisheries as a whole, rather than as an advocate for any particular organisation, interest group or regional concern;
- they must be prepared to observe confidentiality and exercise tact and discretion when dealing with sensitive issues;
- they must contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest;
- they must be prepared to make the necessary commitment of time to ensure that they are fully across matters which are the subject of consideration by the committee;
- Industry Members must not have commercial interests in the same company as other members on the MAC;
- Industry members must have the wider industry’s confidence and authority to undertake their functions as a MAC member. They must also be prepared to consult with members of industry through port-level associations, regional associations and peak industry bodies as necessary; and
- Traditional inhabitant members must have the community’s confidence and authority to undertake their functions as a MAC member. They must also be

prepared to consult with members of community through local associations and meetings as necessary.

Obligations of Members

Members must:

- act in good faith in the best interests of the PZJA;
- act honestly and exercise a reasonable degree of care and diligence in the discharge of their duties; and
- not make improper use of inside information to gain an advantage for themselves or someone else or cause harm to the Authority or to another person.

Members must not use their position, or information obtained as a member of the MAC, dishonestly or with the intention of directly or indirectly gaining an advantage for themselves or someone else, or with the intention of causing harm to the PZJA or to another person.

Personal and professional behaviour

MAC members should perform all duties associated with their positions diligently, impartially, conscientiously, in a civil manner and to the best of their ability. In the performance of their duties they should:

- act in such a way, at meetings, in the field and at official functions that will be held in a high regard by the community and by industry;
- treat other members and stakeholders with courtesy and sensitivity; and
- not take, or seek to take, improper advantage of official information gained in the course of their membership.

Fairness and equity

MAC members are not permitted to discriminate against or harass any colleague, client or member of the public. Behaviour, which is shown to be discriminatory, or which constitutes harassment will not be tolerated and may result in the members' appointment to the MAC being terminated by the PZJA or delegate.

Public Comment

Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to newspapers or in books, journals or notices or where it might be expected that the publication or circulation of the comment would spread to the community at large. Whilst MAC members, as members of the community, have the right to make public comment and to enter into public debate on political and social issues, there are some circumstances in which public comment is inappropriate. These circumstances would be where there is an implication that the public comment, although made in a private capacity, is in some way an official comment of the MAC. Members should avoid making private statements about matters relating to the MAC unless it is made clear that they are speaking as a private citizen. The roles and responsibilities of individual representatives on the MAC are described in item 10 of PZJA FMP No.1 (May 2008).

FINANCIAL IMPLICATIONS

Nil.



Queensland
Government



TORRES STRAIT
PZJA
PROTECTED ZONE
JOINT AUTHORITY

PROTECTED ZONE JOINT AUTHORITY
FISHERIES MANAGEMENT PAPER No. 1
(PZJA FMP No.1)

**MANAGEMENT ADVISORY COMMITTEES,
SCIENTIFIC ADVISORY COMMITTEES,
WORKING GROUPS AND
RESOURCE ASSESSMENT GROUPS**

MAY 2008

Prepared by the Australian Fisheries Management Authority
on behalf of the Protected Zone Joint Authority

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1. ACRONYMS/DEFINITIONS

For the purposes of this document:

AFMA	Australian Fisheries Management Authority
DAFF	Department of Agriculture, Fisheries and Forestry
EO	Executive Officer
FMP	Fisheries Management Paper
MAC	Management Advisory Committee
PNG	Papua New Guinea
PZJA	Protected Zone Joint Authority
QDPI&F	Queensland Department of Primary Industries and Fisheries
RAG	Resource Assessment Group (including Stock Assessment Group, species Assessment Group or any scientific group).
SAC	Scientific Advisory Committee
TSMAC	Torres Strait Fisheries Management Advisory Committee
TSPMAC	Torres Strait Prawn Management Advisory Committee
TSPZ	Torres Strait Protected Zone
TSRA	Torres Strait Regional Authority
WG	Working Group

2. PURPOSE

This Fisheries Management Paper sets out the Torres Strait Projected Zone Joint Authority's (PZJA) policy for the operation and administration of Management Advisory Committees (MACs), Scientific Advisory Committees (SACs), Working Groups (WGs) and Resource Assessment Groups (RAGs) or other associated consultative groups.

This paper also outlines key decision making processes associated with the delivery of advice in the pursuit of the Protected Zone Joint Authority's (PZJA) legislative objectives. This includes the interactive processes, respective roles and responsibilities between the PZJA, MACs, SACs, WGs and RAGs.

3. INTRODUCTION

Sections 40(7-8) of the *Torres Strait Fisheries Act 1984* (the Act) provide for the establishment of advisory committees "...to provide information and advice to the Protected Zone Joint Authority on scientific, economic and technical matters related to any fishery."

In the Australian area of jurisdiction, traditional fishing and the commercial fisheries are managed by the Torres Strait Protected Zone Joint Authority (PZJA). The PZJA, established under the *Torres Strait Fisheries Act 1984* (the Act), comprises the Federal and State (Queensland) Ministers responsible for fisheries, and the Chair of the Torres Strait Regional Authority (TSRA). The PZJA is responsible for managing fisheries in the Torres Strait Protected Zone (TSPZ). The PZJA has delegated day-to-day management of the fisheries to the Australian Fisheries Management Authority (AFMA) and compliance and licensing in the fisheries to the Queensland Department of Primary Industries and Fisheries (QDPI&F) under a cost sharing arrangement. Five of the fisheries currently being managed are known as Article 22 fisheries and are jointly

managed by PNG and Australia. The two countries share the catches of Article 22 commercial fisheries according to formulae set out in the Torres Strait Treaty.

The PZJA agencies include AFMA, the Queensland Department of Primary Industries and Fisheries (QDPI&F), the Torres Strait Regional Authority (TSRA) and the Department of Agriculture, Fisheries and Forestry (DAFF). Recreational fishing is still managed under Queensland law.

The PZJA is responsible for monitoring the condition of the designated fisheries and for the formulation of policies and plans for their management. The PZJA has regard to the rights and obligations conferred on Australia by the Torres Strait Treaty, in particular the protection of the traditional way of life and livelihood of the traditional inhabitants, including their traditional fishing.

4. CONSULTATIVE STRUCTURE

The consultative structure for Torres Strait fisheries incorporates Australian Traditional Inhabitant commercial and traditional fishers, non-Traditional Inhabitant commercial fishers, Australian and Queensland Government officials, and technical experts.

The PZJA may be advised by Management Advisory Committees (MAC), Scientific Advisory Committees (SAC), and Resource Assessment Groups (RAG) on issues associated with TSPZ fisheries (Figure 1).

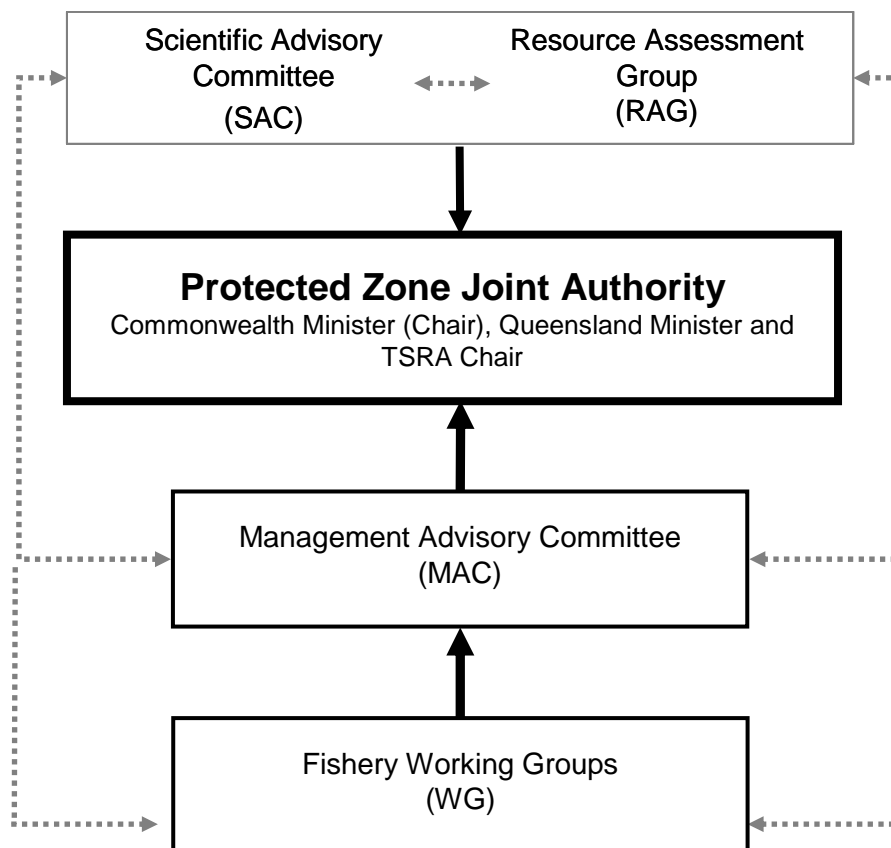


Figure 1. The consultative structure of the Torres Strait Protected Zone Joint Authority (PZJA). Solid lines and dashed lines indicate primary and secondary lines of communication respectively.

Consultation and communication can be difficult across all islands of the Torres Strait, but are important elements in the effective management of the region's fisheries. The consultative committees are, therefore, complemented by meetings between fisheries officers and fishermen in communities around the Torres Strait. These meetings are occasionally supplemented by fisheries programs broadcast on Radio Torres Strait and articles/advertisements in the Torres News.

While the Committee's and Groups outlined in Figure 1 are the main means of the PZJA obtaining advice and information, it is not the only means. The PZJA may seek advice and views from others with relevant expertise or interest. This includes PZJA Agencies, other government agencies, independent consultants, operators in fisheries more broadly and representatives of the broader community.

Key principles that should be observed in relation to the respective committees/groups within the PZJAs decision-making framework are:

- i. All committees/groups are advisory rather than decision-making;
- ii. Committees/groups should provide expert advice that best pursues PZJAs legislative and policy objectives;
- iii. The PZJA seeks, through its consultative processes, to obtain best quality information and advice;
- iv. The PZJA will make decisions based on the best advice (and information) available at the time;
- v. Committees/groups should have defined roles and there should be minimum overlap in responsibilities; and
- vi. Advice and reporting should be a transparent and open process.

4.1 Role and functions of a Management Advisory Committee (MAC)

Management Advisory Committees (MAC) are the principal source of advice for the PZJA on fishery-specific management issues in all Torres Strait fisheries. A MAC and its working group/s have specific functions that support the decision making process.

A MAC advises the PZJA on fishery objectives, strategies, reference points, risk profiles and management arrangements for achieving fishery-specific goals. For the PZJA to be able to make decisions based upon MAC advice, the PZJA has to be confident that a MAC has put in place rigorous processes to determine the best package of measures in pursuit of the PZJA's objectives. Good governance and business efficiency demand that the PZJA is normally able to approve MAC advice without delving into MAC business details, or needing to seek clarification from a MAC.

The role of a MAC is to advise the PZJA on management issues for the fisheries managed under the Act. It provides the forum where issues relating to the fisheries are discussed, problems identified and possible solutions developed. The outcome of these deliberations determines the recommendations a MAC will make to the PZJA concerning the management of relevant fisheries.

All MAC members must be aware of the PZJAs legislative objectives and functions (as contained in Attachment A) and of the continuing need to take these into account in their deliberations.

4.2 Role and functions of a Scientific Advisory Committee (SAC)

A Scientific Advisory Committee's (SAC) main role is to advise the PZJA on the strategic directions, priorities and funding for research relevant to meeting information needs and objectives of the PZJA and its relevant consultative bodies.

The committee normally provides a review process for research conducted by research providers to ensure that milestones are met and that the research outcomes represent good value for money. The committee may also be called upon to make its own assessments of fisheries data and comment on stock assessment advice. The committee may also solicit external review when the questions asked fall outside the committee's area of expertise.

A SAC may also provide advice to the MACs, WGs, and RAGs on scientific and research issues in the Torres Strait Protected Zone (TSPZ).

4.3 Role and functions of Working Groups (WG)

To assist in the operations of a MAC, Working Groups (WG) have been established to provide advice on particular matters relevant to individual fisheries. The task of a WG is to discuss, negotiate and debate issues relevant to individual fisheries. In order to be manageable and cost effective, WGs will be no larger than is necessary to ensure the appropriate blend of knowledge and expertise is available to provide the required advice to a MAC.

Ordinarily the WGs deal with the fishery specific issues, including the specification of management objectives, research priorities for the particular fishery, management issues and strategies, and compliance issues. In addition to these tasks the WGs deal with a range of ad hoc issues. These are reported to a MAC and/or SAC as appropriate.

4.4 Role and functions of a Resource Assessment Group (RAG)

The main role of Resource Assessment Groups (RAG) is to provide advice on the status of fish stocks, sub-stocks, species (target and non-target species) and on the impact of fishing on the marine environment. Advice provided by a RAG should address biological, economic and wider ecological factors impacting on the fishery.

RAGs should also evaluate alternative harvest options proposed by the relevant fishery WG and/or MAC. This includes advising on the impact over time of different harvest strategies (for example, the time required for a particular fish stock to reach a reference point), stock depletion or recovery rates, the confidence levels of the fishery assessments, and risks to the attainment of approved fishery objectives.

A RAG reports to the PZJA. It also informs relevant SACs, MACs or WGs of work on stock assessments in progress or potential issues, but is not restricted by them. This ensures that the potential conflict of interest generated by the assessment roles of RAGs and the management advisory roles of other consultative bodies does not impact on the quality of advice provided to the PZJA. A MAC (including its WGs) and associated RAG are likely to have some common membership, therefore it is essential that members' roles be recognised and differentiated by the respective chairs.

5. TERMS OF REFERENCE

5.1 Management Advisory Committees and Working Groups

The following terms of reference are to be utilised by Management Advisory Committees (MAC) and Working Groups (WG) as operating guidelines.

1. To provide a forum for the discussion of matters relevant to the management of Torres Strait fisheries and to act as a medium for the flow of information between all stakeholders;
2. To provide advice and make recommendations to the PZJA (in the case of a MAC) or MAC (in the case of a WG) with respect to:
 - i. the management of the fishery;
 - ii. the development of fishery management plans;
 - iii. ongoing measures required to manage the fishery in accordance with the provisions of management plans; and
 - iv. amendments to management plans as required;
3. To provide advice and make recommendations to the PZJA (in the case of a MAC) or MAC (in the case of a WG) on research priorities and projects for the fishery. MACs and WGs are to ensure that processes are in place for industry and other interested stakeholders to receive advice from researchers in a form that will be easily understood by the audience;
4. To establish sub-committees as required ensuring that the range of management issues is given proper attention;
5. To liaise with PZJA Agency staff and provide assistance as necessary to ensure approved management measures are implemented; and
6. To undertake additional functions on behalf of the PZJA as determined by the Authority.

5.2 Scientific Advisory Committee (SAC)

The following terms of reference are to be utilised by a Scientific Advisory Committee (SAC) as operating guidelines.

1. Identify and document research gaps, needs and priorities for fisheries in the Torres Strait;
2. Provide a forum for expert consideration of scientific issues referred to the SAC by a MAC;
3. Provide a forum for detailed consideration of scientific issues raised by WGs and relevant stakeholder representative bodies and advise WGs and relevant stakeholders on the feasibility and merits of suggested research;
4. Develop and update a strategic plan for Torres Strait Fisheries research;
5. Solicit and review research proposals in line with the strategic plan and recommend proposals for implementation to the AFMA Research Committee (ARC) and/or other relevant funding organisations;
6. Provide other advice to the MACs on matters consistent with SAC functions;
7. Review research / consultancies, stock assessments, and other reports and outputs relevant to Torres Strait fisheries and advise the appropriate MAC and WG, on their technical merit;
8. Advise the MACs and WGs on the management implications identified by the research projects or the SACs own assessment of fisheries data;
9. Convene Fisheries Assessment workshops as appropriate to review and address assessment needs for Torres Strait fisheries and recommend research priorities for future assessments;

10. Provide advice to research providers and the MACs on appropriate mechanisms and protocols for engaging research providers in the Torres Strait fisheries;
11. Provide advice on effective delivery of research results to stakeholders; and
12. Provide advice on a range of issues including stock assessment advice.

5.3 Resource Assessment Groups (RAG)

A Resource Assessment Groups' (RAG) Terms-of-Reference (TOR) should be tailored according to their specific fishery requirements. However, general TOR for RAGs are:

1. Analyse, assess, and report on the fishery status against agreed reference points, including target and non-target stocks, impacts on the marine environment from fishing, and the economic efficiency with which stocks are fished;
2. Identify improvements and refinements to assessment methodology;
3. Evaluate alternative harvest strategies or TAC settings. This includes providing advice on confidence limits or risk levels associated with particular management/harvest strategies;
4. Assist the relevant MAC and/or the WG to develop, test, and refine sustainability reference points and performance indicators for the fishery. Advise on stock status and trends relative to these reference points and indicators;
5. Identify and document fishery assessment and monitoring gaps, needs and priorities. These should be communicated to the SAC so that they can be incorporated in the Torres Strait strategic research plan;
6. Provide advice and recommendations to the SAC on issues consistent with RAG functions;
7. Facilitate peer review of assessment outputs;
8. Facilitate/drive a collaborative stock assessment with adjacent jurisdictions;
9. Maintain awareness of current issues by promoting close links with the MACs, SACs and any other Torres Strait RAGs; and
10. Liaise with other researchers, experts and key industry members.

6. Cost Recovery

Under the existing Australian Government cost-recovery policy, MACs and their subcommittees (WGs) are funded largely by industry levies as their functions are attributable to industry as the principal beneficiary.

In Torres Strait, only the costs of the prawn fishery are attributed to Industry and recovered at the present time. It should be noted however that the PZJA agreed in principle that cost recovery should extend to other Torres Strait fisheries in line with AFMAs Cost Recovery Impact Statement (CRIS). A policy on the cost recovery is being developed for the PZJAs consideration.

7. OPERATIONAL GUIDELINES

7.1 Membership Composition

The PZJA or delegate has final responsibility for determining the actual membership of MACs, SACs, WGs and RAGs and will consider membership in relation to the needs of the Torres Strait Fisheries.

7.1.1 Management Advisory Committee (MAC)

The minimum requirements for MAC membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 2 x Staff members from AFMA;
- 2 x Staff members from QDPI&F;
- 1 x Scientific member;
- 6 x Traditional Inhabitant members*;
- 5 x Non-Traditional Inhabitant Industry members#;
- 1 x TSRA support member.

* The exact number of Traditional Inhabitant members may vary for each MAC as determined by the PZJA or delegate depending upon the needs of the fisheries (e.g. TSFMAC = 6 rotational from 24 communities; TSPMAC = 3).

The composition of Non-Traditional Inhabitant Industry Members may vary for each MAC as determined by the PZJA or delegate depending upon the needs of the fisheries covered by the MAC (e.g. TSFMAC = 4 x Fishing licence holders, 1 x Industry processor; TSPMAC = 4 x Fishing licence holders, 1 x Industry processor).

7.1.2 Scientific Advisory Committee (SAC)

In view of the special circumstances of the Torres Strait, especially in relation to the multiple jurisdictional arrangements for management and the provisions for economic development favouring Torres Strait Islanders in the Torres Strait Treaty (1985) and the Torres Strait Fisheries Act (1984), the Torres Strait Scientific Advisory Committee (SAC) should reflect a balance between stakeholder representation and research expertise. The SAC might be expected to have a greater representative function than other AFMA Scientific Committees. Accordingly, minimum requirements for a SAC membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 1 x Staff member from AFMA;
- 1 x Staff member from QDPI&F;
- 4x Scientists*;
- 1 x Independent industry member;
- 1 x Community Fisher Representative nominated by the TSRA;
- 1 x Papua New Guinea Representative.

*The exact number of Scientific members may vary for each SAC as determined by the PZJA or delegate depending upon the needs of the committee.

Other experts included on a register of experts maintained by AFMA may be called to attend specific SAC meetings based on their specific areas of expertise as required.

7.1.3 Working Group (WG)

The minimum requirements for WG membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 1 x Staff member from AFMA;
- 1 x Staff member from QDPI&F;

- 1 x Scientific member;
- 6 x Traditional fishing members*;
- 3 x Non-Traditional Inhabitant Industry members#;
- 1 x TSRA support member.

* The exact number of Traditional Inhabitant members may vary for each WG as determined by the PZJA or delegate depending upon the needs of the fishery.

The composition of Non-Traditional Inhabitant Industry Members may vary for each WG as determined by the PZJA or delegate depending upon the needs of the fishery.

7.1.4 Resource Assessment Group (RAG)

A stock assessment that engenders a strong management response may bring the RAG into conflict with sectors of industry or attract political attention. Therefore, members of the RAG must be credible, expert and impartial in undertaking their assessments.

The minimum requirements for RAG membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 1 x Staff member from AFMA;
- 1 x Staff member from QDPI&F;
- 1 x Traditional fishing member;
- 1 x Non-Traditional Inhabitant Industry member;
- 1 x Scientific member;
- 1 x Independent Scientific member;
- 1 x Conservation member;
- 1 x PNG NFA member;
- 1 x TSRA support member.

7.2 Term of appointment

The PZJA or delegate makes all appointments to MACs, SAC, WGs and RAGs, with Members generally appointed for terms of up to three years. In order to ensure continuity, Members will not normally be appointed for a period of less than two years. Subsequent re-appointment may be permitted.

8. Responsibilities and obligations of Members

8.1 Responsibilities of Members

Being appointed to a PZJA consultative committee or group brings with it a number of important responsibilities. Specifically, members must be prepared to meet the following requirements:

- they must be able to put views clearly and concisely and be prepared to negotiate to achieve acceptable outcomes and compromises where necessary;
- they must act in the best interests of the fisheries as a whole, rather than as an advocate for any particular organisation, interest group or regional concern;
- they must be prepared to observe confidentiality and exercise tact and discretion when dealing with sensitive issues;

- they must contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest;
- they must be prepared to make the necessary commitment of time to ensure that they are fully across matters which are the subject of consideration by the committee;
- Industry Members must not have commercial interests in the same company as other members on the same MAC, SAC, WG or RAG;
- Industry members must have the wider industry's confidence and authority to undertake their functions as a MAC, SAC, WG or RAG member. They must also be prepared to consult with members of industry through port-level associations, regional associations and peak industry bodies as necessary; and
- Traditional inhabitant members must have the community's confidence and authority to undertake their functions as a MAC, SAC, WG or RAG member. They must also be prepared to consult with members of community through local associations and meetings as necessary.

8.2 Reaching consensus

A co-operative approach to MAC, SAC, WG and RAG discussions is essential. While this does not mean that there won't be disagreements from time to time, it does mean that agreement is ultimately to be reached through reasoned discussion, consultation and negotiation having regard to what is best for the fishery.

A MAC, SAC, WG or RAG should reach agreement through consensus and not use voting as a mechanism for achieving outcomes. Where agreement cannot be reached, members are encouraged to reconsider the issue and seek further information if necessary before making their recommendation. If a deadlock cannot be avoided, the views of members and general discussion should be well documented in the minutes of the meeting and highlighted in recommendations that are put before the PZJA (in the case of a MAC, RAG or the SAC) or MAC (in the case of a WG). MACs and WGs are the best means to achieve agreement on management issues. Ownership of the formal process by its members is vital to successful fisheries management.

8.3 Disclosure of interests

8.3.1 Types of interests

MAC, SAC, WG and RAG members are appointed to provide input based on their knowledge and expertise and as a consequence, it is inevitable that members may face potential or direct conflicts of interest. There may be a conflict of interest where a member:

- has a material personal interest, including a direct or indirect financial or economic interest, in a matter being considered, or about to be considered, by the MAC, SAC, WG or RAG; and
- the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter.

There may often be a level of general conflict simply because members come from areas of the industry that may be affected as a result of a recommendation. For example, industry members may be participants in the fishery, TSRA members may represent the geographical region under discussion or scientific members may face a conflict related to a research proposal. To assist in identifying areas of potential conflict, a MAC, SAC, WG or RAG may consider it appropriate to maintain registers of members' interests that could possibly lead to conflicts.

Of greater concern is the specific conflict created where a member is in a position to derive direct benefit from a MAC, SAC, WG or RAG recommendation if it is subsequently implemented. In either case, members should recognise the potential for conflict to occur and its possible impact on the operations of the Committee/Group.

8.3.2 Declaring an interest

When a MAC, SAC, WG or RAG member recognises that a real or potential conflict of interest exists, the conflict must be disclosed as soon as possible to other members. Where this relates to an issue on the agenda of a meeting this disclosure can normally wait until that meeting, but where the conflict relates to decisions already made, members must be informed immediately. If there is any doubt, a specific conflict of interest and its nature should be declared and recognised in the discussions of the meeting and recorded in the minutes of the meeting.

8.3.3 Dealing with an interest

To facilitate the smooth operation of meetings, it is suggested that conflicts of interest are dealt with at the start of each meeting. Members receive agenda and associated papers prior to the meeting and should be able to make disclosures of potential conflicts of interest and their nature (including, for example, the type and quantity of fishing concessions held by industry members) at the commencement of meetings.

Where it is determined that a direct conflict of interest exists, the MAC, SAC, WG or RAG may allow the member to continue to participate in the discussions relating to the matter but not in any decision making process. The member or the Committee/Group may also determine that, having made his/her contribution to the discussions, the member should retire from the meeting for the remainder of discussions on that issue. As a guide, members with a direct conflict of interest should only be excluded from decision making if the matter being considered only affects the individual member rather than all persons involved in the fishery.

Finally, the Chair must ensure that the minutes of the meeting show the disclosure of interest, reflect the meeting's subsequent decision(s) and demonstrate that these are put into effect at the appropriate point in the meeting. If members become aware of a potential conflict of interest during the course of the meeting, they must immediately disclose the conflict of interest and the members present must consider how best to deal with the disclosure at that point.

8.4 Other Obligations of Members

Members must:

- act in good faith in the best interests of the PZJA;
- act honestly and exercise a reasonable degree of care and diligence in the discharge of their duties; and
- not make improper use of inside information to gain an advantage for themselves or someone else or cause harm to the Authority or to another person.

Members must not use their position, or information obtained as a member of a MAC, SAC, WG or RAG, dishonestly or with the intention of directly or indirectly gaining an advantage for themselves or someone else, or with the intention of causing harm to the PZJA or to another person.

8.5 Personal and professional behaviour

MAC, SAC, WG or RAG members should perform all duties associated with their positions diligently, impartially, conscientiously, in a civil manner and to the best of their ability.

In the performance of their duties they should:

- act in such a way, at meetings, in the field and at official functions that will be held in a high regard by the community and by industry;
- treat other members and stakeholders with courtesy and sensitivity; and
- not take, or seek to take, improper advantage of official information gained in the course of their membership.

8.5.1 Fairness and equity

MAC, SAC, WG and RAG members are not permitted to discriminate against or harass any colleague, client or member of the public, particularly on the basis of:

- Race;
- Religion;
- Gender;
- Political or union affiliation;
- Sexual preference;
- Political opinion;
- Marital status;
- Pregnancy;
- Social origin;
- Criminal record;
- Age; or
- Physical, intellectual or mental disability or impairment.

Behaviour, which is shown to be discriminatory, or which constitutes harassment will not be tolerated and may result in the members' appointment to MACs, SACs, WGs and/or RAGs being terminated by the PZJA or delegate.

8.5.2 Public comment

Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to newspapers or in books, journals or notices or where it might be expected that the publication or circulation of the comment would spread to the community at large.

Whilst MAC, SAC, WG and RAG members, as members of the community, have the right to make public comment and to enter into public debate on political and social issues, there are some circumstances in which public comment is inappropriate. These circumstances would be where there is an implication that the public comment, although made in a private capacity, is in some way an official comment of a MAC, SAC, WG or RAG. Members should avoid making private statements about matters relating to a MAC, SAC, WG or RAG unless it is made clear that they are speaking as a private citizen.

9. Confidentiality and Non-Disclosure

9.1 General

Material made available to Members is generally public information. In some instances, members will have access to information that is confidential; however members will be advised accordingly. Members must not publish or communicate to any unauthorised person any fact or document which comes to their knowledge, or possession by virtue of being a MAC, SAC, WG or RAG member.

9.2 Resource Assessment Groups (RAG)

Members of RAGs may sometimes require access to confidential fishery catch and effort data and will have access to draft reports, materials or working papers that are unready or not intended for wider circulation.

The Chair should warn members when matters of a confidential nature are tabled, and ensure that discussion documents are not used for any purpose not related to the business of the RAG. Exceptions should only occur with the written consent of the RAG Chair. However, all members are obliged to maintain standards of confidentiality and non-disclosure relating to data. Note that industry members, non-government organisation personnel (NGO), and other fishery stakeholders may not be given access to confidential data.

Scientific members who are custodians of data for the purposes of analyses must apply best practice to ensure security, confidentiality, and non-disclosure of the data. This includes prevention of loss, theft, corruption and unapproved duplication. Data received from AFMA for the purposes analyses will be subject to the conditions set forth in the contract between the research provider and AFMA. Similar arrangements may exist between other data providers and research providers using data provided by the other party.

It is the responsibility of the Chair to ensure that data contained in all public documents, assessment reports or other publications is aggregated sufficiently to preserve commercial confidentiality and privacy.

10. Role and appointment procedures for Members

On behalf of the PZJA, AFMA administers the overall appointment process. The PZJA or delegate, however, makes the appointments. Nominations for Members are sought from both individuals and associations.

10.1 The Chair

10.1.1 Role

The Chair of a MAC, SAC, WG or RAG plays a key role in ensuring effective and thorough discussion of factors affecting the performance of a particular fishery (e.g. implementation of ecological sustainable development factors, and impacts of management strategies on, the particular fishery) and is the primary communication link between the MAC/SAC/WG/RAG and the PZJA. Accordingly, the Chair must:

- Be independent of commercial or other interests with the particular fishery/fisheries, including industry association(s);

- Have a demonstrated capacity to chair meetings, including a sound understanding of the meeting procedures and practices necessary for the efficient conduct of meetings (including the rules of debate);
- Have an ability to identify strategic goals and objectives and facilitate their achievement through the MAC, SAC, WG or RAG process;
- Have a demonstrated capacity to communicate clearly and concisely to a wide cross-section of people, particularly with respect to acting as the MAC, SAC, WG or RAG spokesperson and representing MAC, SAC, WG or RAG views to the PZJA, industry, Government, the media and the general community in a balanced and rational manner;
- have an understanding of industry and public policy;
- preferably, have some fisheries (or resource management) experience; and
- not be a staff member of the PZJA Agencies, although this is allowed for SACs, WGs and RAGs.

An explanation of the procedural matters relating to the conduct of MAC, SAC, WG and RAG meetings, including the requirement to give notice of a meeting and to circulate papers, is provided at Attachment C.

The roles and responsibilities of a Chair include:

- Ensuring members are aware of their responsibilities under this PZJA FMP No. 1;
- Ensuring members remain aware of and consider the PZJAs legislative objectives in the deliberations of the MAC, SAC, WG or RAG;
- Ensure the timely availability of agenda papers before meetings and the preparation and circulation of minutes and Chair's Summaries after meetings;
- Formally communicating meeting outcomes, recommendations and matters for information to the PZJA (in the case of a MAC, RAG or SAC Chair) or to a MAC (in the case of the WG Chairs) for consideration and to the industry for information. In undertaking this function, the Chair will be assisted by the Executive Officer;
- Summarising outcomes for each agenda item at the end of the discussion for each item and at the end of the meeting. This will assist in the reporting of the outcomes after each meeting;
- Ensuring that meeting minutes, letters and other correspondence to the PZJA Chair (in the case of a MAC, RAG or SAC) or a MAC Chair (in the case of a WG) clearly and accurately describe MAC, SAC, WG or RAG recommendations and alternative options when an agreed position has not been reached; and
- Ensuring that minutes and other material arising from meeting deliberations clearly and accurately describe MAC, SAC, WG or RAG recommendations, including dissenting views where they are expressed.

Chairs are not to allow members who are absent from meetings to have separate notes or views attached to minutes. Absentee members may convey views in writing to the MAC, SAC, WG or RAG prior to the meeting.

10.1.2 Selection/Appointment Procedure

Whenever there is a vacancy in the office of MAC, SAC, WG or RAG Chair, whether created by the resignation of an existing Chair or the expiration of the term of appointment of an existing Chair, a shortlist of nominees considered to have the necessary attributes to fill the vacant position may be drawn from applications for the position or from a *Register of Interest maintained by AFMA*. A selection panel including representatives from the PZJA Agencies will review the nominee's relevant skills and experience and may interview nominees before candidates are submitted to the PZJA or delegate for consideration and approval.

On behalf of the PZJA, AFMA maintains a *Register of Interest* of suitably qualified persons interested in being appointed to the position of Chair of a MAC, SAC, WG or RAG. From time to time AFMA may advertise nationally for nominations to this Register.

10.1.3 Acting Chair

The PZJA or delegate may appoint a person to act as the Chair of a MAC, SAC, WG or RAG during:

- a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
- any period, when the Chair is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.

A person appointed to act during a vacancy must not continue to do so for more than 12 months.

10.2 Protected Zone Joint Authority (PZJA) Agency Members

10.2.1 Roles

The role of an AFMA and QDPI&F member of a MAC, SAC, WG or RAG is to:

- participate in general discussion;
- contribute fisheries management expertise to deliberations;
- provide advice on relevant Government policy and the process required for policy development and change;
- ensure that the MAC, SAC, WG or RAG is aware of, and fully understands, PZJA policy and obligations under its governing legislation; and
- seek and provide additional information on Government policy as necessary.

The views expressed and the policies advocated by AFMA and QDPI&F members are to be considered those of their relevant organisations.

The role of the TSRA member of a MAC, SAC, WG or RAG is to:

- assist and support the traditional inhabitant members and provide fisheries expertise.

10.2.2 Selection/Appointment Procedure

AFMA, QDPI&F and TSRA will nominate officers to a MAC, SAC, RAG and WG at the organisations' discretion.

10.3 Industry Members

10.3.1 Role

The role of an industry member of a MAC, SAC, WG or RAG is to:

- contribute knowledge and experience relevant to the particular fishery and the fishing industry generally;
- contribute fisheries expertise to achieve the best management of the fishery; and
- regularly report to and liaise with other operators in the fishery on the MAC, SAC, WG or RAG activities, including the issues being dealt with and the possible solutions being considered.

10.3.2 Selection/Appointment Procedure

The PZJA considers the selection of the industry members to a MAC, SAC, WG or RAG to be critical to the success of the Committee/Group. These individuals must have

the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises when necessary. Industry members should not have commercial interests in the same company as another member/s of the same committee or group. Above all, they must have credibility within the industry and the ability to address issues with the best interests of the fisheries in mind.

Industry members will normally be appointed through the following process:

- all operators in the fishery will be invited to nominate for consideration for appointment as a MAC, SAC, WG or RAG industry member. Relevant industry organisations will also be informed to allow them to canvass within their membership for nominations;
- interested operators will be required to complete a nomination form which is included with the invitation to nominate. This form sets out the nominee's personal details and provides space for nominees to outline the particular skills and expertise they can bring to the MAC, SAC, WG or RAG. Industry organisations can provide statements of support to individuals who nominate themselves; and
- an Assessment and Ranking Panel (the Panel) will be formed to consider nominations and make recommendations to the PZJA or delegate. The Panel will usually comprise the MAC, SAC, WG or RAG Chair, PZJA agency representatives and an industry member of standing in the fishery. The Executive Officer of the MAC, SAC, WG or RAG will act as secretariat to the Panel.

To facilitate the short listing process, the Panel may interview potential appointees, either in person or by telephone. Where candidates are well known to agencies and in the interests of cost-effectiveness, the requirement to conduct interviews may be waived.

The PZJA or delegate will determine industry member appointments on the advice of the Panel.

In considering each nomination, the Panel assesses whether the applicant is a fit and proper person for the purposes of MAC, SAC, WG or RAG membership. If the Panel identifies any issue that is likely to adversely affect:

- the applicant's ability to perform his/her role as an industry member;
- the PZJA's credibility; or
- the applicant's credibility with industry or other stakeholders.

The Panel may advise the PZJA or delegate that the applicant is unsuitable for appointment to the MAC, SAC, WG or RAG. The Panel may also consider that an applicant is not a fit and proper person if the applicant has been convicted of a fisheries offence and if the Panel believes that the conviction may compromise either the PZJA, or the applicant's credibility, or the applicant's ability to perform his/her duties as a member of a MAC, SAC, WG or RAG.

While the PZJA or delegate may consult with industry organisations in the selection of industry members, once appointed, industry members are required to act in accordance with the duties and obligations of MAC, SAC, WG and RAG members as set out in this paper. This means their contribution must be in the best interests of the fishery, rather than as an advocate of the industry sector that nominated them. Industry members are not representatives of particular sectors or interest groups.

10.4 Scientific Member

10.4.1 Role

A Scientific member of a MAC, SAC, WG or RAG should be independent of commercial interests in the fishery. The role of the scientific member is to:

- contribute impartial scientific and/or economic expertise to MAC, SAC, WG or RAG deliberations; and
- provide advice to the MAC, SAC, WG or RAG on the latest scientific or economic developments of relevance to the fishery.

10.4.2 Selection/Appointment Procedure

The scientific member will be appointed on the basis of his/her scientific or economic qualifications, experience and expertise, knowledge of the fishery and the species being managed and therefore must:

- be a person of seniority and standing in the scientific community;
- have experience in liaising with the major Commonwealth and State fisheries research organisations at the highest level; and
- not have, or be employed by an entity with or representing entities with, commercial interests in the fishery.

Scientific members will normally be appointed through the following process:

- relevant research agencies will be invited to submit nominations for membership on a MAC, SAC, WG or RAG. Nominations may also be sought from appropriate individuals; or
- Calls for applications for the position as scientific members on the TSSAC will be advertise nationally by AFMA.

A selection panel that may include the MAC or Working Group Chair will review and may interview applicants from a shortlist of candidates prior to submission of a preferred candidate to the PZJA Board for consideration and approval.

The PZJA or delegate will determine scientific member appointments after considering nominations and any other information sought or obtained in relation to the nomination.

10.5 Traditional Inhabitant Members

10.5.1 Role

The role of the Traditional Inhabitant Members and traditional fishing representatives is to:

- contribute knowledge of fisheries and communities to a MAC, SAC, WG or RAG;
- contribute fisheries expertise to achieve the best management of the fishery;
- regularly report to and liaise with other traditional inhabitants in the community on MAC, SAC, WG or RAG activities, including the issues being dealt with and the possible solutions being considered; and
- consult with members of community through local associations and meetings as necessary.

10.5.2 Selection/Appointment Procedure

The TSRA runs an open process to seek members for their community fishers group. Accordingly nomination traditional inhabitant members and the TSRA support member will be sought from the TSRA. AFMA as the agency administering the MACs, SACs, WGs and RAGs appointment process will liaise with the TSRA when member appointments are required.

10.6 Conservation Member - Optional

The PZJA or delegate may appoint a conservation member to a MAC, SAC, WG or RAG if appropriate.

10.6.1 Role

The role of the conservation member is to:

- Contribute ecological knowledge and expertise to MAC, SAC, WG or RAG deliberations;
- Advise the MAC, SAC, WG or RAG on environmental or conservation developments of relevance to the particular fishery; and
- Advise on any implications that MAC, SAC, WG or RAG deliberations and recommendations may have in relation to ecological considerations.

10.6.2 Selection/Appointment procedure

Appointment of conservation members will be done by the PZJA or delegate. Conservation members will be selected on the basis of their ability to fulfill the role outlined above.

Conservation members are not appointed as representatives of a particular sector/s or interest group/s and, once appointed, must act in the best interest of the fishery.

10.7 Other Members

According to the changing needs of the Torres Strait Fisheries, the PZJA or delegate may appoint other persons to a MAC, SAC, WG or RAG as a member, including persons from the general community. On appointment, these members will have the same rights, and be subject to the same obligations and responsibilities, as other members as set out in this FMP.

11. Termination or resignation – Chair and Members

11.1 Termination of appointment

The PZJA or delegate may terminate the appointment of the Chair or any other MAC, SAC, WG or RAG member for:

- misbehaviour or physical or mental incapacity;
- misconduct or non-performance; or
- inefficiency or incompetence.

Misconduct includes, non-observance of confidentiality (e.g. disclosure of data, results or other materials prior to an agreement to circulate, conflict of interest, misleading or misinforming, and making fraudulent travel or expense claims).

Non-performance includes excessive unexplained absences from meetings, repeated non-performance of assigned tasks or failure to participate in discussions in an objective, impartial and constructive manner.

The PZJA has determined that any action by a Chair or member that demonstrates unwillingness or inability to comply with their obligations and responsibilities may constitute misbehaviour and/or inefficiency. As such, non-compliance with the obligations and responsibilities as outlined in this FMP are grounds for termination of appointment.

In addition, any action by a member which results in his/her conviction for a fisheries or related offence during the term of his/her appointment may be considered as misbehaviour and could constitute grounds for termination of appointment.

Appointment may also be terminated if:

- the Chair or member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his/her creditors or makes an assignment of his or her remuneration for their benefit; or
- the Chair or member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, and the interest could conflict with the proper performance of the member's duties in relation to consideration of the matter, and he/she fails to disclose the nature of the interest at a meeting of a MAC SAC, WG or RAG; or
- the Chair is absent, except with the leave of the PZJA, from two consecutive meetings of a MAC, SAC, WG or RAG; or
- a Member is absent, except with the leave of the Chair, from two consecutive meetings of a MAC, SAC, WG or RAG.

Termination of appointment under this section will take effect when:

- the member has been warned by the MAC, SAC, WG or RAG Chair, or the PZJA Chair in a case of MAC, SAC, WG or RAG Chair non-compliance, that:
 - they have not complied with one or more of their obligations or responsibilities, and
 - the non-compliance is unacceptable, and
- the PZJA Chair or delegate is satisfied the member has a case to answer of non-compliance with their obligations or responsibilities warranting termination of appointment; and
- the PZJA Chair or delegate has asked the member in writing to show cause why their appointment should not be terminated; and
- after at least 14 days have elapsed, the PZJA or delegate has considered the matter, including any response by the member, and made a decision on the member's continuation in their position.

Cancellation of membership may be appealed. The PZJA or delegate will consider any appeals. These appeals must be addressed to the PZJA Chair and lodged, in writing, within 21 days after receiving notice to stand down.

11.2 Resignation

11.2.1 Chair

A Chair may resign from a MAC, SAC, WG or RAG before the term of his/her appointment has expired by forwarding a signed notice of resignation to the PZJA Chair or delegate with a copy to the relevant Executive Officer (EO).

11.2.2 Members

A member may resign from the MAC, SAC, WG or RAG before the term of his/her appointment has expired by forwarding a signed notice of resignation to the MAC, SAC, WG or RAG Chair with a copy to the relevant EO.

12. Other participants

12.1 Permanent Observers

The PZJA or delegate may also appoint other persons who can be expected to make a meaningful contribution to a MAC, SAC, WG or RAG as a permanent observer. Permanent observers are required to participate in discussions in accordance with the obligations and responsibilities set out under this FMP.

Appointment of permanent observers is generally viewed as a transitional phase which might be prompted by a requirement for additional expertise and balance which cannot be accommodated within the existing MAC, SAC, WG or RAG due to limitations on the number of members. Accordingly, the PZJAs preferred approach is that there be a general move towards appointing permanent observers as full members where appropriate.

As with members, the contribution of permanent observers to the MAC, SAC, WG or RAG discussions and deliberations will be recorded in the minutes of the meeting. While permanent observer contributions will be recorded in the minutes, in the unlikely event that consensus in the MAC, SAC, WG or RAG cannot be reached, only members' views will be included in recommendations put before the PZJA.

The appointment processes for permanent observers will generally mirror those undertaken for MAC, SAC, WG or RAG members – nominations will be sought in the same way as for members and proposed permanent observers will be required to complete a declaration form before being appointed to the MAC, SAC, WG or RAG. There is nothing to prevent the appointment of a permanent observer covering an area of interest for which a member has been appointed.

As for MAC, SAC, WG and RAG members, a permanent observer may resign from the MAC, SAC, WG or RAG before the term of his/her appointment has expired. A resigning permanent observer must give signed notice of resignation to the PZJA Chair or delegate with a copy to the MAC, SAC, WG or RAG Chair. The appointment of a permanent observer may be terminated on the same grounds as any other member.

12.2 Casual Observers

Casual observers are generally welcome to attend MAC, SAC, WG and RAG meetings. Individuals should seek the agreement of the MAC, SAC, WG or RAG Chair to attend a meeting as a casual observer for a particular agenda item or items – either to provide additional advice and expertise which may be required for that meeting or to observe the proceedings of the MAC, SAC, WG or RAG. This is done via contacting the MAC, SAC, WG or RAG Executive Officer.

Attendance by casual observers is to be on the basis that the presence of the casual observer does not inhibit or disrupt formal members from freely contributing to discussions and decisions. Casual observers must follow any directions made by the MAC, SAC, WG or RAG Chair.

Casual Observers are not formally appointed to a MAC, SAC, WG or RAG and do not participate in the decision-making processes.

Papua New Guinea representatives may be granted observer status on any Torres Strait MAC, SAC, WG or RAG. This is an important opportunity to engage PNG in the management of these stocks.

13. Executive Officers (EO)

13.1 Role of Executive Officers

The role of the Executive Officer (EO) is to provide all the necessary secretariat services to ensure smooth operation of a MAC, SAC, WG or RAG. In performing this role, the EO liaises with, and reports to the MAC, SAC, WG or RAG Chair.

13.2 Duties of Executive Officers

While there may be some variation in the duties undertaken by external and internal Executive Officers (EO), in consultation with the Chair they are generally responsible for:

- making arrangements (including booking venues and catering) for meetings of the MAC, SAC, WG or RAG;
- preparing and circulating meeting notices, agendas and agenda papers to members, ensuring a final agenda and papers are provided to the Chair and members at least **10 working days** prior to all meetings of the MAC, SAC, WG or RAG;
- ensuring a Chair's Summary of the MAC, SAC, WG or RAG meeting is prepared and cleared within **five working days** following the meeting;
- ensuring the Chair's Summary is made available to all operators and others with an interest in Torres Strait fisheries (or in the case of a WG or RAG the relevant individual Torres Strait fishery) as soon as practicable following the MAC, SAC, WG or RAG meeting but no later than **10 working days** after the meeting;
- preparing the draft minutes and action sheets from each meeting and submitting them to the Chair for comment and approval within **14 working days** and distributing them to members within **21 working days** after the meeting;
- maintaining files, correspondence lists and follow-up action arising lists relating to the MAC, SAC, WG or RAG business; and
- ensuring that there is positive two way communication between the MAC, SAC, WG or RAG and the participants in the fishery/fisheries and that decisions or recommendations made by the MAC, SAC, WG or RAG and the reasons for them, are well publicised.

In addition, the EO is available to the MAC, SAC, WG or RAG as a resource to conduct research and investigations into matters affecting Torres Strait fisheries. These may, or may not, be directly related to the management of the fisheries. The EO may also be required to undertake surveys of operators in the fishery so that the MAC, SAC, WG or RAG has a better understanding of industry views on major issues under consideration.

The duties of the EO will be determined in consultation with the MAC, SAC, WG or RAG Chair and in the case of an external EO, will be specified in the relevant employment contract or letter of appointment.

13.3 Selection/Appointment Procedure

The Executive Officer (EO) is appointed by AFMA on behalf of the PZJA, not by the MAC, SAC, WG or RAG. An EO may be either internal or external to the PZJA Agencies.

An EO will generally be a person who is involved in the management of the particular fishery and who will undertake the EO role as part of his/her normal duties as a PZJA Agency employee.

14. Meetings

The procedures to be followed for MAC, SAC, WG and RAG meetings are set out in Attachment C.

15. Communication

15.1 General Communication and Liaison Issues

The Chair and members of a MAC, SAC, WG or RAG are expected to develop effective two way communication with the PZJA and any individuals or organisations that have an interest or are engaged in Torres Strait Fisheries, including PZJA Agencies.

The MAC, SAC, WG and RAG Chair and EO carry the major responsibility for communicating with industry and ensuring the flow of information between industry and the PZJA. However the PZJA and Agencies also have a role to play in the communication process.

15.2 Publication and distribution of MAC, SAC, WG and RAG papers

All MAC, SAC, WG and RAG papers are considered to be public documents unless they contain items of specific commercial confidentiality. As such, the PZJA has agreed that MAC, SAC, WG and RAG agendas, agenda papers (other than commercial-in-confidence) and Chair's Summaries should be made available to all stakeholders to facilitate the flow of information between the PZJA, MACs, SACs, WGs and RAGs and those with an interest in Torres Strait Fisheries.

The preferred means for making such information available is via the PZJA website, rather than providing printed copies of papers to individual fishing concession holders or other stakeholders. In accordance with the Government's Online Strategy, it is the PZJAs intention to publish MAC, SAC, WG and RAG papers on the website at the same time they are printed and made available in hard copy. This will mean that papers will be available on the website before they are considered at the MAC, SAC, WG or RAG meeting.

15.3 Reporting

All MAC, SAC, WG and RAG members are responsible for regularly reporting to their stakeholders on MAC, SAC, WG and RAG activities, the issues and possible solutions

under consideration. The MAC, SAC, WG and RAG Chair's Summary report of meetings is available to assist in this process.

The PZJA expects the MACs, SACs and RAGs to keep it informed about what is happening in Torres Strait fisheries, to develop views on issues affecting the fishery and to recommend changes to make management of the fishery more effective. In making recommendations directly to the PZJA, multiple recommendations from MACs, RAGs and SACs are acceptable for particular issues if considered necessary.

In turn, MACs, RAGs and SACs can expect the PZJA to communicate its decisions and the reasons for them to a MAC, RAG or SAC through the PZJA and MAC, RAG and SAC Chairs.

It is expected that each consultative committee or group report discussions through meeting reports, technical working papers and/or fishery assessment reports. The reporting process should not become onerous and should attempt to balance the reporting costs with the benefits achieved through the process.

- i. Meeting reports are minutes or the record of a meeting;
- ii. Technical working papers are reports tabled and considered during meetings. These are important resources that underpin an overall assessment of the fishery. Technical working papers may not become public documents, but do need to be retained and archived. These documents should be series numbered identifying the Committee or Assessment Group involved, the year produced and the meeting when they were considered. Copies must be provided to the relevant Committee Secretariat for lodgement in the AFMA research library; and
- iii. Assessment reports are PZJA publications that are produced annually or periodically, and provide an assessment of the fishery. These assessment reports should generally adopt a standard reporting format for fishery assessment reports. The reports should carry an AFMA and PZJA logo, be series numbered and be made available for public circulation to stakeholders. Copies must be provided to the relevant Committee Secretariat for lodgement in the AFMA research library.

15.3.1 Chair's summary

The PZJA expects the Chair's of a MAC, RAG and SAC to provide it with a formal report (MAC, RAG or SAC Chair's Summary) after each MAC, RAG and SAC meeting. The Chairs of WGs are required to submit a similar report to the relevant MAC Chair.

It is important that the Chair summarises outcomes for each agenda item after the discussion on that item has concluded and at the end of the meeting to aid in reporting outcomes after meetings. The Chair is to be diligent in ensuring that meeting minutes, letters and other correspondence to the PZJA, MAC, RAG or SAC Chair, clearly and accurately describe MAC, SAC, WG or RAG recommendations and alternative options when an agreed position has not been reached.

15.3.2 Self Assessment

All MACs, SACs, WGs and RAGs are to conduct a self-assessment of their performance at least once a year against the following performance indicators set by the PZJA, reporting the outcome to the PZJA:

1. The performance of the MAC, SAC, WG or RAG as a forum for the discussion of matters relevant to the management of the fishery;

2. Ability of the MAC, SAC, WG or RAG to provide advice and make recommendations to the PZJA (or MAC) as appropriate with respect to the management of the fishery;
3. Ability of the MAC, SAC, WG or RAG to provide advice and make recommendations to the PZJA (or MAC) as appropriate on research priorities and projects for Torres Strait fisheries;
4. Standard of liaison by MACs, RAGs or SACs with the PZJA, or by WGs with MACs to ensure that the range of management issues is given the proper attention;
5. Quality of meeting papers;
6. Quality of Chair's performance;
7. Quality of Executive Officer's support services;
8. Quality of PZJA Agency Members' performance;
9. Level of confidence that the MACs, RAGs or SACs views and recommendations are conveyed effectively to the PZJA, or that WGs views are conveyed to MACs; and
10. Rating the dynamics of the MAC, SAC, WG or RAG when in session over the last year.

16. Financial Management

16.1 Fishery Budgets

All MACs and WGs will be asked to provide comment on the draft annual budget for the fishery for consideration by the PZJA.

The draft budget will show the cost of managing Torres Strait fisheries, including surveillance, logbook collection and processing and general administration costs. It will also include the cost of MAC meetings and other specific activities or projects that have been commissioned by MACs.

Comments received from MACs and WGs will be considered by the PZJA Agencies. Once approved by the Agencies, the budget will be used by the PZJA as the basis for determining levies payable by those in the fisheries.

16.2 Annual work planning and budget preparation for RAGs

RAG members may be required to assist in developing an annual, costed work plan for the RAG. The relevant WG and MAC should be consulted and provide comment on whether the budgeted work plan best meets the assessment needs for the fishery. The PZJA may be required to approve the annual work plans and accompanying budgets. The Chair of a RAG may obtain advice on this from the relevant line agency members and if required obtain an application proforma from AFMAs research administrator.

It is the responsibility of a RAG chair to ensure that annual work plans are developed and that applications for funding, where required, are submitted in an accurate and timely fashion.

16.3 Travel Expenses of Members

The policy concerning the travel allowances to MAC and SAC meetings for members and other participants, and to WG and RAG meetings for members is contained in Attachment D.

16.4 Remuneration for inter-sessional work

It is expected that a significant amount of MAC, SAC, WG or RAG work will be conducted between formal meetings. The PZJA will consider claims for reimbursement of such inter-sessional work where it can be demonstrated that a member's contribution to MAC, SAC, WG or RAG inter-sessional work is outside the normal business of the member's agency providing the services. This is a matter for consideration by the PZJA when determining budgets. Remuneration provision for inter-sessional work will be specified in member contracts at the time of appointment where appropriate.

Claims for inter-sessional work benefiting a MAC, SAC, WG or RAG should be budgeted, and reasonable. Remuneration can be claimed by lodgment of a tax invoice with AFMA and should be supported by a documentary record of the actual staff time inputs to MAC, SAC, WG or RAG work. AFMA, on behalf of the PZJA, reserves the right to inspect such records, before approving payment of claims for inter-sessional work.

16.5 Remuneration for Chairs and SAC/RAG Scientific Members

The PZJA accepts that the duties of Chairs and SAC/RAG scientific members require high-level skills and carry obligation and responsibility. In order to attract and retain suitable people, remuneration for these duties may be considered. The level of remuneration is not fixed, but may be negotiated between AFMA and the chairperson/scientific members. Approved Chair/scientific member remuneration will be specified in the relevant contract at the time of appointment.

16.6 Consultancies

In order to accomplish work plans MACs, SACs, WGs or RAGs may, from time to time, require the specialist skills or services of people not already members of the MAC, SAC, WG or RAG. In these instances and for specific defined tasks, the chairperson may engage consultants. Work plans must anticipate these needs and budgets need to provide for any consultancy fees to be paid.

Consultants should be engaged under an AFMA contract. Preparation of such a contract is the responsibility of the AFMA Research Manager in consultation with the MAC, SAC, WG or RAG chairperson. (For further information on contracts refer to the AFMA Research Manager).

17. Consultative Committees

The PZJA may establish committees, other than a MAC, SAC, WG or RAG to assist it in the performance of its functions.

Legislative Objectives and Functions

Governing and guiding the PZJAs fisheries related activities are the legislative objectives contained under the provisions of sections 8 and 34 of the *Torres Strait Fisheries Act 1984*.

8 Objectives to be pursued

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 following management priorities:

- (a) to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;
- (b) to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone;
- (c) to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;
- (d) to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;
- (e) to manage commercial fisheries for optimum utilisation;
- (f) to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty;
- (g) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.

34 Functions of Joint Authority under this Act

Where there is in force an arrangement under this Part under which the Protected Zone Joint Authority has the management of a fishery and the fishery is to be managed in accordance with the law of the Commonwealth, the Protected Zone Joint Authority has the functions of:

- (a) keeping constantly under consideration the condition of the fishery;
- (b) formulating policies and plans for the good management of the fishery; and
- (c) for the purposes of the management of the fishery:
 - (i) exercising the powers conferred on it by this Part; and
 - (ii) co-operating and consulting with other authorities (including Joint Authorities established under the *Fisheries Act 1952* or the *Fisheries Management Act 1991*) in matters of common concern.

EXAMPLE ONLY – NOT FOR USE

Chair
Protected Zone Joint Authority
C/- Communications and Planning Section
Australian Fisheries Management Authority
PO Box 7051
Canberra Business Centre ACT 2610

Dear Chair

I refer to my proposed appointment as the Member/Permanent Observer on theMAC/SAC/WG/RAG.

In compliance with the PZJAs requirements prior to appointment to this position, I advise that:

- (i) I have read, and understand, PZJAs Fisheries Management Paper covering MACs, SAC, WGs and RAGs; and
- (ii) I understand that, if my appointment is confirmed, I must disclose any relevant conflict of interest during the course of all MAC/SAC/WG/RAG meetings at which I am present.

I also give my assurance that I will endeavour to participate in discussion in an objective and impartial manner and that I will serve the best interests of the above mentioned MAC/SAC/WG/RAG and of the fisheries, and hold up the PZJAs legislative objective.

Yours sincerely

Signature

Name (please print)

Mailing Address

Daytime Telephone No.....

Mobile Telephone No.

Daytime Fax No.

Email Address

Date

Procedural Matters

The Torres Strait MACs, SACs, WGs and RAGs will operate in accordance with the following procedures:

1. Notice of a meeting

Except in exceptional circumstances, notice of a meeting shall be forwarded by the Executive Officer to all members no less than **20 working days** prior to a meeting being held. The notice shall call for agenda items and stipulate:

- the date of the meeting
- the time the meeting will commence
- the venue for the meeting
- the proposed business to be dealt.

The notice shall be sent to every member of the MAC, SAC, WG or RAG whether they are able to attend the meeting or not. The issue of a notice of the meeting to all members before the meeting is held is necessary for the meeting to be correctly constituted.

Full use of the PZJA web page should be made to assist in the communication of papers and other relevant information concerning the MAC, SAC, WG or RAG.

2. Quorum

A quorum is the minimum number of persons who need to be present to constitute a valid meeting. If a meeting is not properly constituted, it cannot conduct business in a valid manner. For resolutions of a meeting to be valid the number of Members necessary to form the quorum must be present throughout the meeting.

A sensible size for a quorum is a sufficient number of members to conduct business with an adequate spread of responsibility, experience and representation. In the case of MACs, SACs, WGs and RAGs, the number shall be two-thirds of the members.

3. Agenda

An agenda is more than a list of items or a guide to matters to be dealt with at a meeting. It provides a program to aid consideration of each item and allow the business of the MAC, SAC, WG or RAG to proceed in a logical, orderly and timely manner. It also provides a basis on which to write the minutes of the meeting.

Members are encouraged to provide input to the development of the draft agenda. Where significant business is proposed by a member, the agenda item supporting papers must be submitted to the EO by the member no less than **15 working days** before the meeting and be accompanied by a brief explanatory note setting out the main points to be considered. Otherwise, special items can only be submitted with the concurrence of the Chair.

All MAC, SAC, WG and RAG papers are to be considered public documents unless they contain items of specific commercial confidentiality.

Irrespective of the time frames specified in this section, it is the responsibility of the MAC, SAC, WG or RAG Chair to ensure the timely availability of agenda and other papers to all members prior to meetings.

The EO shall prepare the agenda in consultation with the Chair which is to be sent out to MAC, SAC, WG or RAG members, with papers and other information **10 working days** prior to the meeting. Papers are also to be sent to the AFMA Web Administrator (webadmin@afma.gov.au) at least 10 working days prior to the meeting to allow posting on the PZJA website.

The agenda should have items listed in the following order:

- **Chair's Opening Remarks**

Provides the Chair with an opportunity to make any opening remarks to set the tone of the meeting, welcome any visitors etc.

- **Review and adoption of the agenda**

Provides an opportunity for members to review the agenda and either confirm its adoption or make any necessary adjustments.

- **Declaration of Interests**

This gives members an opportunity to declare any interest/s they may have in relation to the matters being considered by the MAC, SAC, WG or RAG. Interests may be declared in relation to a specific agenda item or items or be of a standing nature.

- **Apologies**

- **Minutes of the Previous Meeting on (date)**

This gives those present the opportunity to be satisfied about the correctness of those minutes as a record of the proceedings of that meeting. It also serves as a reminder of decisions made by, and progress reported at, the last meeting and thus of matters which remain pending, decisions still to be made and developments about which reports should be forthcoming.

- **Outcomes of the meeting of the PZJA on (date)**

The outcomes of the most recent meeting of the PZJA will be reported.

- **Business Arising from the Minutes**

While the immediate consideration of any business that arises from the minutes of the previous meeting is normal, it may be appropriate for some issues to be

dealt with as individual items later in the agenda.

- **Routine Items**

Regular business which comes before the MAC, SAC, WG or RAG (such as correspondence etc.) should be dealt with at an early stage in the meeting to enable such items to be dealt with expeditiously, but without undue haste. Reports of the SACs, WGs and RAGs and of each individual fishery will be discussed at this point during a MAC meeting.

- **Business Items to be Dealt With**

The order in which business is dealt with at a meeting needs to take account of business items arising from the previous meeting and the possible effects on later agenda items. Business items should be structured logically and the sequence of items should not be changed unless to achieve some worthwhile benefit and then only after adequate consideration.

- **Other Business**

This item provides for the consideration, if only in a preliminary way, of any unexpected or fresh and important business; it also enables up-to-date information on matters of passing interest to be reported and noted at the time rather than wait for the next meeting. As a general rule, items under this agenda heading should not go beyond the scope of the notice for the meeting. At this point the date of the next meeting is discussed.

4. Attendance of Casual Observers

Casual observers are welcome to attend MAC, SAC, WG and RAG meetings. Casual observers may participate at the discretion of the Chair where he or she deems it consistent with the efficient and effective operations of the MAC, SAC, WG or RAG. Casual observers must respect the need for orderly management of the business before the MAC/SAC/WG/RAG and the rights of others in the meeting. Casual observers must follow any directions made by the Chair.

5. Rules of Debate

Rules of debate have no legal authority and it is not necessary to apply such rules at a meeting. However, adherence to conventional rules of debate provides a Chair and others with confidence that a meeting will be conducted in an orderly fashion, with good manners and common decency.

In the case of MAC, SAC, WG and RAG meetings, it is unlikely that the rules of debate will need to be enforced. Rather, issues should be discussed in a co-operative, informal and consultative manner with resolutions being normally arrived at through consensus. At the same time, it is important for members to appreciate that the business of a meeting will be expedited by their personal observance of the general rules of debate and their support for the maintenance of order.

6. The Minutes

Once a MAC, SAC, WG or RAG meeting is completed, the Chair is responsible for formally communicating the outcomes of the meeting, including recommendations and matters for information, to the PZJA Chair (in the case of a MAC or SAC) or to the MAC Chair (in the case of WGs or RAGs) for consideration and to the industry for information. It is a function of the EO to assist the Chair in preparing the minutes of the meeting as well as the Chair's Summary.

Minutes may be defined as the official, permanent, written record of the business transacted at a meeting. They should be accurate, concise and articulate, being free from ambiguity or uncertainty. Where there is, by necessity, substantial and significant detail covered in the MAC, SAC, WG or RAG meeting, the minutes need to reflect this level of detail.

As a general rule, minutes should be expressed in words, phrases and sentences which are free from errors of grammar and syntax. They should preferably be without clichés, jargon, fashionable words or unnecessary detail.

The minutes need to include:

- day and date of meeting
- place of meeting
- names of those present
- apologies
- reference to the minutes of the previous meeting and the signing of them as a correct record of the proceedings of that meeting by the Chair
- record of agenda items discussed, including agreements reached, action required, and the MACs, SACs, WGs or RAGs decision/s in regard to any declared conflict/s of interest
- date and time for the next meeting
- time the meeting closed

Draft minutes are to be written up and submitted to the Chair for comment and approval within **14 working days**, and distributed to members within **21 working days** after the meeting. Minutes are also to be sent electronically to the AFMA Web Administrator (webadmin@afma.gov.au) for posting on the PZJA website.

MAC, SAC, WG or RAG Chairs must not allow members who are absent from meetings to have separate notes or views attached to minutes, however absentee members may convey views in writing to the MAC, SAC, WG or RAG prior to the meeting.

TRAVEL EXPENSES

Members of travelling on MAC, SAC, WG or RAG business will be paid travel expenses reasonably incurred in connection with RAG business. Normally, this is reimbursement of airfares at the economy class rate, reimbursement of receipted expenditure for accommodation costs, meals and incidental expenses in accordance with AFMAs (as a PZJA Agency) staff travel policy.

To claim reimbursement for expenses incurred while on MAC, SAC, WG or RAG business, members must provide AFMA with a tax invoice with any relevant supporting documentation such as airline tickets, receipts for accommodation, meals, taxis and parking vouchers etc.

No allowance is payable if there is not an overnight stay. However, members may claim reimbursement of any meal expenses incurred by them during the day of a MAC, SAC, WG or RAG meeting not involving an overnight stay. Claims for reimbursement must be accompanied by a valid receipt or tax invoice and approval is at the discretion of PZJA Agency staff.

If a Member would like payment of travel costs to be made to their employer or business, then they must either submit a tax invoice from their employer or business or enter into a signed Recipient Created Tax Invoice (RCTI) agreement with AFMA. An RCTI agreement form can be obtained from AFMAs Finance Manager.

All flights to MAC, SAC, WG and RAG meetings should be booked through AFMAs travel provider. The cost of the flight will be charged directly to AFMA.

Members of a MAC, SAC, WG or RAG who are employed by a Commonwealth or State organisation that has their own discounted travel arrangements, may book flights through their own system. AFMA will reimburse their employer on submission of a valid tax invoice.

The claim form for travel expenses is attached.



**CLAIM FOR EXPENSES AND ALLOWANCES FOR OFFICIAL ATTENDANCE
AT A COMMITTEE (MAC, SAC) OR GROUP (WG or RAG) MEETING**

DETAILS OF MEMBER

Name.....	ABN*.....	Phone No.....
Address.....		Fax No.....

DETAILS OF MEETING

Name of Committee/Group.....	Meeting place.....
Meeting date.....	Meeting time.....

DETAILS OF TRAVEL

Start: Place..... Time..... Date.....

End: Place..... Time..... Date.....

Was this travel by the most direct route? Yes No

If no, please provide comments

Method of travel: Plane (go to section A)
 Vehicle (go to section B)

(AFMA use only)

	No.	\$
Complete days		
Less meals provided		
Travel allowance payable (6410)		
Cost of ticket *		\$
Deductions		
Net cost (6420)		
Rate.....c/km (6430)		\$
Expenses *	\$	
TOTAL PAYABLE \$		
THE TOTAL PAYABLE INCLUDES GST		

Section A - DETAILS OF FLIGHT (attach tax invoice*)

Outward: Date..... Depart..... Arrive.....

Return: Date..... Depart..... Arrive.....

Are you claiming reimbursement for total cost of the airline ticket?
Yes No Comments

Section B - DETAILS OF VEHICLE

Distance travelled by direct routekm Engine size.....cc

Section C - DETAILS OF EXPENSES (attach tax invoices*)

Taxi \$.....Parking \$.....Other \$.....

SIGNEDINVOICE DATE.....

ATTENDANCE VERIFIED

COST CENTRETOTAL PAYABLE APPROVED BY.....

*Official MAC/WG/RAG/SAC members do not need to provide an ABN. Costs should be entered including GST, where applicable. AFMA can recover GST on reimbursements where an original tax invoice is attached. If the member's business is paid then the member must provide the business' ABN. AFMA can recover the GST from payments to those members only if they have signed an RCTI agreement or provide their own tax invoice