

Protected Zone Joint Authority

Developmental Permit for Training Purposes

(Training Permit) Policy

**DRAFT FOR PUBLIC
COMMENT**

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1. Purpose

The purpose of this document is to give effect to provisions in the definition of *community fishing* under the *Torres Strait Fisheries Act 1984* (the Act) to allow non-traditional inhabitants on Traditional Inhabitant Boat (TIB) licensed vessels to provide training or advice in relation to fishing techniques.

Developmental Permits for training purposes (Training Permits) may be issued by the Protected Zone Joint Authority (PZJA) to enable non-traditional inhabitants, to be engaged in fishing on TIB licensed vessels under certain conditions. This policy sets out the objectives and key principles that the PZJA will consider when assessing an application for a Training Permit. It also outlines the application and assessment process for a permit to be issued.

2. Background

Under the Act and the licensing policy of the PZJA, TIB vessels are required to be fully crewed and operated by traditional inhabitants. The intention of the TIB licensing system is to meet the definition of *community fishing* under the Act and to ensure that the use of TIB licences is by Australian traditional inhabitants, who are not under any obligation whether formal or informal, to act in accordance with the directions, instructions or wishes of another person who is not both an Australian citizen and a traditional inhabitant.

The definition of community fishing in the Act specifically provides for an exemption to the TIB crewing requirement, for a non-traditional inhabitant to provide training or advice in relation to fishing techniques. In the past this has been enabled through issuing of developmental permits in Torres Strait fisheries and has provided for training activities to be conducted in regard to the catching, processing and handling of seafood product and the maintenance and operation of fishing vessels.

3. Scope

Training Permits are issued under the authority of section 12 of the Act to issue permits for developmental purposes. This policy covers the granting of Training Permits to TIB licence holders within a Torres Strait fishery, for any currently approved fishing activity in the area of the Torres Strait Protected Zone. For any commercial fishing activity that is not currently an approved activity, such as the trialling of a new or prohibited fishing technique, a separate PZJA developmental permit will be required.

This policy sets out a process and requirements which must be satisfied by a TIB licence holder wishing to apply for a Training Permit to outline appropriate conditions under which a Training Permit will issued and ensure adequate consideration to the impacts of a Training Permit on the broader industry and community.

4. Objectives

In conjunction with the objectives of the Act, the specific objectives of this policy are to:

- Provide clear guidance on the process and key principles for the granting of Training Permits.
- Increase the capacity of the TIB sector to access commercial fisheries resources in the Torres Strait.

- Support economic development of the TIB sector and enable skills transfer from the non-Indigenous fishing sector.

5. Key Principles

The PZJA will assess applications for a Training Permit against the objectives of the Act and this policy, and will apply the following key principles:

5.1. Skills gap has been clearly identified.

The focus of the application should be to clearly identify a skills gap and how the proposed activity will seek to address this skills gap. The applicant should provide any relevant information that supports the need for the proposed activity to address skills and capacity development, including what efforts have been made to employ suitably skilled traditional inhabitants. In most cases, it is expected that the skills and capacity development will occur in relation to the operation of a primary fishing vessel. The skills gap may also be in relation to new or emerging fishing techniques not currently used by TIB fishers, or a new entrant to the industry.

5.2. Proposed activity seeks to increase capacity and skills of the TIB sector.

The applicant must demonstrate how the proposed training will address the identified skills gap both within the timeframe of the permit and for a timeframe longer than the period of the permit. The Training Plan should include information about the schedule of activities proposed to be undertaken and a clear methodology.

5.3. Proposed activity aligns with relevant existing licensing and management arrangements.

A TIB licence holder applying for a Training Permits should already hold the required licences and endorsements to undertake the proposed fishing activity. Training permits allow non-traditional inhabitants to engage in fishing activities on TIB licensed vessels, but not in any activity that also requires a developmental fishing or scientific research approval.

5.4. Proposed activity does not unduly impact other TIB fishers

The PZJA will take into account the impact the approval of a Training Permit may have on other TIB fishers. TIB access entitlements to Torres Strait fisheries are currently through a collective 'Olympic' model whereby the training activity of one or more operator may impact on the use of the resource by other fishers. Therefore the potential impacts a training activity may have on the access by other fishers of the resource will be considered by the PZJA, including the number of permits that may be issued in a fishery at one time, the type of activity proposed, the duration of the permit and the amount of fishing activity that is proposed to occur to complete the training activity. The applicant should take into account the fishing access arrangements in the targeted fishery and provide sufficient information for the PZJA to consider the potential impact in that fishery. In particular, the training plan should outline the expected frequency of fishing activity and an estimated total amount of catch that may be required for the training activity to successfully occur.

5.5. The obligation is on the applicant.

Applicants must be able to provide sufficient information to demonstrate to the satisfaction of the PZJA how their proposed activity is consistent with the key principles of this policy. The applicant

may wish to provide the PZJA with any additional relevant information, including community or industry support for the proposed activity.

6. Applying for a permit

The application process is outlined in the steps below. The indicative process and timelines are provided in Appendix A. Applicants are encouraged to make initial enquiries with the Australian Fisheries Management Authority (AFMA) prior to making an application.

Applications are to be submitted to AFMA before the cut-off date in electronic or hard copy form. The Training Permit Application Form is accessible on the PZJA website, which outlines the key criteria that must be met in order for the application to be progressed for the PZJA to consider the application. The obligation is on the applicant to provide an adequate amount of information for PZJA consideration.

6.1. Due Dates

There are two cut-off dates for Training Permit applications per year. The PZJA will consider applications received by these cut-off dates within an indicative 12 week timeframe, inclusive of time in undertaking a native title notification process. Cut-off dates are advertised on the PZJA website.

6.2. Permit Duration

Permits will generally be granted for one fishing season, however they may be granted for a period of up to three years if the applicant is able to successfully demonstrate the need or benefit of the training activity over the relevant period. Multiyear permits will be subject to review at the end of the relevant fishing seasons to ensure permits are being used in line with the Training Permit policy principles and specific agreed terms.

The Training Permits are not renewable or transferable; therefore, they are only supplied when they are first issued after a successful application.

6.3. The Application

Applicants must use the Training Permit application form on the PZJA website.

The application should clearly articulate:

- The current skill gap
- What is the impact on their business/ability to fish
- The goals of the proposed training within the timeframe of the permit
- What efforts have been made to employ suitably skilled traditional inhabitants

The application must include a Training Plan that sets out the operational elements of the proposed training. This includes:

- The species targeted
- The equipment and/or technique intended for use
- The approximate catch required to develop the skills require to address the identified skills gap
- The training schedule over the timeframe of the permit

- How improvements in TIB skills and capacity are assessed and monitored

The applicant must provide detailed information about the proposed trainer/s, including:

- Trainer name/s
- Trainer organisation (if applicable)
- Relevant industry experience
- Relevant training experience or qualifications

7. Assessment

Training Permit applications will be assessed against the principles outlined in this policy. In approving a Training Permit application the PZJA may seek to include any conditions that would support effective monitoring of the proposed activity.

The first phase of the assessment process prior to PZJA consideration of a permit is intended to take place within a 12-week period from the cut-off date for applications. The targeted timeframe for PZJA consideration is an additional 4-weeks after applicant have confirmed they wish to progress the application to the PZJA following advice on additional reporting requirements and/or conditions.

7.1. Initial Assessment

An initial assessment will be made by AFMA to assess that the application meets a minimum criteria following which the applicant is notified if it has been approved to progress to the next stage. Initial assessment is intended to occur within 3 weeks from the closing date for applications. AFMA will first assess that the:

- Applicant holds the appropriate TIB licence and endorsements
- Applicant has demonstrated efforts have been made to employ suitably skilled traditional inhabitants
- Application has clearly identified the skills gap
- Application has identified the trainer/s, training activity and duration

7.2. Consultation

Community and industry views are to important provide the PZJA with advice in relation to identify skills gaps and to consider any potential impacts on other users of the resource from the issuing of a permit.

7.2.1. Native title notification

A future act notice will be provided to relevant native title bodies by AFMA and comment sought on the grant of a developmental permit in line with section 24HA(2) of the *Native Title Act 1993*. The notification process aims to ensure that permits are only issued following reasonable efforts to notify and secure the agreement of the native title holders, whose native title rights may be affected by the proposed activity.

7.2.2 Identifying skills gaps (or training needs)

One of the considerations the PZJA will take into account when considering applications is information about the kinds of skills gaps or training needs that exist across the Torres Strait fisheries. To assist the PZJA in understanding these skills gaps, the PZJA agencies will seek the advice

of industry and communities. This will be done periodically to ensure the advice on skills gaps remains relevant.

7.3. Protected Zone Joint Authority agencies

PZJA agencies will be provided the full application for review and to seek input on any additional reporting requirements or conditions that will be sought to be applied then those existing currently on the applicants licence. This may include but are not limited to:

- Additional reporting requirements in the type or frequency of catch reports
- Any relevant compliance measures that will apply (including but not limited to vessel monitoring system requirements, pre-reporting requirements for departure and landing, observer coverage requirements, etc.)
- Limits on the take of certain species
- Restrictions on the times during which an activity may be undertaken
- Performance reporting at specified times during the life of the permit

The applicant will be informed by AFMA of the recommended additional requirements and/or conditions prior to the PZJA assessing the application. This is to allow the applicant to understand what will be required of them by PZJA in implementing a Training Permit and allow them to make an informed decision about progressing an application for PZJA consideration.

7.4. PZJA Decision

The PZJA will be provided with advice on skills gaps gained out of consultation processes and recommendations from PZJA agencies when considering an application for approval.

The PZJA will assess if the application meets the objectives and principles of the Training Permits policy and whether the applicant has demonstrated the value of the training to address a skills gap to the satisfaction of the PZJA. The PZJA will also take into account the objectives of the Act in its assessment.

The PZJA or relevant delegate will approve or decline an application for a Training Permit and the applicant will be notified.

8. Monitoring and Compliance

8.1. Permit Monitoring

If the PZJA is not satisfied that the conditions of the Training Permit are being adhered to they may seek additional information or clarification from the applicant.

AFMA has responsibility of day-to-day monitoring and compliance of licence holder with permit conditions.

8.2. Performance evaluation

The PZJA will stipulate performance reporting and evaluation requirements in the approval conditions of the Training Permit. The applicant must fulfil reporting requirements against activities as set out in the training plan and any additional requirements stipulated in the permit. Performance

review will be undertaken by AFMA in the first instance and provided to PZJA agencies for their information, review and comment.

8.3. Amending or revoking permit

The PZJA may seek to review a permit at any time. The PZJA retains the right to amend or revoke Training Permits at any time if:

- The applicant has not adhered to conditions of the permit.
- The training outcomes have been achieved.
- The training activity has had unforeseen resource or sustainability impacts.

If the applicant wishes to amend permit conditions than those approved by the PZJA this may be considered at the discretion of the PZJA outside the agreed assessment timelines.

9. Policy Review

The PZJA will review this policy within five years of implementation to assess its effectiveness and efficiency in guiding the Training Permit system for Torres Strait fisheries.

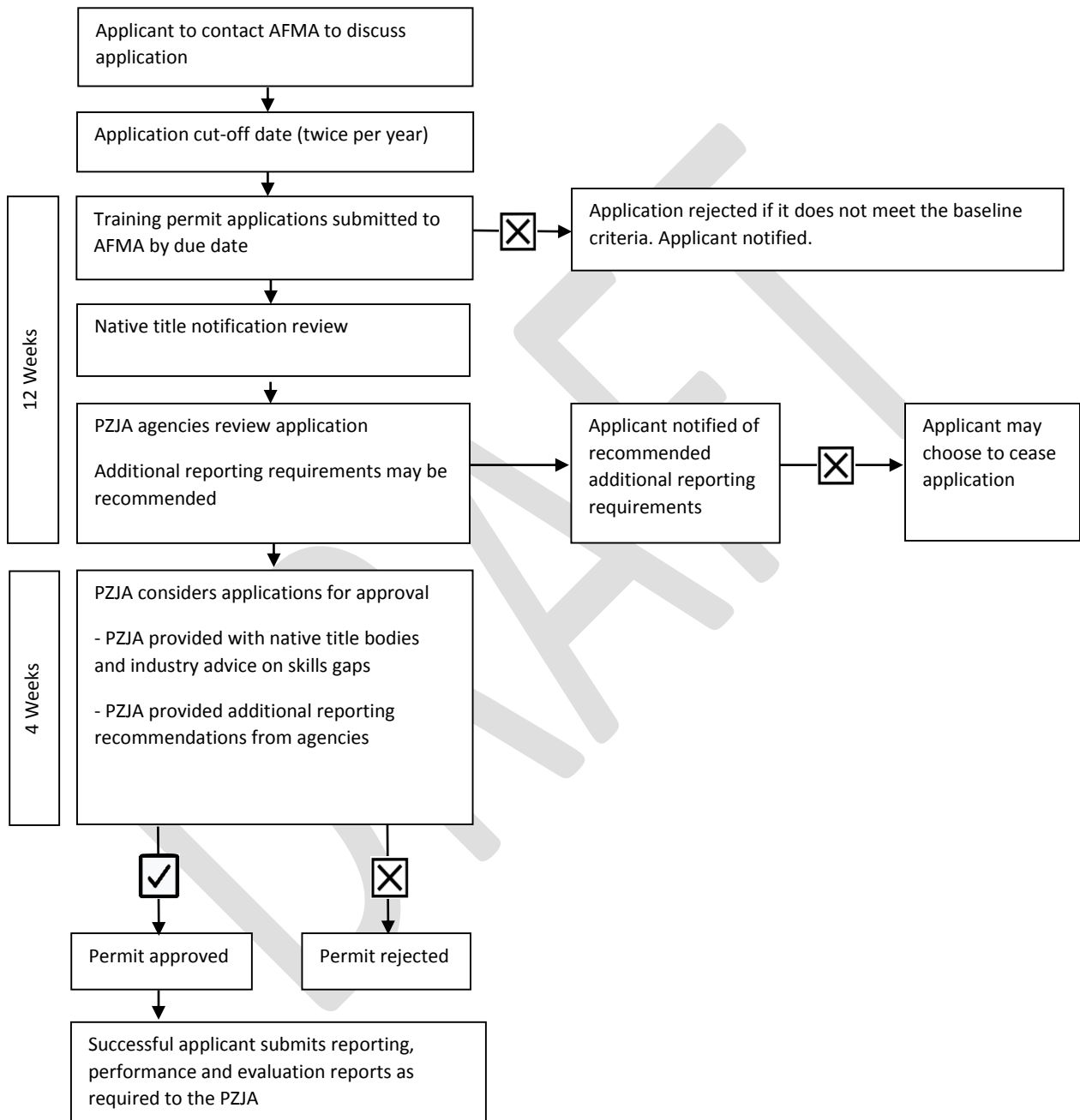
10. Related and Referenced Documents

Relevant legislation:

- *Torres Strait Fisheries Act 1984*
- *Native Title Act 1993*

This policy is to be read and applied in conjunction with all other relevant policies of the PZJA.

Appendix 1 - Diagram outlining process for assessing applications for a Training Permit in Torres Strait fisheries



Appendix 2 - PZJA Training Permits Application Form

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Application for Developmental Permit for Training Purposes

Torres Strait Fisheries Act 1984 Sub-section 12(1)

Note: It is an offence under the s136.1(1) of the Criminal Code Act 1995 to make a false or misleading Statement or to omit and matter or thing without which the statement is misleading.

1. Applicant Details

Name (in full):	Date of Birth:	Email:
Postal Address:	Residential Address:	Mobile: Business
Main Contact Name:	Position/Role:	ACN/ABN:

2. Boat/License Details

License Number:	Expiry Date:	Boat Mark/Symbol:	Engine Make:
Community (if applicable):	Boat Make:	Boat Name:	Colour:
Owner Name:	Boat Length:	Mean Engine Rating(KW)/Horsepower:	Tonnage:
Hull Material:	Boat Breadth:	Home Port:	Place where built:
VMS Installed: Yes / No	If VMS installed, Immersat Mobile number:		
Entry Details: Please tick any applicable current entries <input type="checkbox"/> Tropical Rock Lobster (CR) <input type="checkbox"/> Crab (CB) <input type="checkbox"/> Beche-de-mer (BD) <input type="checkbox"/> Reef Line (LN) <input type="checkbox"/> Prawn (PR) <input type="checkbox"/> Spanish Mackerel (MK) <input type="checkbox"/> Trochus (TR)			

^ Refer to Torres Strait Management Notice Number 47 regarding how to measure boat length

3. Training Permit Objectives

Target fishery:

What is the identified skills gap and how has it been identified?

Please outline the skills gap and the associated impact to business/ability to fish

What is the identified skills gap and how has it been identified?

Please outline the skills gap and the associated impact to business/ability to fish

How will the proposed training activity address the skill gap?

Please outline the proposed training and how it will specifically address the identified skills gap

What efforts have been made to employ suitably skilled traditional inhabitants?

1. Trainer Details

Trainer name/s:

Trainer organisation (if applicable):

Relevant industry experience:

Relevant training experience/qualifications:

1. Training Plan

Proposed Master of the boat (name, postal address, contact details):

Permit timeframe - *If applying for more than one year please outline the justification*

Training schedule over the timeframe of the permit:

Number of training recipients:

The approximate catch required to develop the skills needed to address the identified gap:

Species you intend to harvest:

Fishery equipment/technique:

How improvements in TIB skills and capacity are assessed and monitored:

1. Declaration by Applicant

Pursuant to sub-section 12(1) of the Torres Strait Fisheries Act 1984 I/We, the applicant(s) whose name(s) appear(s) in section 1, hereby apply for the grant of a Scientific/Developmental Permit in respect of the boat described in section 2, authorizing the use of that boat by me/us. Or a person acting on my/our behalf, to undertake operations as described in section 4 of this application.

I/We, the applicant(s) whose name(s) appear(s) in section 1, declare that the information shown herein is, to the best of my/our knowledge, true and correct in every detail.

Signature(s) and Date _____

Printed Name(s) _____

Position _____

NOTE: Applications made by partnership are to be signed and dated by all partners. If signing on behalf of a company: (1) Two Directors, or (2) Director and Secretary, or (3) Sole Director and Secretary must sign and state their position held under the signature.

It is an offence, under the *Torres Strait Fisheries Act 1984*, for a person(s) to make a statement or furnish information in an application that is, to the knowledge of that person(s), false or misleading in any particular. This may lead to suspension of the Fishing Permit.

Return Application to:

Australian Fisheries Management Authority
 PO Box 7051
 Canberra Business Centre
 ACT 2610
 Telephone: 1300 723 621 Fax: 02 6225 5440

Please provide an estimate of the time taken to complete this application form:

..... Hours Minutes