

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY



Annual Report 2006-07



Torres Strait Fisheries Act 1984 (Commonwealth)



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The Hon Tony Burke, MP
Commonwealth Minister for
Agriculture, Fisheries and Forestry
Chairman of the Protected Zone
Joint Authority
Parliament House
CANBERRA ACT 2600

The Hon Tim Mulherin, MP
Queensland Minister for
Primary Industries and
Fisheries
Member of the Protected
Zone Joint Authority
Parliament House
BRISBANE QLD 4000

Mr John T Kris
Chairman of the Torres Strait
Regional Authority (TSRA)
Member of the Protected Zone
Joint Authority
PO Box 261
THURSDAY ISLAND
QLD 4875



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AFMA email: info@afma.gov.au

Box 7051

Canberra Business Centre ACT 2610



ACRONYMS

ACV	Australian Customs Vessel
AFMA	Australian Fisheries Management Authority
AIMS	Australian Institute of Marine Science
ANU	Australian National University
BAP	Bycatch Action Plan
BRD	Bycatch Reduction Device
CRC-TS	Co-operative Research Centre Torres Strait
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DAFF	Department of Agriculture, Fisheries and Forestry
DEH	Department of Environment and Heritage (now DEW)
DEWHA	Department of Environment, Water, Heritage and the Arts (formerly DEH)
E_{MSY}	Effort for Maximum Sustainable Yield
FFV	Foreign Fishing Vessel
FMN	Fisheries Management Notice
GA	Geoscience Australia
GIS	Geographic Information System
ICC	Island Coordinating Council
JCU	James Cook University
NPA	Northern Peninsula Area
PNG	Papua New Guinea
PZJA	Protected Zone Joint Authority
QCFO	Queensland Commercial Fishermen's Organisation (now QSIA)
QB&FP	Queensland Boating and Fisheries Patrol (a division of QDPI&F)
QDPI&F	Queensland Department of Primary Industries & Fisheries

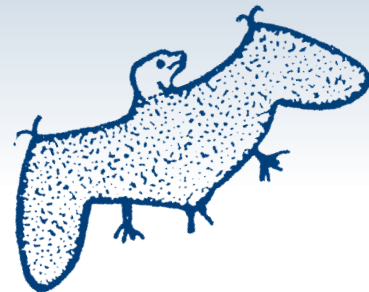




QSIA	Queensland Seafood Industry Association (formerly QCFO)
RFT	Request for tender
TAC	Total Allowable Catch
TIB	Traditional Inhabitant Fishing Boat Licence
TIB&FP	Thursday Island Boating and Fisheries Patrol
TSEIICC	Torres Strait Fishing Industry and Islanders' Consultative Committee
TSEMAC	Torres Strait Fisheries Management Advisory Committee
TSPF	Torres Strait Prawn Fishery
TSEPMAC	Torres Strait Prawn Management Advisory Committee
TSSAC	Torres Strait Scientific Advisory Committee
TSPZ	Torres Strait Protected Zone
TSRA	Torres Strait Regional Authority
TVH	Torres Strait Fishing Boat Licence



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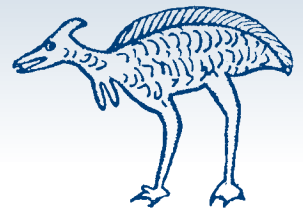


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ACKNOWLEDGMENT

The Protected Zone Joint Authority gratefully acknowledges the late Lindsay Wilson for permission to use drawings of traditional Torres Strait artefacts and other objects in this Annual Report series from the publications “*Thalilgaw emeret lu, a handbook of traditional Torres Strait Islands material culture*” and “*Kerkar lu: contemporary artefacts of the Torres Strait Islanders*”.





1 INTRODUCTION

This, the twenty-first Annual Report of the Protected Zone Joint Authority (PZJA), describes PZJA activities during the year ended 30 June 2007 and the condition of the fisheries in the Torres Strait Protected Zone (TSPZ) (Fig. 1). The PZJA is responsible for management of commercial and traditional fishing in the Australian area of the TSPZ and designated adjacent Torres Strait waters.

2 BACKGROUND

THE TORRES STRAIT

The Torres Strait is located between the tip of Cape York Peninsula and Papua New Guinea (PNG). It consists of over a hundred islands and reefs which have evolved from four major origins: volcanic, alluvial, coral cays, and flooded land bridges which were once part of the Great Dividing Range. Currently

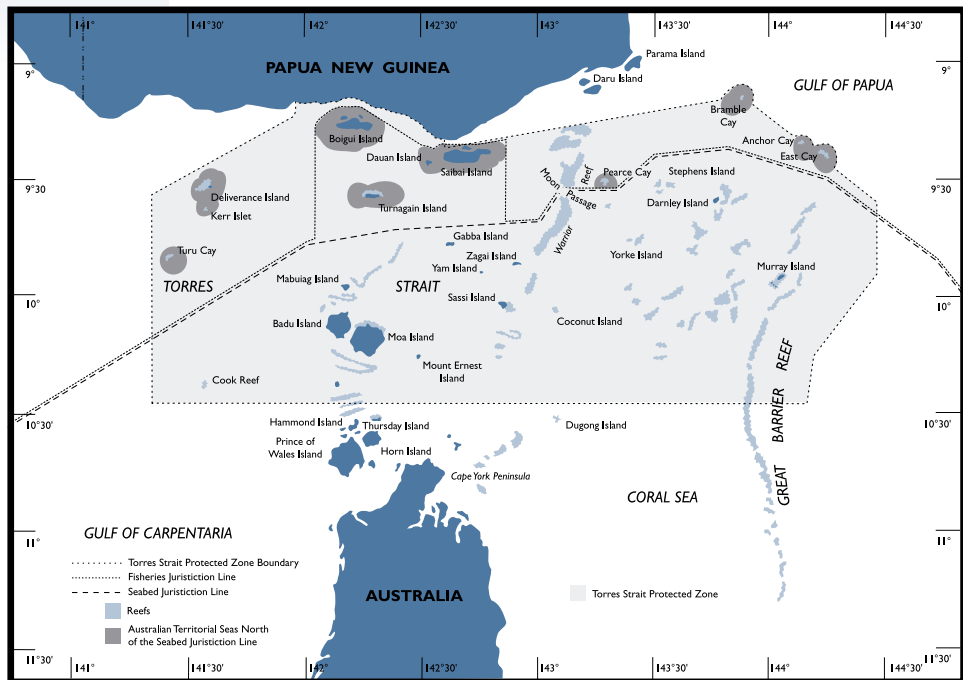


Fig. 1 — The Torres Strait Protected Zone.



Eighteen of the islands are inhabited. Geographically the islands are divided into inner, eastern, central, western, and top-western island groups.

THE TORRES STRAIT TREATY

Australia ratified the Torres Strait Treaty (the Treaty) on 15 February 1985. The Treaty is concerned with sovereignty and maritime boundaries in the area between Australia and PNG. The Treaty establishes the TSPZ which aims to protect the traditional way of life and livelihood of the Traditional Inhabitants of the Torres Strait and adjacent coastal areas of the two countries. Australia and PNG have an obligation to cooperate in the conservation, management and utilisation of the TSPZ fisheries and both countries enjoy sovereign rights within the TSPZ which include the right to a share of the commercial harvest of swimming fish and sedentary species on the respective sides of the agreed fisheries and seabed jurisdiction lines (see Fig. 1).

THE TORRES STRAIT FISHERIES ACT 1984

The Australian Parliament passed the *Torres Strait Fisheries Act* in 1984 and it came into force on 15 February 1985. The purpose of the *Torres Strait Fisheries Act 1984* is to give effect, in Australian law, to the fisheries elements of the Treaty.

Section 8 of the *Torres Strait Fisheries Act 1984* specifies the objectives to be pursued in the management of Torres Strait fisheries. Section 8 states:

“In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty.”

In October 1988 the PZJA adopted fishery specific objectives for the fisheries under its jurisdiction. These objectives are specified in Section 8 of this report.

In October 2001 the PZJA accepted a recommendation that the Chair of the Torres Strait Regional Authority (TSRA) should be made a full member of the PZJA. The legislation detailing this change to the *Torres Strait Fisheries Act 1984* received royal assent on 10 November 2002.

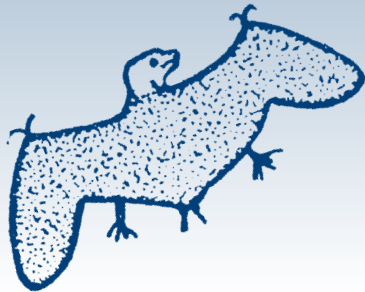




In April 2005, the PZJA agreed to significant changes in the management of the Australian share of the commercial fisheries in the Torres Strait Protected Zone (including the outside but near area) and to resolve resource allocation between Islanders and non-Islanders in the Tropical Rock Lobster and Finfish Fisheries. To facilitate these decisions, the PZJA agreed that changes to the *Torres Strait Fisheries Act 1984* were required to:

- (a) ensure that Torres Strait fisheries can be managed sustainably under appropriate output controls; and
- (b) improve the operational and administrative efficiency of Torres Strait fishery management arrangements.

Amendments to the Act were passed by the Australian Parliament on 28 June 2007.





3 THE PROTECTED ZONE JOINT AUTHORITY AND ITS MEMBERS

The PZJA, established under the *Torres Strait Fisheries Act 1984*, is responsible for the management of PZJA fisheries. Its members comprise the Commonwealth and Queensland Ministers responsible for fisheries, and the Chair of the TSRA. During 2006–07, the members of the PZJA were:

- Senator the Hon Eric Abetz, Commonwealth Minister for Fisheries, Forestry and Conservation;
- The Hon Tim Mulherin, MP, Queensland Minister for Primary Industries and Fisheries; and
- Mr John T. Kris, Chair of the Torres Strait Regional Authority.

The Commonwealth Minister is the Chair of the Authority.

ROLES AND RESPONSIBILITIES

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 the capacity to engage in traditional fishing.

In previous years the PZJA managed the following designated fisheries in accordance with Commonwealth law in the Australian component of the TSPZ:

- traditional fishing;
- those fisheries which Australia and PNG have agreed to jointly manage in the TSPZ under Article 22 of the Treaty: prawns, Spanish mackerel, pearl shell, tropical rock lobster, dugong and turtle; and
- the barramundi fishery in the territorial waters adjacent to the six Australian islands near the PNG coast: Saibai, Boigu, Moimi, Kaumag, Aubusi and Dauan.

In October 1996 the PZJA agreed that all commercial fishing in Torres Strait would come under PZJA management.





Arrangements were introduced on 1 April 1999 to include the following fisheries:

- finfish (incorporating barramundi);
- crab;
- trochus; and
- bêche-de-mer (sea cucumber).

Details on the management arrangements for each of these fisheries are provided in Section 5 of the report.

Commercial fishing for any other species not incorporated in the above fisheries is treated as developmental fishing by the PZJA and separate management arrangements formulated.

In December 2005, the Commonwealth Minister for Fisheries, Forestry and Conservation, set a new direction in Commonwealth fisheries management policy, issuing a formal direction to the Australian Fisheries Management Authority stating that:

“The Australian government considers that decisive action is needed immediately to halt overfishing and to create the conditions that will give overfished stocks a chance to recover to an acceptable level in the near future.”

A key element in implementing the Minister’s directive will be the development and application of a Harvest Strategy Framework which will set ‘goalposts’ for managing catches by setting agreed target and limit reference points and clear decision rules for each species.

While the Minister’s direction does not directly apply to the PZJA fisheries, which are jointly managed with Queensland, AFMA is obliged to pursue the objectives set in the December 2005 directive for Joint Authority fisheries to which the Commonwealth is a party.

Recreational fishing, including charter fishing, is managed by Queensland under Queensland law. Queensland also retains responsibility for aquaculture and fisheries marketing in the TSPZ. Information on these activities can be obtained from the Queensland Department of Primary Industries and Fisheries (QDPI&F).



MEETINGS

The PZJA met at Thursday Island on 25–26 October 2006 (Meeting No. 20). The PZJA’s agreed decisions arising from the meetings are detailed in Annex A.

CONSULTATIVE STRUCTURE

To assist in the management of the PZJA fisheries, the PZJA has established a consultative process including a structure of advisory bodies with industry, Traditional Inhabitants and Government representatives (Fig. 2).

The Torres Strait Fisheries Management Advisory Committee (TSFMAC) is the principal source of advice on fishery-specific management issues for fisheries managed under the *Torres Strait Fisheries Act 1984* (as of June 2006, this excluded prawns). The TSFMAC and its working groups (including the Tropical Rock Lobster and the Finfish Working Groups) have specific research-related functions that support the decision making process. The TSFMAC consists of representatives from Traditional Inhabitant groups and commercial fishers, Commonwealth and Queensland fisheries managers, and the Chairman of the Torres Strait Scientific Advisory Committee (TSSAC).

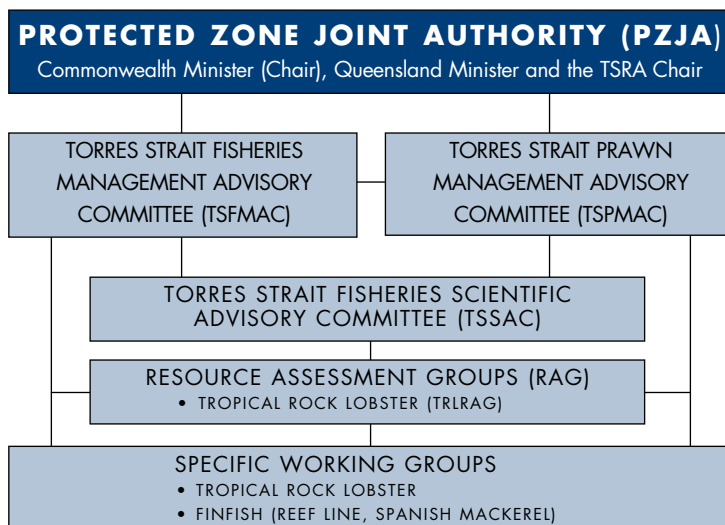
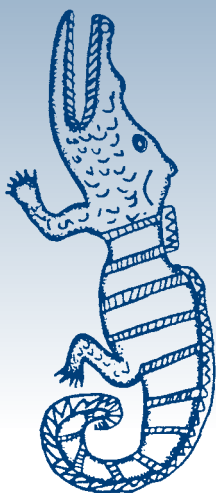


Fig. 2 — The consultative structure of the Torres Strait Protected Zone Joint Authority and advisory bodies.



The Torres Strait Prawn Management Advisory Committee (TSPMAC) was established by the PZJA at their meeting of April 2006 to advise the PZJA on prawn fishery management issues. Initially, the TSPMAC was comprised of the former members of the Torres Strait Prawn Working Group.

The TSFMAC, TSPMAC and Working Groups are provided technical advice on scientific and research matters by the TSSAC. The TSSAC advises these groups on research priorities and assesses the relative returns on investments in research and data collection. The TSSAC was inactive during 2006–07.

The Tropical Rock Lobster Resource Assessment Group (TRLRAG) is the only functioning resource assessment group within the TSPZ for 2006–07. RAGs provide more fishery specific advice than the TSSAC. The TRLRAG provides advice detailing the status of TRL stock, substocks, and species (target and non-target species); and on the impact of fishing on the marine environment. Advice provided by the RAG addresses biological, economic and wider ecological factors impacting on the fishery.

RAGs also evaluate alternative harvest options proposed by either the TRLWG or the TSFMAC. 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.

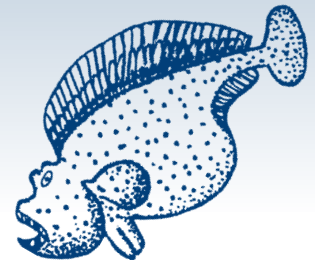
The consultative process outlined above, which involves Traditional Inhabitants, Industry and Government, is the main clearing house for consideration of management issues and fisheries policy problems. The structures of the Working Groups were amended to encompass the new PZJA fisheries (bêche-de-mer, trochus, crab and finfish) following the introduction of single jurisdiction on 1 April 1999. The full membership of the Committees and the dates on which they and their Working Groups met during the year are set out in Annex B.

In addition to this advisory structure, the PZJA, at their meeting of April 2006, established an Allocation Advisory Panel (AAP) to advise the PZJA on the appropriate basis for the allocation of fishing concessions in the non-community based commercial



fishing sector for Tropical Rock Lobster and Finfish (Spanish Mackerel and Reef Line) fisheries. The panel consisted of three independent members: the Honourable Jeffery Miles AO (Chair, retired judge), Ms Sevaly Sen (economist) and Mr Brett McCallum (industry). The PZJA accepted the initial report of the panel in October 2006 and a revised report in February 2007.

Notwithstanding the consultative process above, broader consultation and communication can be difficult across the scattered islands of Torres Strait, but are important elements in the effective management of the region's fisheries. The consultative committees are complemented by meetings between fisheries officers and fishermen in communities around the Torres Strait and by fisheries programs broadcast on 'Radio Torres Strait' and articles/advertisements in the 'Torres News'.





4 CO-OPERATION WITH PAPUA NEW GUINEA

The Torres Strait Treaty requires Australia and PNG to cooperate in the conservation, management and optimum utilisation of the commercial fisheries of the TSPZ.

CATCH SHARING

Articles 22 and 23 of the Treaty allow for the sharing of catch within the TSPZ. The key catch-sharing arrangements with PNG for 2006–07 were:

- six PNG vessels to fish for prawns in the Australian sector of the TSPZ;
- 1,500 fishing days for use by seven operators, each with up to seven tenders each, to take tropical rock lobster in the Australian sector of the TSPZ;
- monitoring and taking of dugong for traditional purposes; and
- monitoring and taking of turtle for traditional purposes in Australian waters and artisanal purposes in PNG waters. Australia asked PNG to consider making a change to the status of the turtle fishery from artisanal to traditional harvest only and PNG agreed to respond to that request at the 2007 bilateral fisheries discussions.

Catch sharing arrangements for Spanish mackerel remained suspended for 2006–07, noting the lack of interest from either party to activate the entitlement and the cost savings in managing the fishery as a domestic fishery.

Catch sharing arrangements for pearl shell remained suspended in recognition of the severely depleted state of the resource.

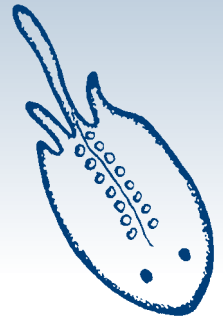
The Commonwealth Minister agreed that joint management arrangements should be in place for a full 12-month period starting from the date of approval, i.e. 1 December 2006 to 30 November 2007.





OUTSIDE BUT NEAR AREAS

When part of a fisheries stock in the TSPZ extends outside but near to the TSPZ, the Act and its PNG equivalent allow Australia and PNG to extend TSPZ management arrangements into these areas. These are referred to as the “outside but near areas”. The Torres Strait Treaty also provides for the two countries to agree to management and conservation measures in areas extending beyond the TSPZ.





5 FISHERIES

Torres Strait Fisheries can be subdivided into two broad categories, Article 22 Fisheries and non-Article 22 fisheries, both of which include traditional and/or commercial fisheries.

Article 22 Fisheries are those fisheries where the mechanism identified in Article 22 of the Torres Strait Treaty has been exercised by Australia and PNG, whereby common conservation and management arrangements have been negotiated and applied to specified fisheries. Article 22 Fisheries are primarily those with commercial sectors as well as the Turtle and Dugong fisheries.

Non-Article 22 Fisheries are those that are not managed in conjunction with PNG.

COMMERCIAL FISHERIES

Commercial fishing is one of the most important economic activities in the TSPZ and provides a significant opportunity for financial independence for community fishers (holders of Traditional Inhabitant Fishing Boat Licences (TIBs)). The PZJA has a policy of enhancing the opportunities for Traditional Inhabitant participation in all sectors of the fishing industry.

A limited number of non-Traditional Inhabitants participate in the TSPZ fisheries. The PZJA have prevented expansion by this group as required by the Treaty. This means that non-Traditional Inhabitants must purchase an existing Torres Strait Fishing Boat (TVH) Licence to gain access to a fishery. Where there is scope for expansion in Torres Strait fisheries, the PZJA has attempted to reserve growth for Torres Strait Traditional Inhabitants. This policy has been successful in many respects however some additional fishing effort from non-Traditional Inhabitants has occurred from time to time as existing licences were more fully utilised by some licence holders.

TRADITIONAL FISHERIES

Torres Strait Traditional Inhabitants have always exploited a diverse range of marine animals including dugong, turtle, tropical rock lobster, finfish, shellfish, crabs, and octopus for subsistence and use in cultural activities (unlicensed non-





commercial fishing). Torres Strait Traditional Inhabitants have among the highest rates of seafood consumption in the world.

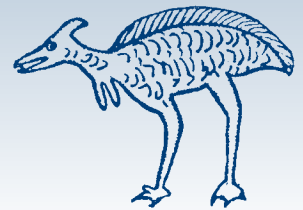
The most common fishing activities undertaken by Traditional Inhabitants for subsistence include hand lining for finfish and diving for many species including lobster. Other means of gathering seafood include spearing, reef gleaning, turtle hunting, cast-netting, spear hunting for dugong, gill netting, trolling from dinghies, hand collecting species such as trochus, jigging for squid, crabbing, seining, and trading with PNG. In general, men fish from boats away from the home island and the women and children fish on fringing reefs around the island.

It is difficult to assess all species separately because of the diverse range of marine animals taken in the course of traditional fishing. However, studies undertaken during the 1980s indicated that, at the time, reef species were lightly exploited. A recent study by the Co-operative Research Centre (CRC) has been undertaken and will complement these studies. However, while rates of exploitation may have increased during the intervening period, it is unlikely that they are now excessive except for dugong and turtles for which there is concern about the harvest rates.

The only management restrictions placed on traditional fishing activities in the 2006–07 period relate to dugong and turtle, and a bag limit on tropical rock lobster and bêche-de-mer (sea cucumber).

ARTICLE 22 FISHERIES

A summary of each of the Article 22 Fisheries during 2006–07 are detailed below. Note that for the previous year's report and subsequent reports, landing data is presented by calendar year due to the fact that most fisheries data is collected and presented to industry by calendar year.





PRAWN

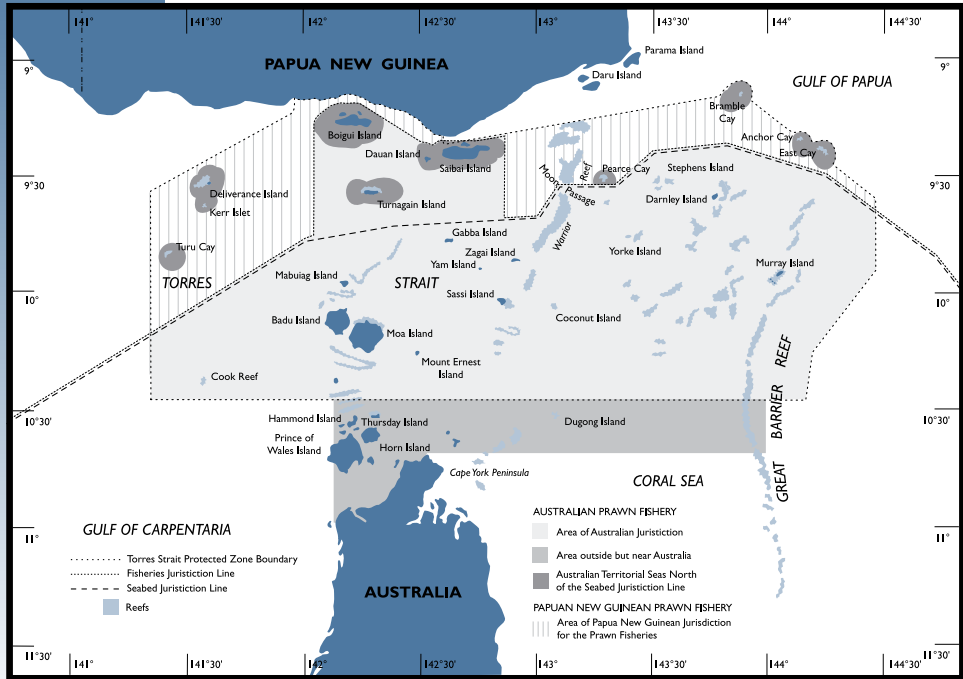


Fig. 3 — Torres Strait Prawn Fishery.

Description of the fishery: The Torres Strait Prawn Fishery (TSPF) (Fig. 3) is the most valuable commercial fishery in the Torres Strait, with 1,217 tonnes of product valued at over \$13 million taken in the 2006 fishing season (Table 1; catches reported are for the fishing season that ends within the financial year). The TSPF is a multi-species prawn fishery which operates in the eastern part of the Torres Strait. Brown Tiger prawn (*Penaeus esculentus*) and the Blue Endeavour prawn (*Metapenaeus endeavouri*) are the key target species. The Red Spot King prawn (*Penaeus longistylus*) is essentially a by-product species. Prawn harvesting occurs at night, primarily using the otter trawl (quad) method which involves towing four trawl nets behind a vessel. The TSPF has restrictions on the type of gear and vessel that can be used during harvesting. Fishing is permitted in the TSPF from 1 March to 1 December each year and is limited by allocated fishing days.



Condition of the fishery: If all of the allocated effort of 9,200 days in the fishery were utilised, the fishery would be considered fully exploited (E_{msy}). However, the fishery has historically operated at much less than the maximum effort allocated. In the 2006 season only 41% of Australian operators fished all of their allocated fishing days, totalling around 4,700 of the available 6,867 days (N.B. 2,070 of the 9,200 days are reserved for PNG operators under catch sharing arrangements). The catch since 1999 has declined steadily from 2,200 to 1,217 tonnes in 2006 (Fig. 4). Species composition for the 2006 fishing season are shown in Table 1.

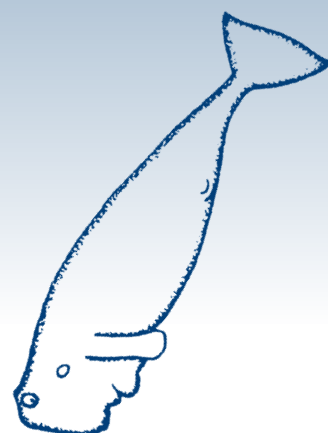
Table 1 — Prawn catches in the Torres Strait Protected Zone (TSPZ) for the 2006 season (1 March to 1 December 2006).

<i>Species</i>	<i>Catch (tonnes)</i>
Blue Endeavour prawns (<i>Metapenaeus endeavouri</i>)	548
Brown Tiger prawns (<i>Penaeus esculentus</i>)	620
Red Spot King prawns (<i>Penaeus longistylus</i>)	43
Other	6
Total	1,217

Management objectives: Objectives adopted for the TPSF for 2006–07 were:

- to control effort in the fishery and provide for catch sharing to occur with PNG;
- to achieve a level of fishing effort which is consistent with conservation and optimum use of the Torres Strait prawn resource; and
- to encourage Traditional Inhabitants of the Torres Strait to participate in the Prawn fishery.

These objectives are to be achieved in a manner that minimizes negative impacts to other fisheries and the marine environment.



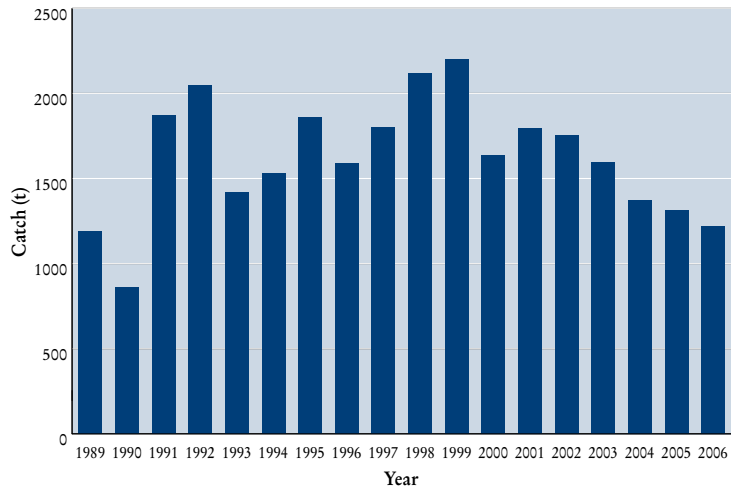
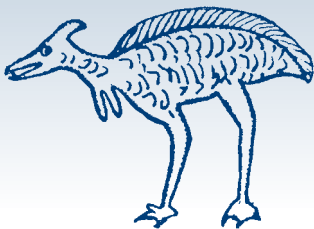


Fig. 4 — Annual catches of all prawn species in the Torres Strait Prawn Fishery 1989–2006. Data presented are for the fishing season ending in December 2006 but considered part of the financial year 2006–07.



Management arrangements: Effort within the TSPF was capped in 1993. Each prawn trawler was allocated a limited number of days based on the greatest number of days the vessel fished in the Torres Strait during any one of the previous four financial years ending 1991–1992, with an additional allocation for non-fishing time and breakdowns. Following this process the total effort within the TSPF was capped at 13,400 fishing days.

Access days can be transferred between operators in the fishery under conditions that facilitate the amalgamation of days and allow restructuring of the fleet.

In July 2005 the Australian Government announced that it would offer to fund payments to Australian operators to meet its obligations to PNG under the Torres Strait Treaty.

In November 2005 the PZJA agreed to introduce a total effort cap of 9,197 days in the TSPF (via a 31.8% pro-rata effort reduction to TSPF entitlement holders reducing effective effort by 31.8%). This decision was taken in light of scientific advice on the number of days to achieve the maximum sustainable yield of tiger prawns (*Penaeus esculentus*), the species considered to be most vulnerable to over-fishing in this multi-species fishery.



In accordance with an out-of-session decision of the PZJA, the 9,197 days was rounded up to an overall effort cap of 9,200 fishing days available in the TSPF for the 2006 season.

Following these two decisions the Australian Government Department of Agriculture Fisheries and Forestry (DAFF) issued a Request for Tender (RFT) in December 2005, which had the primary objective of surrendering 25% of the 9,200 days allocated in the TSPF for the 2006 season, so that these days could be held in trust to allow for PNG's catch sharing entitlements under the Torres Strait Treaty. The RFT resulted in the surrender of 2,333 allocated fishing days from the TSPF and the removal of 16 commercial licences from the TSPF. Accordingly, of the 9,200 fishing days:

- 6,867 fishing days were available to Australian operators;
- 2,070 fishing days were available to PNG operators; and
- 263 days were held in trust by the Australian Government.

At 30 June 2007, there were 53 active licences in the fishery and 8 inactive licences that did not have a boat attached to it. The Prawn fishery is a cost recovered fishery.

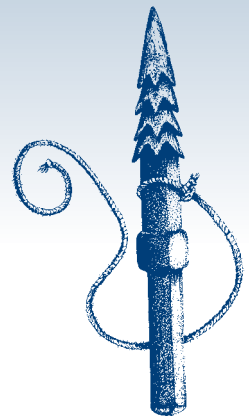
A Bycatch Action Plan (BAP) is in place for the Prawn Fishery, and is subject to periodic review. The primary aims of the TSPF BAP are to:

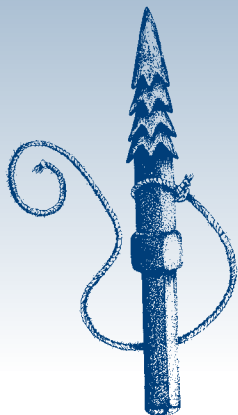
- eliminate, to the greatest extent feasible, the catch of large animals such as turtles and stingrays; and
- substantially reduce the ratio of bycatch to prawns.

To achieve these aims, the BAP has adopted the following strategies:

- to modify fishing gear to minimise turtle and other bycatch;
- to ensure bycatch is monitored in the TSPF; and
- to continue to make information regarding bycatch available to fishers and the community.

Strategic Assessment: The fishery underwent a strategic assessment process during 2005. The TSPF was formally declared a Wildlife Trade Operation and its Statement of Management Arrangements was accredited under section 33 of the *Environment Protection and Biodiversity Conservation Act*





1999 in November 2005. As a result of the strategic assessment, the Department of Environment and Heritage (DEH) (now the Department of Environment, Water, Heritage and the Arts (DEWHA)) provided a number of recommendations to improve the sustainability of the TSPF to which the PZJA have agreed. The implementation of the recommendations will be monitored and reviewed as part of the next DEWHA review of the fishery, previously scheduled for late 2008. However, the PZJA is currently in the process of developing a Plan of Management for the TSPF, and expects the Plan to be implemented during or at the end of the 2008 season. As such, the assessment of the fishery has been advanced so as to coincide with the development of a Management Plan for the fishery.

TROPICAL ROCK LOBSTER

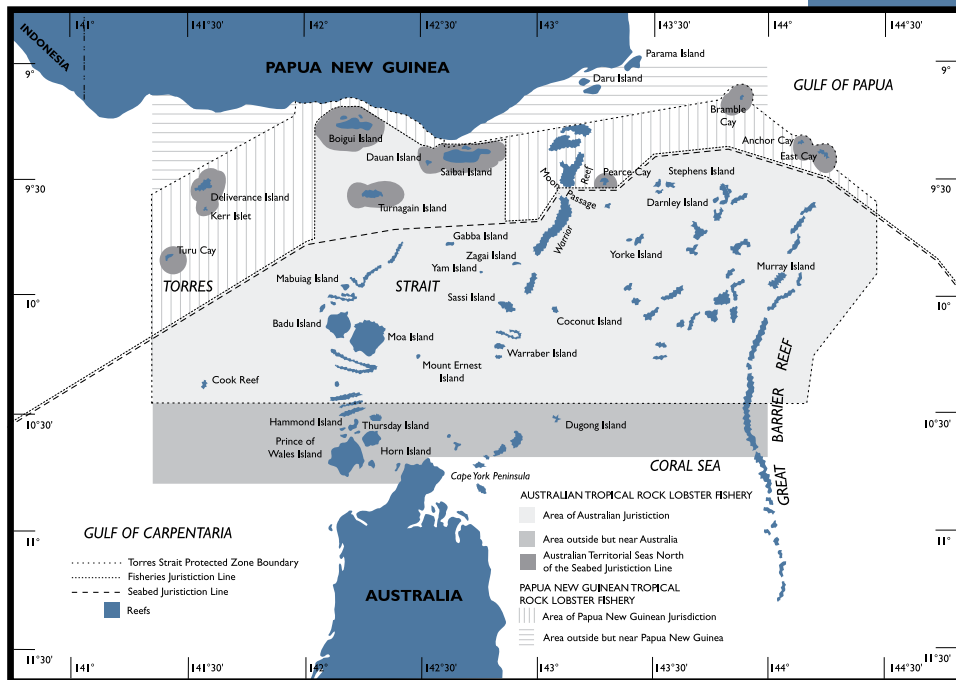


Fig. 5 — Tropical Rock Lobster Fishery.

Description of the fishery: Description of the fishery: The Torres Strait Tropical Rock Lobster (TRL) Fishery (Fig. 5) is the second most valuable commercial fishery in the Torres Strait and very important to many Torres Strait Traditional Inhabitants as well as TVH licence holders. The fishery is based on a single species, the ornate tropical rock lobster (*Panulirus ornatus*). Lobsters are taken by hand or a short hand spear by divers working from dinghies. Most divers free dive on shallow reef tops but many others use hookah (surface supplied air) to dive the large areas of “open bottom” in the Torres Strait. Most fishing occurs during neap tides when currents ease and underwater visibility improves. Commercial fishing occurs from December to September inclusive, peaking in March–August.

Traditional Inhabitants fishing for subsistence (traditional catch) can take at any time of the year:

- up to three lobsters per person without the use of a boat, or where there is only one person aboard the boat; or



- up to six per boat where there is more than one person aboard the boat.

Expansion in participation in the TRL Fishery is limited to Traditional Inhabitants in order to maximise their opportunities. At 30 June 2007 there were 428 Traditional Inhabitant Fishing Boat licences (TIBs) with lobster endorsements. This was about 18 percent more than at the same time one year earlier.

The PZJA imposed licensing provisions to prevent the growth of the non-Community sector during the 1980's. Through a process to remove the latent effort in 2004, there has been a small reduction in the numbers of TVH (non-community) licences. At 30 June 2007 there were 23 licensed primary vessels with a total of 57 associated tender licences.

In addition, interim measures to control effort were introduced and include:

- 1) A 30% reduction in the number of months that tenders were allowed to operate for licence holders that have two or more tenders associated with a primary vessel. In practice, this meant that licence holders could work some of their tenders for the entire season but others ceased operation at various times to effect the reduction.
- 2) A cap on the number of TIB licences with lobster endorsements for boats longer than six metres to control effort in the community fishing sector. This measure was implemented in 2004 and ceased on 31 December 2006.
- 3) A prohibition on the use of hookah three days before, on, and three days after either the full or new moon each month from February to September. This prohibition was imposed on all tender boats, dinghies, and TIB-licensed boats in the 2006 calendar year, and on boats under 7m long in the 2007 calendar year. The degree to which this reduced fishing effort is unquantified but was thought to be about 10 to 15 percent in the first year but probably less after fishers adapted to the new arrangement during the current period.

The PZJA also has a boat replacement policy that aims to control fishing capacity by preventing the introduction of larger more efficient boats in the non-commercial sector. There has also been a ban on trawlers taking lobster since the early 1980s to prevent pressure on the lobster resource from the prawn trawling fleet.



Condition of the fishery: During 2006–07 the stock assessment of the fishery was updated using the 2006 mid-year survey abundance indices and the latest commercial catch data. A TAC for the 2007 fishing season was estimated based on the 2006 preseason survey data and the harvest control rule that was agreed on by the TRL RAG. This assessment is the second re-assessment of the condition of the fishery using current information since size limits were increased, the fishing season was shortened by two months and the period when hookah is prohibited was extended by two months. The assessment found that the lobster fishery has generally met the recently recommended biological reference point, which is the spawning stock size associated with maximum sustainable yield (S_{MSY}) being allowed to escape. However there have been four years since 1989 when this target was not met and 2006 was one of those years. This meant that there was some over-fishing of the stock in 2006 which was a year that started with a low abundance of lobsters due to lower recruitment.

The 2006 season catches from the fishery were one of the lowest on record with 326 tonnes (live weight) landed (Fig. 6) at an estimated value of \$7.41 million.

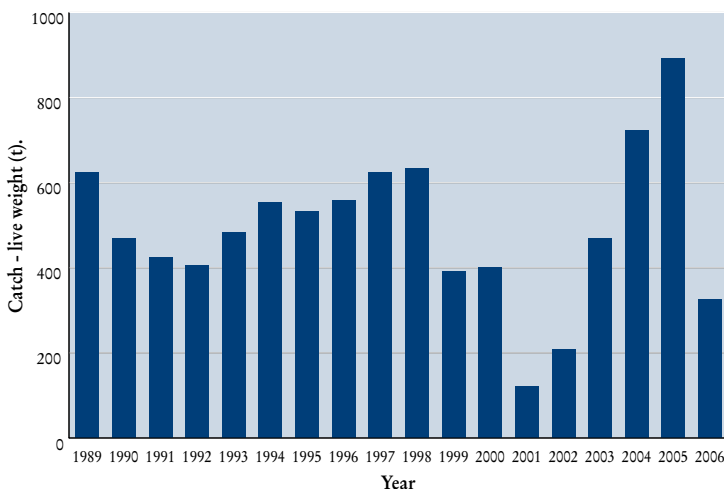


Fig. 6 — Annual catch of the Torres Strait Tropical Rock Lobster Fishery 1989–2006. Data presented are for the fishing season ending in December 2006 but considered part of the financial year 2006–07.



Management objectives: During 2005–06 the Tropical Rock Lobster Working Group recommended new management objectives which were adopted at the 19th Meeting of the PZJA as follows:

- To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield ;
- In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of Traditional Inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
- To provide for the optimal utilisation, co-operative management with Queensland and PNG and for catch sharing to occur with PNG;
- To monitor interactions between the prawn and lobster fisheries;
- To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
- To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for Traditional Inhabitants and to ensure that the opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community; and
- Optimise the value of the fishery.

Strategic Assessment: The TRL fishery was formally declared a Wildlife Trade Operation in November 2004. This designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions which were set by DEWHA. DEWHA also provided a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. At the end of three years, the fishery will be reassessed.

FINFISH (SPANISH MACKEREL)

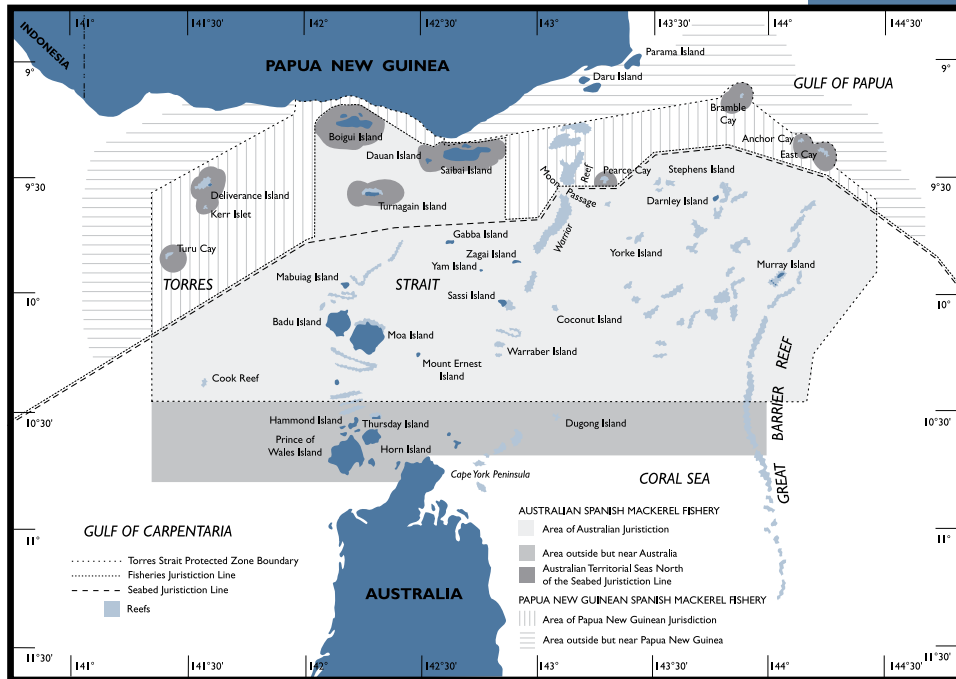
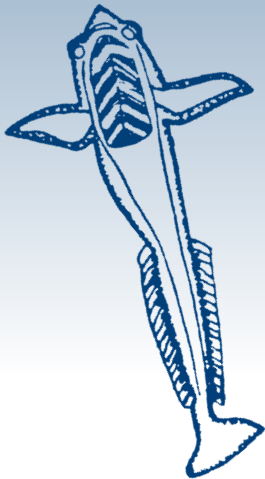


Fig. 7 — Spanish Mackerel Fishery.

Description of the fishery: The Torres Strait Spanish Mackerel Fishery (Fig. 7) operates predominantly in the eastern Torres Strait, targeting the narrow-barred Spanish mackerel (*Scomberomorus commerson*). In 1999, other species were added to the list of permitted species including school mackerel (*Scomberomorus queenslandicus*), grey mackerel (*Scomberomorus semifasciatus*), spotted mackerel (*Scomberomorus munroi*), and shark mackerel (*Grammatocygnus bicarinatus*).

The catch of Spanish mackerel (*Scomberomorus commerson*) in 2006 was approximately 239 tonnes (whole weight) (Fig. 8). The value of the 2006 catch was approximately \$1.6 million.

Spanish mackerel are fished by trolling, generally from dories/dinghies operating either to a primary vessel or by themselves. The majority of the catch is taken by a small number of commercial operators. At 30 June 2007 there were 13 TVH-licensed primary vessels with 29 associated licensed tenders. Of



these, seven vessels were active in the fishery for the majority of the fishing season in 2006; the others fished sporadically or not at all.

Spanish mackerel is generally not an important target species for the Traditional Inhabitants, however there are a large number of Traditional Inhabitants who opportunistically take mackerel; there were 215 Traditional Inhabitant Boat (TIB) Licences current at 30 June 2007. Information concerning the quantity of mackerel taken by Torres Strait Traditional Inhabitants has been collected during 2006. However this data is collected in docket books which are not compulsory and at this time the data has not been fully collated. The quantity of mackerel taken for traditional purposes is also unknown.

Condition of the fishery: Information available for the Torres Strait Spanish Mackerel Fishery indicates that the Spanish mackerel stock is fully exploited. While the catch has been relatively stable over a period of several decades a recent assessment has indicated that the catch is likely near maximum sustainable levels (See Annex C – Begg et al. 2006).

Although the Spanish mackerel stocks in the Torres Strait were once thought to be migratory and to move between jurisdictions, more recent genetic evidence suggests that there is limited exchange between the Torres Strait and the Gulf of Carpentaria or Queensland east coast stocks.

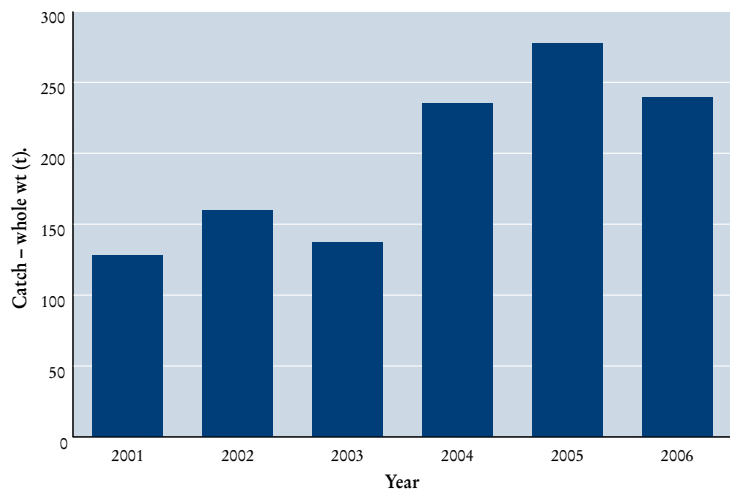


Fig. 8 — Catches of the Torres Strait Spanish Mackerel Fishery (*Scomberomorus commerson*) 2001–06.

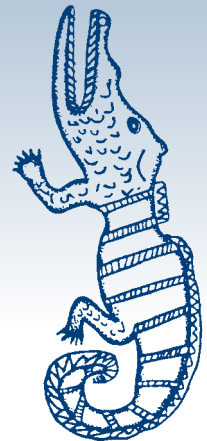


Management objectives: Objectives adopted for the Torres Strait Spanish Mackerel Fishery during 2006–07 were:

- to manage the mackerel resource to achieve its optimal utilisation;
- to maximise the opportunities for Traditional Inhabitants of both Australia and PNG to participate in the commercial fishery;
- to promote the fishery as a line fishery; and
- to continue monitoring of the fishery and enter into a catch sharing agreement with PNG.

The management objectives for this fishery will be reviewed as a part of the development of the Torres Strait Finfish Fishery Management Plan.

Strategic Assessment: The fishery underwent a strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late November 2005. This designation provides the opportunity for harvesters to export product for three years subject to the fishery meeting a number of conditions which were set by DEWHA. DEWHA also provided a number of draft accreditation recommendations to improve the sustainability of the fishery which the PZJA endorsed out-of-session in November 2005. The export accreditation is valid until 25 November 2008 at which time the fishery will be reassessed.





PEARL SHELL

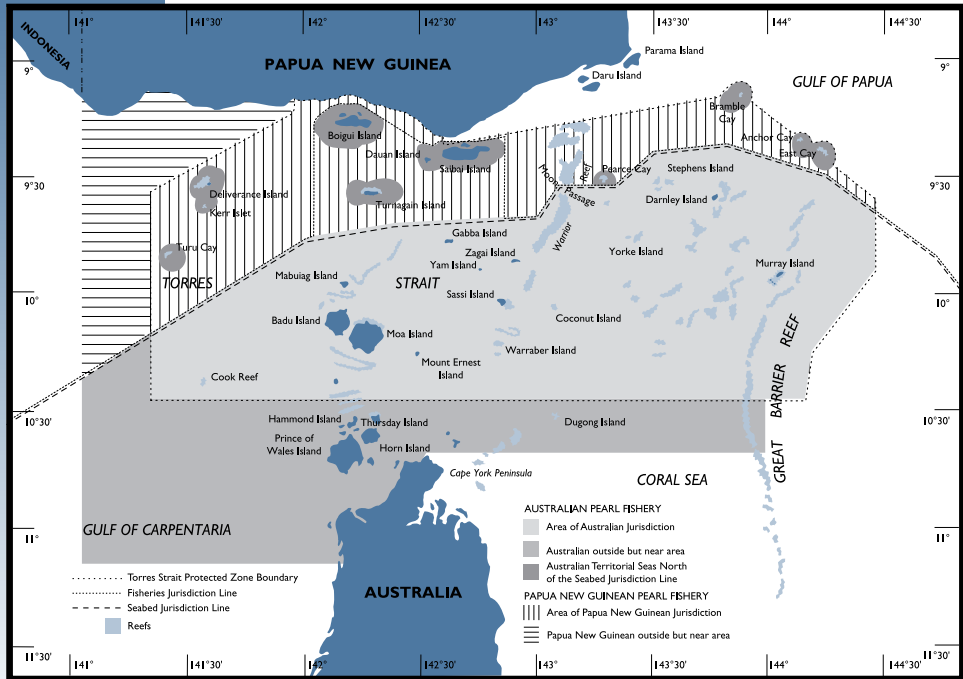


Fig. 9 — Pearl Shell Fishery.

Description of the fishery: The PZJA is responsible for the management of wild pearl shell collection in the Torres Strait. Aquaculture farming of pearl shell is regulated and managed by the QDPI&F.

The gold-lipped pearl shell (*Pinctada maxima*) is the main species targeted in the Torres Strait, although another six species, including the black-lipped pearl shell (*Pinctada margaritifera*) also occur. Pearl shell is collected live for pearl culture farms, principally by divers using hookah equipment. Only a few boats specialise in collecting pearl shell, primarily through the months of October to March. A number of licences have both lobster and pearl shell endorsements and so divers also collect some pearl shell in the course of lobster fishing.

There was no commercial activity in the Torres Strait pearl shell fishery (Fig. 9) in 2006.



Condition of the fishery: Based on past surveys, the abundance of pearl shell on the main fishing grounds is low.

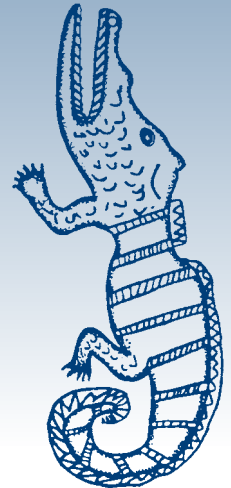
Management objectives: Objectives adopted for the Torres Strait Pearl Shell Fishery are:

- to conserve the stock of pearl shell to achieve its optimal utilisation; and
- to maximise the opportunities for Traditional Inhabitants of Australia and PNG to participate in the Pearl Shell Fishery.

Management arrangements: Expansion of licence numbers in the Torres Strait Pearl Shell Fishery is limited to Traditional Inhabitants in order to maximise their opportunities.

Provisions applying to the non-Traditional Inhabitant sector of the fishery include a prohibition on the issue of boat and master licences, strict boat replacement policies, and the linking of tender boats with specific primary boats.

Strategic Assessment: The pearl shell fishery has not undergone strategic assessment. It may in the future, depending on activity in the fishery and resources to undertake the assessment.





DUGONG AND TURTLE

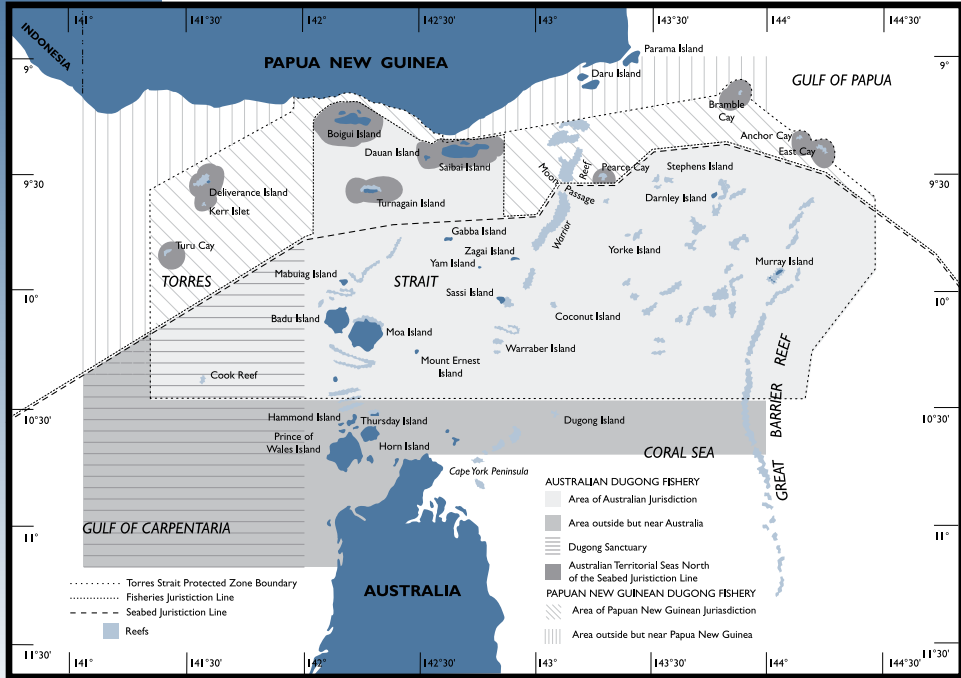


Fig. 10 — Dugong Fishery.

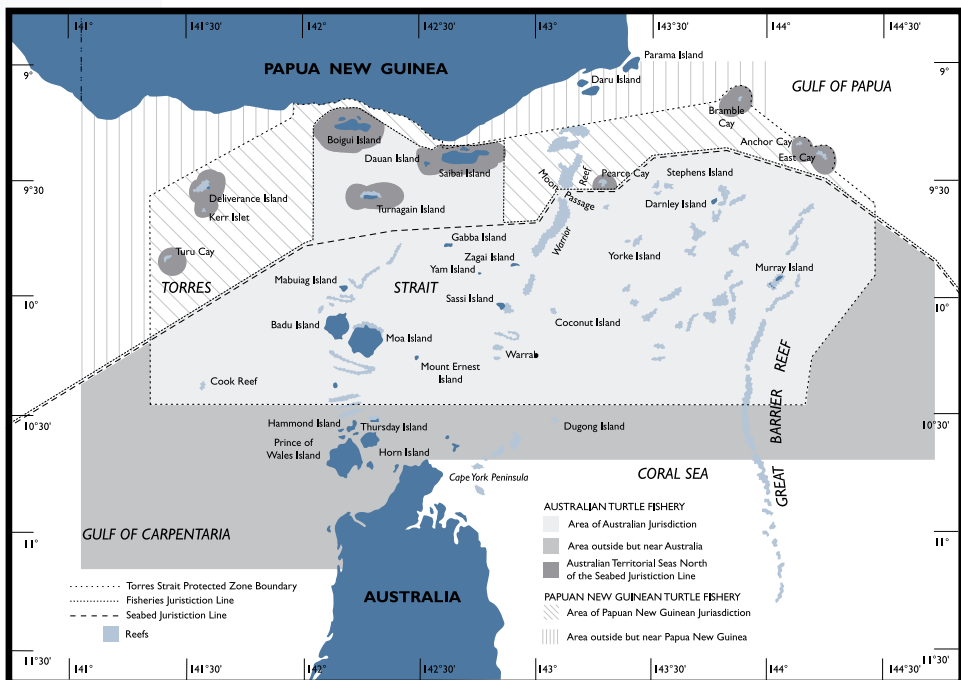


Fig. 11 — Turtle Fishery.



Description of the fisheries: The dugong and turtle fisheries (Figs. 10 and 11) are traditional subsistence fisheries limited to Traditional Inhabitants of the Torres Strait. Hunting for turtle and dugong is an important part of the traditional way of life and livelihood of Torres Strait Islanders and is also a major source of protein in their diet. Dugong (*Dugong dugon*) are hunted using the traditional spear (*wap*) thrown by hand from a dinghy. Turtles are hunted using a number of different methods; they can be hunted using a traditional spear, caught by hand from jumping out of a dinghy and, in some areas of the Torres Strait, nesting turtles are taken off the beach before or after nesting. Turtle eggs are also harvested.

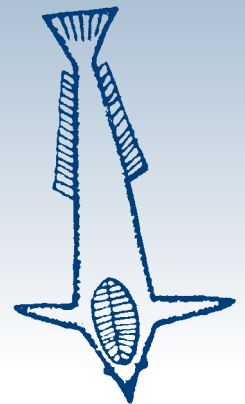
Turtles are taken in all areas of the Torres Strait, while dugongs are caught mainly in the western region.

Condition of the fisheries:

Dugong: Estimates of Torres Strait dugong population size conducted through aerial surveys during 1987, 1991, 1996, 2001 and 2006 covered the western and central waters of the Torres Strait and adjacent coastal waters of Cape York and PNG. The Bureau of Resource Sciences reported in its *Fishery Status Reports 2006* that the population estimate obtained from the 1996 survey did not differ statistically from the 1991 estimate, which could suggest that the dugong population in the Torres Strait was stable during 1991–96. However, the surveyed population of dugongs decreased by nearly 50% between 1996 and 2001. A similar estimate to that obtained for 2001 was made in 1987. This variability may result from the movement of dugongs in and out of the survey area, perhaps driven by changes in the availability of food (sea grass). Estimated annual catches have ranged from 240 to more than 800 individuals since 1976, and it is believed that these exceeded the sustainable harvest rate.

A dugong sanctuary in the south-western areas of the Torres Strait has been established where no hunting is permitted.

Turtle: There are no population estimates for turtle stocks in the Torres Strait however the monitoring of key turtle nesting sites in north Queensland has raised concerns with respect to the green turtle (*Chelonia mydas*) and hawksbill turtle (*Eretmochelys imbricata*) stocks. As a result, there is a growing awareness of the need to manage the traditional take of green turtles and the harvest





of hawksbill turtle eggs to ensure the long term viability of these populations. The estimated annual catch of green turtles in 2001 by communities in the Australian area of jurisdiction of the TSPZ was $1,619 \pm 574$ turtles.

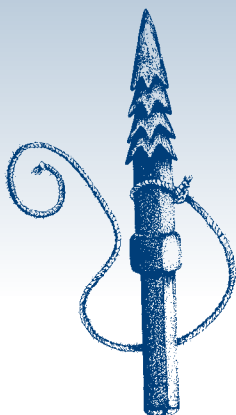
Other turtle species are not generally taken for food however the eggs of the hawksbill, flatback (*Natador depressus*), and green turtles are regularly harvested by Traditional Inhabitants. The level of annual harvest of eggs is unknown.

Management objectives: Objectives adopted for the Torres Strait Turtle and Dugong Fisheries are:

- to promote the conservation of turtle and dugong stocks; and
- to restrict the take of dugongs and turtles to Traditional Inhabitants fishing for traditional purposes.

Strategic Assessment: The draft ‘Strategic Assessment Report of the Torres Strait Turtle and Dugong Fisheries’ was finalised in June 2007 after consideration by the TSFMAC, the Australian Fisheries Management Authority (AFMA) Environment Committee and the PZJA. The report is to be submitted for assessment to DEWHA in the 2007–08 financial year.





available for Traditional Inhabitant participation. Most of the fish taken in the communities are for subsistence and there are no records of commercial sales of this species outside of those few communities where barramundi occur.

Finfish are generally taken by hand lines and since December 2005 the use of nets has been banned throughout the TSPZ and the outside but near area. This ban may be amended in future to allow for a small net fishery around the communities of Boigu, Dauan and Saibai for the purposes of a Barramundi fishery only. Development of a Barramundi fishery will occur in consultation with stakeholders.

Condition of the fishery: The status of reef fish stocks in the TSPZ is uncertain at present.

At 30 June 2007, there were six TVH-licensed primary vessels with 17 associated licensed tenders and 194 TIB Licences. However, during the 2006 season only two TVH operations were fully active in the fishery with most of the other operators only fishing sporadically.

Based on data collected from the as yet non-compulsory docket books, it is estimated that 52 Traditional Inhabitants participated in the fishery in 2006. However, as Traditional Inhabitants have not been required to complete individual catch returns, information concerning the quantity of reef fish taken by Torres Strait Traditional Inhabitants under TIB licences, may have been underestimated.

The level of Traditional Inhabitant commercial fishing in this fishery is expected to increase in future due to the high value of the target species and the fact that this fishery provides an important economic development opportunity for Traditional Inhabitants in the eastern Torres Strait.

An unknown quantity of reef fish is also taken during the course of traditional fishing.

The Torres Strait Reef Line Fishery is considered to be under exploited at the 2006 level of harvest. Landings for all species in 2006 totalled 69.1 tonnes with coral trout (*Plectropomus* sp.) making up the majority of the catch with 57.8 tonnes landed (Table 2). Between 2001 and 2004 catches of coral trout were relatively stable at around 147 tonnes each year however, in



2005 and 2006 catches declined substantially (Fig. 13). The 2006 season catch of coral trout (57,839 kg) had an estimated value of \$0.9 million.

Table 2 — Logbook catch data from the Torres Strait Finfish (Reef Line) Fishery (including catches from both TIB-licensed boats and TVH-licensed boats) received during 2006.

<i>Species</i>	<i>Catch (kg)</i>
Coral Trout	57,839.54
Red Emperor	1,255.55
Barramundi cod	1,808.25
Other	8,231.03
Total	69,134.37

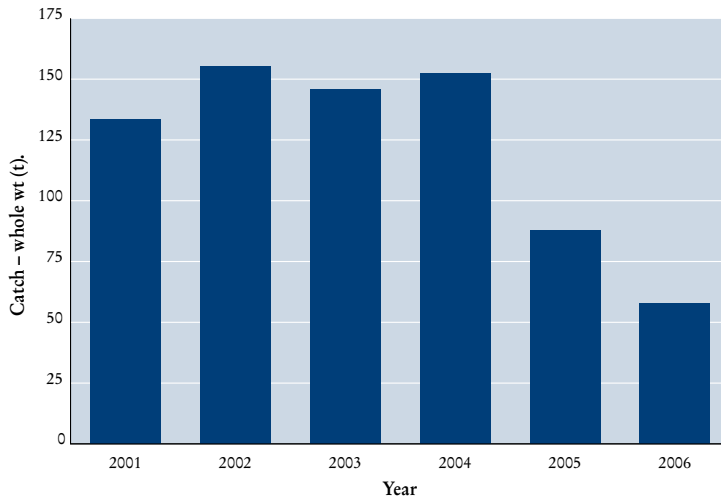
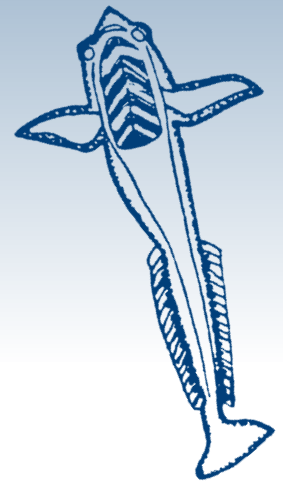


Fig. 13 — Catches of Coral Trout (Plectropomus sp.) in the Torres Strait Reef Line Fishery (2001–2006).





Management objectives: The objectives for the Torres Strait Finfish Fishery were developed in conjunction with the objectives of the *Torres Strait Fisheries Act 1984* and the Torres Strait Treaty to reflect the status of the fishery following the change in jurisdiction from a fishery managed solely under Queensland law. These are:

- to manage the resource to achieve its optimum utilisation; and
- to maximise opportunities for Traditional Inhabitants of Australia and PNG to participate in the commercial fishery.

Management arrangements: A management plan for the Finfish (Reef Line and Spanish mackerel) fishery is currently under development. The Management objectives for the reef line fishery will be reviewed and amended where required as a part of this process.

Strategic Assessment: The fishery underwent the strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late November 2005. This designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions which were set by DEWHA. DEWHA also provided a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. At the end of the three year period, the fishery will be reassessed.

CRAB

Description of the fishery: The Torres Strait Crab Fishery primarily targets mud crab (*Scylla* spp.). Small quantities of blue swimmer crab (*Portunus pelagicus*) have reportedly been taken in the past. Mud crabs are generally captured by hand or using scoop nets. The level of participation in the commercial fishery is low and restricted mainly to Saibai and Boigu where there is a larger area of crab habitat. There was no commercial activity in the Torres Strait crab fishery in the 2006 season.

An unknown quantity of mud crab is taken in the course of traditional fishing and is likely to exceed the catch taken for commercial purposes.



Condition of the fishery: The status of crab stocks in the TSPZ is uncertain.

No Queensland-licensed primary commercial fishing vessels satisfied the approved entry criteria for the Crab Fishery following the requirement to hold a PZJA endorsement after 1 April 1999. There were 118 Traditional Inhabitant vessels licensed to operate in the Crab Fishery at 30 June 2007. Fishery participants are therefore comprised of Australian Traditional Inhabitants only.

Management objectives: The objectives for the Torres Strait Crab Fishery have been developed in conjunction with the objectives of the *Torres Strait Fisheries Act 1984* and the Torres Strait Treaty to reflect the new status of the fishery following the change in jurisdiction from a fishery managed solely under Queensland law. These are:

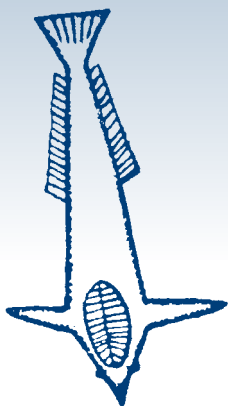
- to manage the resource to achieve its optimum utilisation; and
- to maximise opportunities for Traditional Inhabitants of Australia and PNG to participate in the commercial fishery.

Strategic Assessment: The crab fishery has not undergone strategic assessment. It may in the future, depending on activity in the fishery and resources to undertake the assessment.

TROCHUS

Description of the fishery: The Torres Strait Trochus (*Trochus niloticus*) Fishery is a small, single-species commercial and traditional/subsistence fishery reserved for Australian Traditional Inhabitants. The fishery has been an important source of income for some Traditional Inhabitants, especially in the central and eastern Torres Strait communities and particularly between 1920 and 1950 and more recently during the 1980s. The fishery is characterised, like trochus fisheries elsewhere, by fluctuating fishing activity when the price paid for shell is economically attractive. The level of participation in the fishery decreased during 2006 in response to a fall in the price paid for the shell. There were 136 TIB-licensed dinghies in the fishery at 30 June 2007.





Trochus is usually taken by free diving with fishers generally operating from dories/dinghies with a crew of two or three. Reef top collection of trochus is also possible at low tide. In December 2005 the use of underwater breathing apparatus was formally banned.

The catch in the fishery during 2006 was 35 tonnes cleaned weight (Fig. 14), with an estimated value of \$133,163. Trochus meat is often consumed by fishers' families or other members of the community and there is interest to find a market for the valuable by-product of the fishery, trochus shells.

Condition of the fishery: The status of trochus stocks in the TSPZ is uncertain at present. Because of its small size, low value and lack of fishery data, a stock assessment of the fishery has not been possible.

Management objectives: The objectives adopted for the Torres Strait Trochus Fishery during 2006–07 were:

- to manage the resource to achieve its optimum utilisation;
- to maximise opportunities for Traditional Inhabitants of Australia; and
- to encourage Traditional Inhabitants of the Torres Strait to participate in the Trochus Fishery.

Strategic Assessment: The fishery underwent a strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late June 2005. This designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions which were set by DEWHA. DEWHA also provided a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. At the end of the three year period, the fishery will be reassessed.

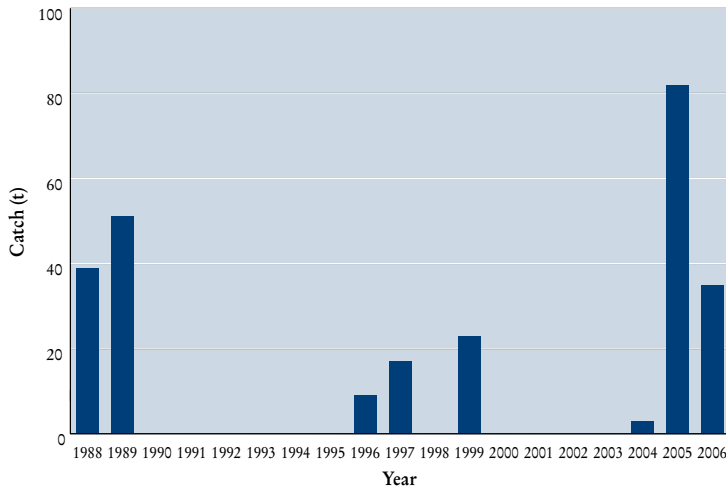


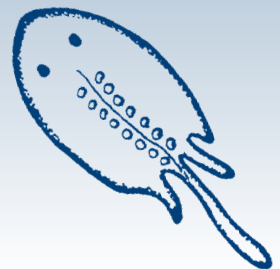
Fig. 14 — Torres Strait Trochus Fishery catch between 1988 and 2006. Data not available between 1990–1995 and 2000–2003 inclusive. (Source: Torres Strait Trochus and Bêche-de-Mer Fishery Data Summary 2005 and 2006. AFMA 2007).

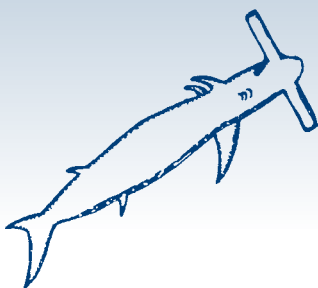
BÊCHE-DE-MER (SEA CUCUMBER)

Description of the fishery: The Torres Strait Bêche-de-mer Fishery is an important commercial fishery to some Torres Strait Traditional Inhabitants. The fishery dates back to the 19th century or earlier. During its history there have been several “booms and busts” which have been a feature of these fisheries in most places.

Fishing for bêche-de-mer in the Torres Strait is mainly by free diving from dinghies crewed by two or three fishers or by hand collection along reefs at low tide. Once collected, the animal is gutted, graded, cleaned, boiled, smoked and dried. This is a labour-intensive process usually carried out on processing vessels or at shore-based facilities.

Participation in the Torres Strait Bêche-de-mer Fishery is limited to Traditional Inhabitants only, with the exception of one long-term non-Traditional Inhabitant who was active in the fishery prior to the introduction of licence limitation in the fishery in late 1995.





Management objectives: Objectives adopted for the Torres Strait Bêche-de-mer Fishery during 2006–07 were:

- to provide for the sustainable use of all bêche-de-mer stocks in the Torres Strait;
- to develop bêche-de-mer stocks for the benefit of Australian Traditional Inhabitants (as defined by the Torres Strait Treaty); and
- to develop an appropriate long-term management strategy for sandfish.

The catch in the fishery during 2005 was 7.1 tonnes whole weight (Fig. 15), with an estimated value of \$20,126. No catch records have been returned for 2006–2007.

Condition of the fishery: Bêche-de-mer are especially susceptible to overfishing because they are large, easily seen and collected, and do not require sophisticated fishing techniques.

During the 1990s, the fishery was based primarily on sandfish (*Holothuria scabra*), a high-value species occurring in relatively shallow waters, and as a result vulnerable to over-harvesting. Following concerns of serious resource depletion and

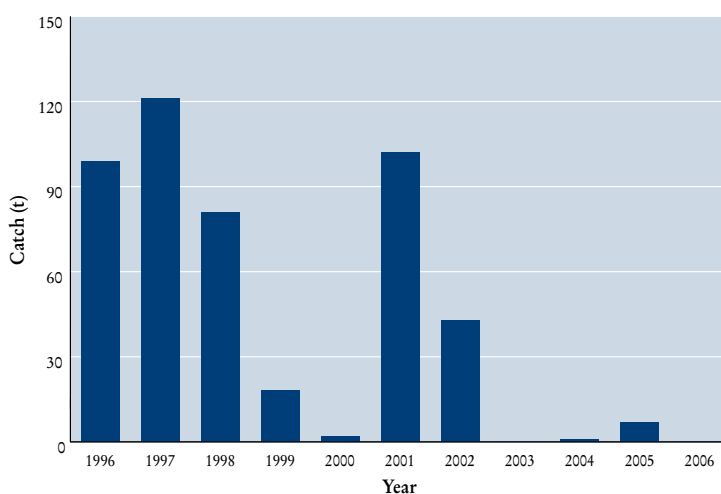


Fig. 15 — Total Torres Strait Beche-de mer catch between 1996 and 2006. Note: To date no catch records have been returned for 2006. (Source: Torres Strait Trochus and Bêche-de-Mer Fishery Data Summary 2005 and 2006. AFMA 2007).

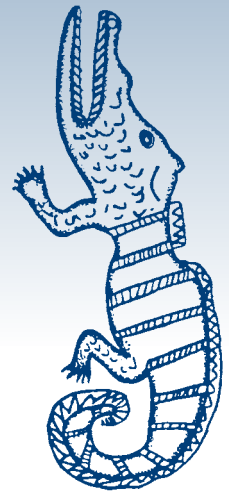


overexploitation of sandfish stocks on Warrior Reef, five fishery-independent surveys were commissioned to assess the level of reduction in sandfish abundance in 1995–1996, 1998, 2000, 2002 and most recently 2004. Harvesting of this species has been prohibited since 1998 following CSIRO survey results that indicated the remaining stock on Warrior Reef was approximately 80% less than three years earlier. The subsequent surveys did not record any substantial increase in stock. The 2004 survey indicated a decline in stock abundance that may have been the result of illegal harvesting.

Since 1998 fishing switched to other high value species and until January 2003, fishing focused on surf redfish (*Actinopyga mauritiana*), black teatfish (*Holothuria whitmae*), white teatfish (*Holothuria fuscogilva*) and to a lesser extent, some lower-value species. As a result of a 2002 survey undertaken by CSIRO of the eastern reefs of Torres Strait that indicated that the black teatfish and surf redfish had experienced significant declines in abundance, the PZJA set the Total Allowable Catch (TAC) for surf redfish and black teatfish at zero tonnes for both species, effectively closing the fishery for these two species. Another survey in 2005 showed no increase in abundance and the TAC of these two species remains set at zero.

Also as a result of the 2005 Survey of the eastern Torres Strait reefs, the PZJA agreed to set far more precautionary TACs for the white teatfish and prickly redfish of 15 and 20 tonnes respectively, based on advice from CSIRO. Setting single species quotas for both species was recommended by the then Minister for the Environment and Heritage.

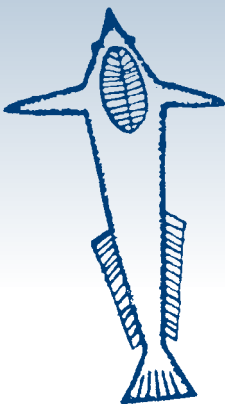
The CRC Torres Strait project ‘Sustainability Assessment of the Torres Strait Sea Cucumber Fishery’ was finalised during July 2006. Surveys conducted as part of the project showed that the three species currently closed to fishing, sandfish (*Holothuria scabra*), black teatfish (*Holothuria whitmae*) and surf redfish (*Actinopyga mauritiana*), had not recovered from their low densities observed in previous surveys. Of the remaining fished species, prickly redfish (*Thelenota ananus*) and white teatfish (*Holothuria fuscogilva*) showed decreases in average density and/or average size. The report however, did not propose any changes to the recommended TACs of these species as catches have remained low since 2002.





A number of management measures have been implemented in the fishery including: catch limits, limiting methods of catch to hand-held, banning the use of hookah or SCUBA gear; bag limits, limits to boat size and minimum size limits.

Strategic Assessment: The fishery underwent a strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late June 2005. This designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions which were set by DEWHA. DEWHA also provided a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. At the end of the three year period, the fishery will be reassessed.





6 LICENSING

Fishing boat licences are required to fish commercially in all PZJA fisheries. Two types of fishing boat licences exist: Traditional Inhabitant Fishing Boat (TIB) and Torres Strait Fishing Boat (TVH) Licences.

TIB Licences are exclusively for Australian Traditional Inhabitants, that is, Torres Strait Islanders, Aboriginal people from five Northern Peninsula Area communities (Bamaga, Injinoo, New Mapoon, Seisia, and Umagico), certain former Papua New Guineans who are now Australian citizens, and their descendants, who are resident in the TSPZ or the outside but near area. TIBs must be fully owned and operated by Australian Traditional Inhabitants. Certain fisheries are restricted to Australian Traditional Inhabitants only, and therefore the endorsements for these fisheries are only found on TIB licences.

Either Australian Traditional Inhabitants or non-traditional inhabitant Australians can own TVH licences. A Torres Strait Master Fisherman's Licence (TMJ) is required to operate a TVH-licensed boat. The TMJ must be endorsed for the appropriate fishery (Table 3).

The numbers of licences issued or renewed by the PZJA during 2006–07 which were current as at 30 June 2007 are provided in Tables 4 and 5. Numbers provided for boat licences exclude those held in “No Boat” status.





Table 3 — Number of Master Fisherman’s licences (TMJ) by combinations of Torres Strait fisheries (current as at 30 June 2007).

Fishery	No. of TMJs
Bêche-de-mer	1
Tropical rock lobster	46
Tropical rock lobster, reef line and Spanish mackerel	1
Tropical rock lobster, reef line, Spanish mackerel, and pearl	4
Tropical rock lobster, reef line, and prawn	1
Tropical rock lobster, reef line, Spanish mackerel, pearl, and prawn	4
Tropical rock lobster and Spanish mackerel	1
Tropical rock lobster, Spanish mackerel, and pearl	59
Tropical rock lobster and pearl	6
Reef Line	3
Reef line and Spanish mackerel	12
Reef line and prawn	120
Reef line, Spanish mackerel, and prawn	5
Spanish mackerel	12
Pearl	5
Prawn	49
Torres Strait fisheries which are not covered by a Fisheries Management Notice ¹	0
Total	331

¹ In 2004–05, the PZJA implemented a process to remove latent (unused) effort from the Tropical Rock Lobster and Finfish fisheries. This has resulted in a number of licences that no longer have any specific fishery entries. These “non-endorsed” licences still allow the operators to catch fish species that are not subject to specific management arrangements under a Fishery Management Notice (such as squid).



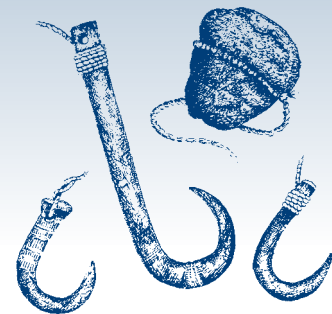
Table 4 — Number of Traditional Inhabitant Boat licences in each Torres Strait fishery (current as at 30 June 2007).

Fishery	TIBs
Bêche-de-mer	108
Crab	118
Tropical Rock Lobster	428
Reef Line	194
Mackerel	215
Pearl Shell	72
Trochus	136

Table 5 — Number of Commercial Fishing Boat Licences (TVH) in each Torres Strait fishery (current as at 30 June 2007). Numbers provided for boat licences exclude those held in “No Boat” status.

Fishery	Primary	Tenders	Total
Bêche-de-mer	0	0	0
Tropical Rock Lobster	23	57	80
Reef Line	6	17	23
Mackerel	13	29	42
Pearl Shell	17	36	53
Prawn	53	0	53
Torres Strait fisheries which are not covered by a Fisheries Management Notice ¹	3	12	15

¹ In 2004–05, the PZJA implemented a process to remove latent (unused) effort from the Tropical Rock Lobster and Finfish fisheries. This has resulted in a number of licences that no longer have any specific fishery entries. These “non-endorsed” licences still allow the operators to catch fish species that are not subject to specific management arrangements under a Fishery Management Notice (such as squid).





7 SURVEILLANCE AND ENFORCEMENT

BACKGROUND

The purpose of the surveillance and enforcement program was as follows:

- To carry out surveillance and enforcement duties to support the legislation and the policies of the PZJA.
- To provide an education and extension service for both traditional and commercial fisher persons to enhance the development and management of the fisheries within the Protected Zone.
- To undertake such duties as required by the PZJA to protect the resources of the TSPZ and to enhance their exploitation by persons permitted to utilise those resources in keeping with the spirit of the Treaty between Australia and PNG.

The program is run from the Thursday Island office of the Queensland Boating and Fisheries Patrol (QBFP), staffed by:

- 1 District Officer
- 3 Field Officers
- 1 Administrative Assistant

Others support the program in Brisbane, Cairns and Townsville.

The program is planned as an at-sea surveillance program made up of a mix of surface platforms including:

- Private charter vessel;
- Royal Australian Navy vessel; and
- Locally based QDPI&F vessels.

The Torres Strait program is also supported by aerial surveillance provided by Coastwatch.



PROGRAM OUTCOMES

Private charter vessel

A private charter boat was used for 72 days during the program year largely in the TSPZ.

Charter vessels have become the major platform for TSPZ patrols.

Following a PZJA decision in July 2005 funds were made available for greater use of private vessel charter in 2007.

Utilising a private charter to conduct patrols has improved patrol presence in the TSPZ however the QBFP does not have sole use of the charter vessel and therefore must forecast patrols up to three months in advance. This means that the QBFP's ability to respond in real time depends on the availability of the chartered platform.

As a contingency the QBFP has a number of resources that may be used to accommodate a response when the need arises. These platforms include other Government resources such as the Thursday Island Water Police and the Australian Navy.

Given that the Charter vessel is unmarked, it allows the QBFP to undertake covert patrols, allowing Officers to observe and detect offences against relevant legislation.

Australian Navy

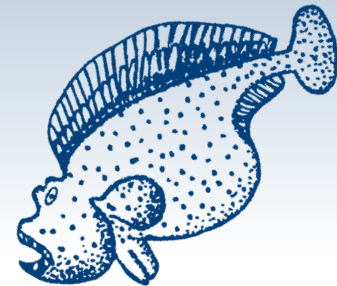
The TIB&FP has utilised the naval vessel *Malu Baizam* to conduct an additional 5 days at sea patrolling in the TSPZ providing greater compliance services to industry and stakeholders while working within budgetary constraints.

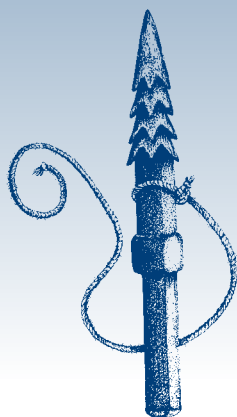
Locally based QB&FP vessels

The QBFP currently has two QDPI&F vessels that are capable of being used to assist Officers with local compliance issues. These patrols respond to fisheries resource protection and Marine Safety complaints.

1) Patrol Vessel *Pelagic* 6.7 metre

Pelagic has a 2C survey and is used to patrol the Prince of Wales group of Islands and depending on the weather may venture further to mainland Australia and canvas the closer





of the outer Islands. The vessel is based on Thursday Island but is very dependent on weather.

2) Patrol Vessel *Sea Jay* 4.3 metre

Sea Jay has a 2D survey. This vessel is used to respond to local complaints and patrol local areas of the TSPZ and outside but near area.

Queensland Police

Throughout the reporting period, QBFP has conducted joint patrols with Queensland Police Officers on board QB&FP's patrol vessels, the Charter vessel and Police vessels.

Cross decking has presented QBFP with the opportunity to continue to service client groups throughout the TSPZ while being cost effective and maintaining staffing levels.

Community Visits

In addition to carrying out inspections within the various fisheries, QBFP also has a responsibility to perform extension services such as community visits. These visits are imperative for achieving voluntary compliance.

During 2006–07 the QBFP has achieved visits to the following communities:

- Badu Island
- Boigu Island
- Coconut Island
- Darnley Island
- Dauan Island
- Mabuiag Island
- Kubin Village, Moa Island
- St Pauls Village, Moa Island
- Murray Island
- Saibai Island
- Stephen Island
- Warraber Island
- Yam Island
- Yorke Island

These visits are an important tool to gain intelligence that further enhances the quality of forecasted TSPZ patrols. The visits allow



stakeholders to liaise with Officers and access information on issues pertaining to commercial, traditional and recreational fishing as well as boating safety issues.

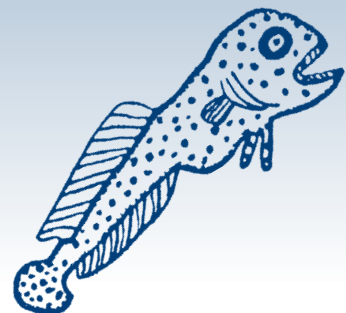
Issues arising from visits to communities include:

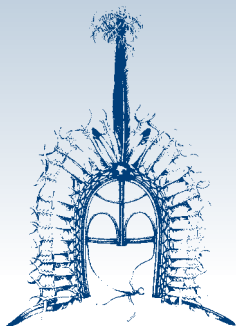
- Stakeholders are concerned with licensing procedures. Currently an applicant who wishes to apply for a commercial fishing licence (TIB) is required to sign the application in person. Current practice is that if the applicant is not on Thursday Island, TIB&FP staff will send the application via facsimile to the applicant. The applicant can then sign and return the application by post with cheque or money order directly to the Licensing Unit or with credit card details by fax directly to Licensing Unit.
- In conducting community visits, Officers have reported some vessels not being licensed as a Traditional Inhabitant Boat. In undertaking inspections Officers have issued Marine Infringement notices to the masters or owners of vessels as the vessels were not commercially fishing at the time of the inspection. Considerable resources are devoted to this issue however prosecutions are problematic when TIB operators of vessels <6m can engage in traditional and commercial fishing simultaneously.
- Officers continue to inform stakeholders of the definition of traditional fishing and legislation pertaining to this type of fishing activity. A lack of understanding is present throughout the TSPZ of licensing requirements when traditional persons wish to exercise their traditional rights in regards to traditional fishing. It is showcased when a traditional person applies for a TIB licence without intending to fish commercially.

This can lead to incorrect data when establishing the impact on the fishery with regard to the number of active licences.

Patrols have focused on the following fisheries:

- Prawn
- Tropical rock lobster
- Bêche-de-mer
- Dugong
- Reef Line
- Trochus





A number of fishery issues have been observed, and prosecutions have been made or are being progressed. Enforcement and raising awareness of these issues continues.

Prawn

- Failure to produce documentation (vessel's fishing and safety manuals including manning certificates and the vessel's fishing authority)
- Failure to carry safety equipment in accordance with registration requirements.

Tropical Rock Lobster

- Continued use of tenders that have been suspended under the 30% reduction
- Failure to hold a Torres Strait Master Fisherman's Licence
- Failure to produce documentation (manning certificates)
- Towing/usage of extra unlicensed boats as tenders
- Failure to comply with conditions of a licence
- Failure to carry safety equipment in accordance with registration requirements
- Lack of knowledge of relevant licensing conditions
- Taking undersized lobster

Bêche-de-mer

- Low activity in fishery
- Take of no take species (sandfish, black teat fish, surf redfish)
- Unlicensed fishing

Reef line

- Low knowledge of current fishery legislation (take/no take species)
- Failure to carry safety equipment in accordance with registration requirements

Dugong

- Lack of knowledge of the fishery sanctuary
- Failure to carry safety equipment in accordance with registration requirements



Trochus

- Lack of knowledge of legislation pertaining to the fishery with particular note to size limit.

Legislative Requirements

With recent fishery management decisions made by the PZJA in 2005 concerning the TRL and Reef Line fisheries, the QBFP may be required to adjust operations.

Discussions are still underway in regards to the quota systems for the TRL and Reef Line fisheries, both of which will have significant compliance implications. A dedicated patrol vessel will be required to make enforcement of proposed exclusion zones around home Islands and proposed quota arrangements possible.

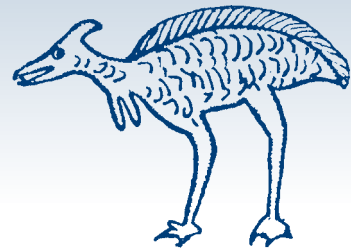
Outlined within are some of the foreseeable challenges that may impact on the QBFP with regards to compliance in the two fisheries.

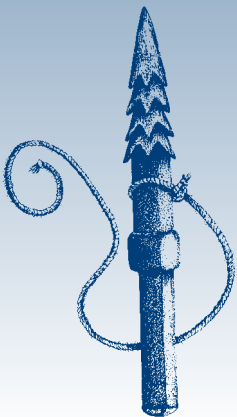
Quota

Following the introduction of quotas in the Tropical Rock Lobster and Finfish fisheries (for which Management Plans are currently being developed), the QB&FP will need to adjust compliance activities to undertake more land-based inspections. These inspections will be within the TSPZ as well as at ports external to the TSPZ such as Cairns. Although this type of fishery management has been successful on mainland Australia, the geographical layout of the Torres Straits will make compliance more labour intensive and require more travel.

To date the QBFP has not been advised of Fishery Management expectations with regards to the inspection process. These compliance activities will be additional to current resources. There may be a need to review the following:

- Number of inspections both on board TVH vessels and of commercial freezers within the TSPZ
- Further inspections on product that is shipped out of the TSPZ on board commercial freight vessels
- Staffing levels to meet an agreed level of inspections
- Budget allocation to undertake additional activities





Discussions regarding management arrangements in the Reef Line fishery have led to a proposal by Traditional Inhabitant fishers to include a 10 nautical mile exclusion zone to non-community commercial fishing around nominated Islands within the TSPZ. As a result it is anticipated that the QBFP will receive a greater number of complaints concerning incursions of these zones if implemented.

Further, whilst the spirit of the exclusion is to cease commercial fishing within these areas, the following issues remain with the anticipated implementation:

- A primary vessel may anchor within this exclusion zone
- The primary vessel's tenders may fish outside the zone.

Foreign

From 1 June 2006 the QBFP has had no responsibility for the foreign compliance program, as this function was taken on by AFMA. During the reporting period, officers over this period have not been diverted from TSPZ issues and for the first time in many years Foreign Fishing Vessels (FFVs) have not impacted on the QBFP's performance.

Other comments

The availability of an on-the-spot fine system would greatly streamline the QBFP's capacity to deal with less significant offences.

Overall achieved TSPZ patrol days:

- Private charter 72
- Navy 5

OVERALL PROGRAM OUTCOMES

District Response

Whilst the TIB&FP conducts regular forecast patrols of the TSPZ, there is also an intention to respond to as many complaints as possible. However, due to reliance of external agencies and private charter vessels it is challenging to obtain a platform at short notice to mount a response. Therefore alternative response mechanisms such as the use of aircraft have been utilised in some situations with positive results.



The QB&FP's patrol vessel *Pelagic* is also utilised to respond to complaints. However, use is restricted due to the vessel's permitted area of operation. The vessel has successfully responded to complaints within its area of operation.

A total of 72 days of the programmed at sea days were achieved on TSPZ duties during the period.

A further 57 days have been achieved utilising PV *Pelagic* to conduct patrols.

For the duration of 2006–07 the QBFP conducted the following inspections:

Commercial vessels inspected:	120
Persons inspected:	317

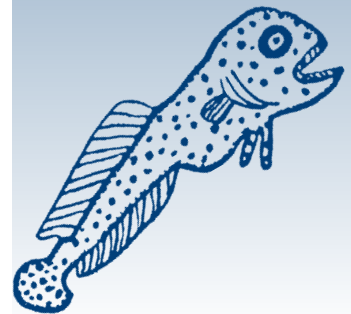
District Operational Constraints

With regards to the program's achievements, the following should be considered:

- Current staffing arrangements are mentioned in the 'Background' section of this report. They are however, misleading in regard to the capacity of the QBFP to deliver specific outcomes in 2006–07. Due to administrative and HR responsibilities the District Officer is often not available for some field duties although every effort is made to assist where practicable.

Therefore, TSPZ field duties relied heavily on the three authorised Officers during 2006–07.

- Charter vessels have proven to be advantageous to the program, however throughout the reporting period these vessels have been chartered *ad hoc*, as formal arrangements were not yet in place with charter operators. This sometimes meant that vessels were not available. Therefore, some TSPZ patrols were not conducted when forecasted.
- The QBFP is responsible for the assessment and issuing of Recreation Marine Drivers Licences on behalf of Marine Safety Queensland. Throughout the reporting period, the TIB&FP issued 57 Marine licences. The process, including conducting the assessment and associated administrative tasks, can be time consuming and further impacts on availability of staff.





- The introduction of a Fishing Infringement Notice System within the PZJA would greatly streamline processes involved with prosecuting less significant breaches of the legislation.

District Compliance Priorities

Key priorities in the TSPZ have been determined in a Risk Assessment process.

Table 6 — Key priorities in the TSPZ.

Fishery	Risk	Targeted Days	Achieved Days	Strategy	Explanation
Tropical Rock Lobster	Unlicensed tenders Size restriction Closures	77	58	At sea In port Aircraft	7 day spring tide closure/latent effort
Prawn	VMS BRD/TED Gear restriction Shark finning Bycatch (TRL)	26	14.5	At sea In port Aircraft	Platform availability was a problem
Reef line	Unlicensed Excess tenders	10	5.5	At sea In port Aircraft	Platform availability was a problem
Spanish Mackerel	Unlicensed Vessel size	5	3	At sea In port Aircraft	Platform availability was a problem
Pearl Shell	Unlicensed	2	Nil	At sea In port Aircraft	Continued surveillance C/W reports
Barramundi	Unlicensed Gear restriction	Nil	Nil	At sea In port Aircraft	Complaint response
Bêche-de-mer	Unlicensed (PNG nationals taking BDM within TSPZ) Take of closed species	4	Nil	At sea In port Aircraft	Complaint response/alleged offenders are foreign requirement of armed boarding party
Crab	Unlicensed	1	1.5	At sea In port Aircraft	Intelligence suggest low commercial activity



Although the above table of compliance priorities for 2006–07 identifies that not all targeted days in each fishery have been met, it must be recognised that the days that were achieved had been achieved within half the reporting period.

The major shortfall was a result of lack of platform availability and staffing arrangements. Options such as Coastwatch aircraft being utilised as a response platform to gain Officers’ access to communities, where Officers may then utilise other government resources such as Australian Customs’ Ready Response Vessel or Immigration vessels, have been explored as an alternative to achieve agreed targets.

These initiatives have met with certain resistance, as the priorities of other agencies have received precedence.

The QDPI&F is committed to protecting the resources of the TSPZ by ensuring that PZJA policies and legislation are adhered to. By combining proactive education and extension services along with targeted enforcement, it is expected that all agreed targets for 2007 will be reached. The addition of a dedicated platform will help to ensure that days are not lost due to a lack of availability of vessels.

The following table depicts offences detected for the period.

Table 7 — Offences detected during 2006–07.

Number of offences	Description of offence
1	2 charges and prosecutions for the operating of a vessel that was carrying fish taken by an unlicensed fishing vessel.
14	Unregistered commercial fishing ship Marine Infringement Notices under the <i>Transport Operations Act 1994</i> were issued for these offences. Due to the nature of the offence and that currently there is no provision under the <i>Torres Strait Fisheries Act 1984</i> to issue an infringement notice.
15	Total offences reported





8 RESEARCH PROGRAMS

The Co-operative Research Centre (CRC) Torres Strait, which conducted research with regard to the Torres Strait fisheries from July 2003 – June 2006, has wound up operations. A majority of the projects were completed and final reports are available in an electronic repository at <http://www.cmar.csiro.au/datacentre/torres/>.

CRC Torres Strait brought together the experience, expertise and local knowledge of many long-established community groups, resource management agencies, research groups and other stakeholders. The core participants in CRC Torres Strait were AFMA, the Australian Institute of Marine Science (AIMS), CSIRO Marine, CRC Reef, GeoScience Australia, James Cook University (JCU), the National Oceans Office (NOO), QDPI&F and the TSRA.

CRC Torres Strait Program aims were to:

- help conserve the marine environment of the Torres Strait as well as the social, cultural and economic well-being of all stakeholders, in particular the Torres Strait people;
- support sustainable development of marine resources with minimal impacts on Torres Strait ecosystems;
- provide information on Torres Strait management arrangements that will help improve management in the future; and
- improve links between research and Torres Strait communities so that research results will have maximum relevance and benefit.

The CRC Torres Strait research programs during the centre's period of operation are shown in Table 8.

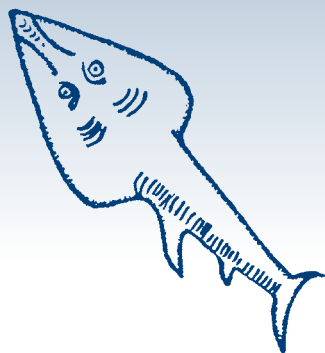




Table 8 — CRC Torres Strait research programs.

Theme 1. Sustaining the harvest of marine resources

<i>Research program</i>	<i>Principal Investigator</i>
T1.1 – Evaluation of the Eastern Torres Strait Reef Line Fishery	Dr Ashley WILLIAMS
T1.2 – Status Assessment of the Eastern Torres Strait Spanish Mackerel Fishery	Dr Gavin BEGG
T1.3 – Sustainability Assessment of the Torres Strait Rock Lobster Fishery	Dr Yimin YE
T1.4 – Sustainability Assessment of the Torres Strait Sea Cucumber Fishery	Mr Tim SKEWES
T1.5 – Towards Ecologically Sustainable Management of the Torres Strait Prawn Fishery	Mr Clive TURNBULL
T1.7 – Indigenous Aquaculture – Extension and Community Development	Mr Chris ROBERTSON
T1.8 – Modelling the Impact of multiple harvest strategies in the Eastern Torres Strait (ETS) Reef Line Fishery	Ms Sara BUSILACCHI
T1.11 – Information to assist Torres Strait Traditional Inhabitants manage their Traditional Fisheries for Green turtles and Dugongs in a sustainable manner	Ms Jillian GRAYSON

Theme 2. Understanding ecosystem processes

T2.1 – Mapping and Characterisation of Key Biotic & Physical Attributes of the Torres Strait Ecosystem	Dr Roland PITCHER
T2.2 – Biophysical Processes in the Torres Strait Marine Ecosystem	Dr Peter HARRIS
T2.3 – Distribution and Abundance of Seagrass in the Torres Strait	Dr Rob COLES





Theme 3. Evaluating Management Strategies and Risk

T3.1 – Cultural indicators for traditionally-important marine resources in Torres Strait	Vacant
T3.2 – Management of Introduced Marine Species Risks in the Torres Strait	Dr Kerry NEIL
T3.3 – Integrated Ecosystem Modelling for Evaluating Multiple-use Management Strategies	Dr Francis PANTUS
T3.4 – Identification and mapping of critical habitats adjacent to shipping lanes and ports in the Torres Strait	Dr Michael RASHEED

Theme 4. Education

T4.1 – Education opportunities for indigenous involvement in marine ecosystem monitoring	Dr Stuart CAMPBELL
T4.1a – Implementation & Support (T4.1 – Education opportunities for indigenous involvement in marine ecosystem monitoring)	Ms Jane MELLORS
T4.2 – Engaging Torres Strait Traditional Inhabitants in Dugong and Turtle Research	Mr Ivan LAWLER

Theme 5. Education

T5.1 – Guidelines for ethical and effective communication for researchers working in the Torres Strait	Dr Annabel JONES
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With the finalisation of CRC Torres Strait, the strategic research direction will be established by the TSSAC. The committee is expected to reconvene in early 2008. Funding for research will come primarily from AFMA, which provides up to \$500,000 per year for Torres Strait fisheries research.



9 FINANCIAL ARRANGEMENTS

COST SHARING

The financial basis for management of PZJA fisheries is the Cost Sharing Agreement that the Commonwealth and Queensland Governments initially entered into on 17 January 1986. This agreement was updated in July 1999 following negotiations between Commonwealth and Queensland government officials.

The new Agreement states that:

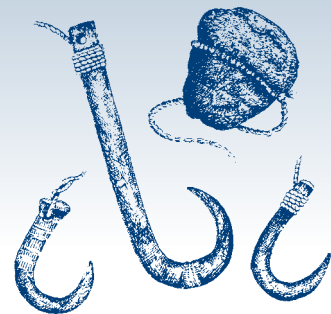
- the Commonwealth Government funds the full cost of a program of initial capital items approved by Ministers;
- the Commonwealth and Queensland Governments share equally the recurrent costs of managing PZJA fisheries; and
- the Commonwealth and Queensland Governments share equally the cost of replacement of initial capital items and any subsequent capital items approved.

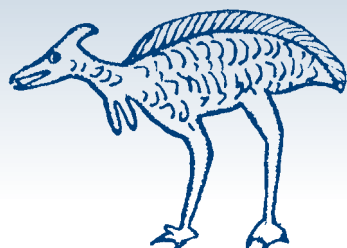
CAPITAL ITEMS

Implementation of the initial capital items program, fully funded by the Commonwealth, began in 1985–86 and was completed in the first half of the financial year 1991–92. The list of capital items purchased as at 30 June 1999 and still held include:

- a joint fisheries/quarantine administrative centre on Thursday Island;
- housing in Cairns to accommodate State officers engaged in the program;
- the regional fisheries manager's and QDPI&F district officer's residences on Thursday Island; and
- the extension to the main wharf at Thursday Island.

The acquisition costs of replacement capital items purchased since then are shared equally between the State and Commonwealth. During 2006–07 there were no additional capital costs incurred.





RECURRENT COSTS

Recurrent expenditure includes the salaries and related expenses of Commonwealth and Queensland government officers performing duties for the management and enforcement/surveillance program for the PZJA fisheries, together with the costs of operating and maintaining capital items. The recurrent cost figure comprises the funds spent by the Commonwealth and Queensland Governments in accordance with the Cost Sharing Agreement. The Commonwealth and Queensland share the costs related to management of the Torres Strait fisheries but not those related to research and monitoring.

Recurrent costs are expressed net of license fees and other levies recovered. The Commonwealth cost has been reduced by \$250,000 due to the provision of a subsidy for Torres Strait Prawn levies for the 2006–07 and 2007–08 financial years.

These costs are reconciled quarterly and annually to ensure recurrent costs are equally shared. Recurrent costs are shown in the Table 9 below.

Table 9 — Recurrent costs incurred in managing Torres Strait fisheries during the 2006–07 financial year.

Government	Costs
Commonwealth	\$1,187,867
Queensland	\$1,561,883
Total Recurrent Costs	\$2,749,750

RESEARCH COSTS

Research costs are not subject to the Cost Sharing Agreement. The Commonwealth and Queensland Governments separately fund fisheries research in the TSPZ in accordance with the overall State and Commonwealth research programs approved by Ministers. The research costs are shown in the Table 10.

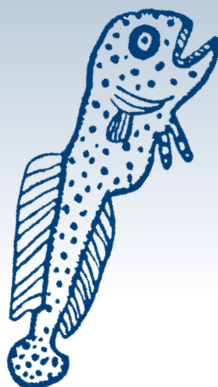


Table 10 — Research costs incurred during 2006–07.

Government	Costs
Commonwealth	
Dugong management and conservation	\$44,480
Relative abundance survey assessment of Tropical Rock Lobster	\$328,947
Queensland	
Prawn Fishery Stock Assessment and Monitoring Programs	\$194,196
Seagrass distribution and abundance monitoring	
Research for the management of introduced marine species	
Identification of critical habitats adjacent to shipping lanes	
Education opportunities for indigenous involvement in marine ecosystem monitoring	
Total Torres Strait Research	\$567,623

The total expenditure as part of the cost sharing agreement in the 2006–07 financial year was \$3,317,373 (capital, recurrent and research costs).





10 NATIONAL COMPETITION POLICY LEGISLATIVE REVIEW OF THE TORRES STRAIT FISHERIES ACT 1984

In April 1995, the Council of Australian Governments signed three agreements establishing a National Competition Policy (NCP) for Australia. These agreements require the review and, where appropriate, reform of all laws that restrict competition by the year 2000.

Under the Commonwealth Fisheries legislation review program, the Commonwealth Government was required to commence the review of the *Torres Strait Fisheries Act 1984* (TSFA). The review of the TSFA was released in July 1999.

The Committee identified a number of restrictions on competition within the TSFA. A Public Benefit Test (PBT) was undertaken to assess the net community benefit of the identified restrictions. The Committee's conclusions were based on the outcome of the PBT and on consideration of submissions received and discussions held with stakeholders.

The Committee found there was a significant net public benefit arising from applying some form of fisheries management arrangements within the Torres Strait fisheries. The Committee also concluded that there was a net public benefit in maintaining the distinction between community and commercial fishing operations, in maintaining the requirement for commercial fishers to obtain licences, and for there to be a range of Ministerial powers to prohibit certain fishing activities.

However, the Committee also considered that there were alternative forms of fisheries management that need to be considered in the future management of Torres Strait fisheries. This includes an assessment of the net benefit of individual transferable quotas and incentive based schemes when compared to current input based management controls.

Finally, the Committee recommended that the report and all findings of the review be put to the established consultative process for consideration and implementation, or other appropriate action by the PZJA.

The PZJA noted the findings and recommendations from the National Competition Policy Legislative Review and referred the outcomes for consideration by the Torres Strait fisheries consultative and advisory committees.

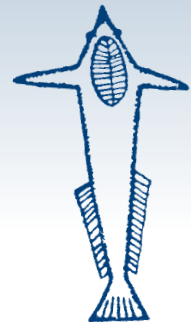


ANNEX A: PZJA OUTCOMES 2006–07

PZJA 20: 25–26 October 2006

COMMUNITY FISHER ENGAGEMENT

- 1.1 In relation to community fisher engagement in the Tropical Rock Lobster (TRL) fishery, the PZJA:
- (a) **NOTED** that the Community Fisher Group (CFG):
 - (i) believe that new data being provided from the TRL Resource Assessment Group indicates that they would only be allocated 190–200 tonnes of (live) quota in the 2006 season if a Total Allowable Catch (TAC) were established;
 - (ii) believe that this would not achieve the intention of the PZJA 18 resource allocation decisions in the TRL fishery to “transition towards greater traditional inhabitant allocation” because 190–200 tonnes is about what they have historically caught and it would not provide sufficient additional capacity for them to buy more quota;
 - (iii) will re-engage in the PZJA consultative process, but noting that they believed the 50:50 resource allocation issue needed to be resolved in light of the new data/information before any further issues were dealt with.
 - (b) **NOTED** concerns that the parties have expressed on the tender:
 - (i) by the Transferable Vessel Holder (TVH) sector in the TRL fishery that it would like an idea of new management arrangements, a provisional TAC and a final allocation formula before the tender is conducted;
 - (ii) by community fishers that they would like whole packages targeted in the tender.
 - (c) **NOTED** the goodwill shown by Queensland and Commonwealth Governments in agreeing to accelerate the tender process, and in response to this goodwill the PZJA urges the CFG to re-engage in the development of a management plan, noting that





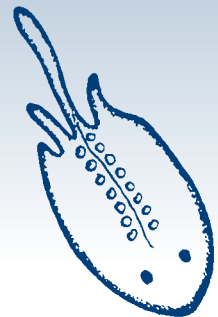
the management plan will not be finalised until after the tender process is completed;

- (d) **REAFFIRMED** that a management plan will be developed as part of the funding agreement for the tender;
- (e) **ACCEPTED** and **ACKNOWLEDGED** the CFG and Islander aspirations to increase their access to the TRL resource and move to a greater proportional allocation in the TRL fishery to provide for long term economic development for Torres Strait Islanders, noting that:
 - (i) fisheries management models adopted in indigenous fisheries in other countries such as New Zealand may provide some guidance in this area;
 - (ii) the reports being prepared by Australian Bureau of Agriculture and Resource Economics (ABARE) and the CFG consultancy will provide advice on impediments to economic development in the Traditional Inhabitant Boat (TIB) sector, and possible mechanisms to achieve their economic aspirations in the fishery;
- (f) **AGREED:**
 - (i) to defer the implementation of PZJA resource allocation decision for TRL and further discussion on the issue at this time;
 - (ii) as a first step to conduct the tender process to reduce TVH capacity in the TRL fishery to the limit of funds available;
 - (iii) at the same time continue the development of and finalise a management plan for the TRL fishery;
 - (iv) at the completion of the tender process, re-evaluate and discuss with the TVH and TIB sectors the outcome of the tender process; and
 - (v) engage with stakeholders with the objective of identifying desired allocation between sectors (and a pathway to achieving that goal and other aspirations) for the long term economic



development of the Torres Strait (in the context of the *Torres Strait Fisheries Act 1984*).

- 1.2 In respect of the Finfish Fishery, the PZJA:
- (a) **NOTED** that the Community Fishers involved in the Finfish Working Group have clarified that they:
 - (i) are concerned that the PZJA 18 decision on the 10 nautical mile (nm) area exclusion zones will be reconsidered after the implementation of the Finfish tender;
 - (ii) believe that a 50:50 resource allocation in the Finfish fishery with a 10 nm area closure is an acceptable first step for them but that their ultimate aim is for 100% of the Torres Strait Finfish fishery;
 - (iii) remind the PZJA of the opportunity to buy-out the non-Indigenous sector to move to 100% of the fishery for the indigenous sector;
 - (iv) will continue their involvement in PZJA consultative processes;
 - (b) **NOTED** the concerns expressed by the TVH sector:
 - (i) in relation to the proposed 10 nm area closures and reaffirms its commitment to reconsider the issue after the results of the tender process are known and requested AFMA and QDPI&F, in consultation with TSRA, the TIB and TVH sectors, to develop alternative fisheries management options to consider at PZJA 21;
 - (ii) in relation to where the allocation for the PNG share of the Reefline fishery would come from should PNG express a desire to catch share in this fishery under the Treaty and that the Australian Government will respond to this concern following further consultation;
 - (c) **NOTED** the goodwill shown by Queensland and Commonwealth Governments in agreeing to accelerate the tender process and in response to this goodwill the PZJA urges the TVH sector to re-engage in the development of a management plan, noting that the management plan will not be finalised until after the tender process is completed;





- (d) **REAFFIRMED** that a management plan will be developed as part of the funding agreement for the tender;
- (e) **ACCEPTED** and **ACKNOWLEDGED** the CFG and Islander aspirations to increase their access to the Finfish resource and move to a greater proportional allocation in the Finfish fishery to provide for long term economic development for Torres Strait Islanders, noting that:
 - (i) fisheries management models adopted in indigenous fisheries in other countries such as New Zealand may provide some guidance in this area;
 - (ii) the reports being prepared by ABARE and the CFG consultancy will provide advice on impediments to economic development in the TIB sector, and possible mechanisms to achieve their economic aspirations in the fishery;
- (f) **AGREED** to:
 - (i) defer the implementation of PZJA resource allocation decision for Finfish fishery and further discussion on the issue at this time;
 - (ii) as a first step to conduct the tender process to reduce TVH capacity in the Finfish fishery to the limit of funds available;
 - (iii) at the same time continue the development of and finalise a management plan for the Finfish fishery;
 - (iv) that the Finfish tender and management plan process will proceed at the same time as in the TRL fishery;
 - (v) at the completion of the tender process, re-evaluate and discuss with the TVH and TIB sectors the outcome of the tender process;
 - (vi) engage with stakeholders with the objective of identifying desired allocation between sectors (and a pathway to achieving that goal and other aspirations) for the long term economic development of the Torres Strait (in the context of the *Torres Strait Fisheries Act 1984*).



TRL FISHERY – Update on Management Plan

2.1 The PZJA **NOTED**:

- (a) the update on the progress of developing a draft management plan and quota management system (QMS) for the Tropical Rock Lobster (TRL) fishery;
- (b) islander concerns raised in 1.1, that the Torres Strait Fisheries Management Advisory Committee (TSFMAC) considers that until the concerns raised in 1.1 are resolved it will be impossible to successfully introduce new management arrangements and the PZJA response set out in 1.1;
- (c) that following the planned tender process, 25% of the catch in the Australian jurisdiction will be held in trust to meet catch sharing obligations with PNG;
- (d) following annual catch sharing negotiations with PNG if there is additional catch held in trust that is not required to meet catch sharing obligations with PNG:
 - (i) the TSFMAC recommendation that the TIB sector be given first preference to accessing this catch in the Australian jurisdiction;
 - (ii) that this is a matter for determination by the Australian Government, rather than the PZJA, following consultation with Papua New Guinea;
- (e) TSFMAC industry representatives' views that any reallocation of resources from the TVH sector should be linked to a voluntary adjustment process, with appropriate financial compensation;
- (f) that the resource sustainability of TRL may potentially be jeopardised by a delay in the introduction of a quota-based management plan, however this must be kept in context that the fishery has a long history under input management; and
- (g) that greater community-based consultation is required to introduce a quota management system for TRL.





TRL FISHERY – Outcomes from the TRL RAG

2.2.1 The PZJA **NOTED** that the TRL Resource Assessment Group (RAG) convened for a second time on 9–10th August 2006 and:

- (a) reviewed the 2006 stock assessment for the TRL fishery, which indicates that, with the exception of 2 years, the fishery is fully but not over-fished;
- (b) agreed on a new management objective for the fishery (below);
- (c) agreed that two fishery independent surveys (pre- and mid-season) should be conducted for at least the next two years while the possibility of reducing the program to a single survey is evaluated;
- (d) proposed a system to provide TAC advice for each season in three steps, commencing using mid season survey data to forecast a TAC 2.5 years in advance, preliminary TAC advice several months in advance, and final TAC advice approximately 3–4 months after a season commences; and
- (e) discussed, in very preliminary terms, a harvest strategy for the fishery (in light of proposals to develop a Commonwealth Harvest Strategy Policy).

2.2.2 The PZJA **NOTED** that the second meeting of the RAG was considered by all participants to have been extremely productive.

2.2.3 The PZJA **AGREED** to the management objective 1 for the TRL fishery as follows:

Objective 1: To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield.

2.2.4 The PZJA **NOTED** that, in addition to the review function performed by the RAG's independent scientist, a further independent review of the stock assessment is being sought from a suitably qualified scientist.

2.2.5 The PZJA **NOTED** the expected outputs from the RAG over the next 12 months are as follows:

- (a) preliminary TAC advice for 2007 sometime from October 2006 onwards depending on the availability of the catch data from 2006; and



- (b) final TAC advice for the 2007 season flowing from the next meeting of the RAG that is expected to be in late March 2007.

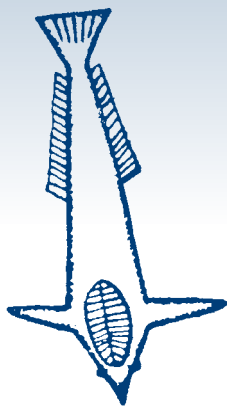
2.2.6 The PZJA **AGREED**:

- (a) the cost/benefit of expanded pre-season surveys is investigated and compared with the cost/benefit of conducting the pre-season benchmark surveys (if this is determined to otherwise be necessary);
- (b) the empirical model should be used periodically to check the population-based and stock recruitment relationship-based models in setting the TAC;
- (c) there is a RAG meeting in October and March the following year to assess the data/information from the mid-season and pre-season surveys and accompanying assessments subject to available funds under cost sharing arrangements;
- (d) a targeted CSIRO study be undertaken to provide accurate conversion ratio information for both live lobsters and tail only and at varying times from the point of taking the lobsters out of the water onwards;
- (e) pre-season and mid-season surveys should be extended to include a survey of the area from the southern boundary of the Torres Strait Fishery to the northern boundary of the green zone in the East Coast fishery; and
- (f) ABARE be requested to prepare a report on the economic performance of the Torres Strait TRL fishery and agency officers would decide the best way to do this.



2.2.7 The PZJA **NOTED** the TAC set for the TRL and the proposed quota-based management arrangements aim to ensure that the sustainability objective of the Management Plan is met.

2.2.8 The PZJA **REQUESTED** that future recommendations from the RAG be provided in the form of costed options.



TRL FISHERY – Options for 2007 Management Arrangements

2.3.1 The PZJA **NOTED**:

- (a) that in the absence of a TRL management plan in 2007, which would give effect to a new output management system, interim arrangements need to be put into place to manage effort in the fishery in 2007;
- (b) past interim management arrangements have not been entirely successful in controlling fishing effort but have played an important role; and
- (c) whilst past interim arrangements have restricted effort in all sectors, there have been some problems of equity within the non-community sector that have yet to be fully resolved.

2.3.2 The PZJA **AGREED** to extend 2006 arrangements to 2007 to:

- (a) reduce by 30% the number of tenders each non-community licence holder may use, by applying the same conditions on licences that were applied during 2006;
- (b) reintroduce “moon/tide hookah closures” three days before, on, and three days after, either the full or new moon each month during the months of February to September inclusive by applying appropriate conditions on each TVH and TIB licence.

2.3.3 The PZJA **NOTED** that:

- (a) the TSFMAC has requested the TRL working group to consider further effort reduction arrangements pending TAC advice from the RAG in April 2007; and
- (b) the TSFMAC believes there are benefits in accelerating the tender process.

2.3.4 The PZJA **NOTED**:

- (a) the PZJA Standing Committee supports the provision of final advice from the TRL RAG on a TAC for the 2007 calendar year by April 2007; and



- (b) the PZJA Standing Committee believes there should be a mid-year review of the interim 2007 management arrangements if there is a significant likelihood of the recommended TAC being exceeded by 20% or more.

FINFISH FISHERY – Update on Draft Management Plan and 2007 Management Arrangements

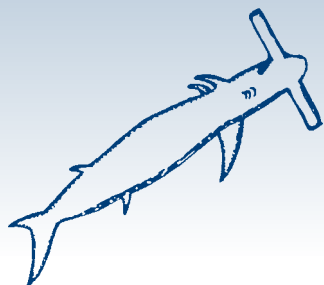
3.1 The PZJA **NOTED**:

- (a) PNG officials expressed a desire to resume catch sharing arrangements in the Spanish mackerel fishery at the recent Papua New Guinea (PNG) bilateral fisheries talks;
- (b) increased participation in the Spanish mackerel fishery by either Australia or PNG is likely to have adverse affects on the sustainability of the Spanish mackerel stock;
- (c) the commercial sector’s concerns regarding potential (Torres Strait Treaty) Article 23 implications for the reef-line fishery and its impact on the allocation of resources between sectors and the tender process.

3.2 The PZJA **AGREED**:

- (a) to continue the current management arrangements in the Reef Line and Spanish mackerel fisheries in 2007 until the drafting of the management plan has been completed;
- (b) to closely monitor activity in the Spanish mackerel fishery and any significant increases in catch or effort will trigger a mid season review of management arrangements;
- (c) ‘Significant’ in the context of (ii) means changes both up and down in catch or effort of up to 20% in one year or 30% in two years, noting that these trigger points may be affected by the implementation of Management Plans.





ALLOCATION ISSUES – Allocation Advisory Panel TRL Report

4.1.1 The PZJA **NOTED** the following TSFMAC comments on the draft Allocation Advisory Panel (AAP) TRL report:

- (a) the TSFMAC considered the consultation process undertaken by the AAP to be sufficient;
- (b) individual TRL Fishery licence holders were responsible for expressing their individual preferences and concerns directly to the AAP through the established consultative processes;
- (c) the TSFMAC has recommended that DAFF advise the AAP about the extended timelines for the implementation of resource allocation and the proposed data verification process by AFMA and seek the AAP's view if this would alter the final allocation recommendations of the panel;
- (d) the TSFMAC supports the PZJA reconvening the AAP at a later date to reconsider the recommendations provided in its final report when the verified data has been provided by AFMA; and
- (e) the TSFMAC supports the exceptional circumstance proposals outlined in the draft AAP TRL report.

4.1.2 The PZJA **NOTED**:

- (a) the AAP submitted a final report to the PZJA on 11 October 2006 for the Torres Strait TRL Fishery;
- (b) the AAP has considered TSFMAC recommendation 4.1.1;
- (c) based on available data, the AAP believes that there are compelling arguments against the inclusion of “catch history” in the method to allocate fishing concessions in the TVH sector of the fishery;
- (d) the AAP has considered the advice that AFMA is currently undertaking a data verification process that may potentially address the AAP concerns for incorporating “catch history” in an allocation formula and, as such, the AAP has provided an alternative recommendation which is subject to:
 - (i) the results of the data verification process;



- (ii) a re-evaluation of the alternative formula using verified catch data; and
- (e) the AAP is not aware of any circumstances that require any rules for transfer, amalgamation or separation of fishing concessions in order to maintain the intent of the allocation process.

4.1.3 The PZJA **NOTED** the following concerns raised by stakeholders at the stakeholder forum:

- (a) that there should not be a separate primary licence value as market value is dependent on the number of tenders only;
- (b) that they would prefer a tender based formula as set out in the draft report for 30% to all licence holders plus one tender and 70% to the remaining tenders or an equal split across all 65 tenders than the recommended tender based formula; and
- (c) that they would prefer a catch history based formula which provided 50% to licence holders and 50% on catch history.

4.1.4 The PZJA **NOTED** that there was sufficient time for further consultation with stakeholders and **REQUESTED** the AAP to conduct such further consultation with the aim of providing a final report in March 2007 taking account of:

- (a) stakeholder comments;
- (b) provision of general criteria for exceptional circumstances and evidence standards to support claims against general criteria; and
- (c) any data provided by AFMA under 4.3.



ALLOCATION ISSUES – AAP Finfish Report

4.2.1 The PZJA **NOTED** the following TSFMAC comments on the draft Allocation Advisory Panel Finfish report:

- (a) the TSFMAC considered the consultation process undertaken by the AAP to be sufficient;
- (b) individual Finfish Fishery licence holders were responsible for expressing their individual preferences and concerns directly to the AAP through the established consultative processes;



- (c) the TSFMAC expressed a preference for the allocation principles contained in Recommendation 1 subject to agencies being able to provide adequate data that was verified against individual licence holder's personal records;
- (d) the TSFMAC supports the PZJA reconvening the AAP at a later date to reconsider the recommendations provided in its final report when the verified data has been provided by AFMA;
- (e) the TSFMAC has referred back to the FFWG the task of developing and validating the effort to catch conversion factor in the reef-line and Spanish mackerel fisheries;
- (f) the TSFMAC requested that in its final report, the AAP should consider reviewing whether the use of pre 1999 data in the reef line allocation process was appropriate, noting that Queensland and Finfish Industry representatives raised legal and jurisdictional concerns about the use of this data in the proposed allocation methodologies; and
- (g) the TSFMAC requested that in its final report, the AAP should consider the merits of allowing "recent entrants" (according to established Queensland fisheries practice) to the finfish fisheries to use post 2002 catch data under the grounds for exceptional circumstances.

4.2.2 The PZJA **NOTED** that:

- (a) the AAP submitted a final report to the PZJA on 11 October 2006 for the Torres Strait Finfish Fishery;
- (b) the AAP considered TSFMAC recommendation 4.2.1;
- (c) based on available data, the AAP believes that there are currently compelling arguments against the inclusion of "catch history" for all licence holders in the method to allocate fishing concessions in the TVH sector of the fishery and accordingly, the recommendations of the AAP contain a "best of" formula that can be applied to account for licence holders who may not be able to verify their catch history;



- (d) the AAP has considered the advice that AFMA is currently undertaking a data verification process that may potentially address the AAP concerns for incorporating “catch history” for all licences in an allocation formula and, as such, the AAP has provided alternative recommendations for allocation formulae which are subject to:
 - (i) the results of the data verification process and;
 - (ii) a re-evaluation of the alternative formula using the verified catch data;
- (e) the AAP is not aware of any circumstances that require any rules for transfer, amalgamation or separation of fishing concessions in order to maintain the intent of the allocation process.

4.2.3 The PZJA **NOTED** the following concerns raised by stakeholders at the stakeholder forum:

- (a) that the provision of 1% per platform to licences with no catch history will reduce allocation of licence holders with catch history to one quarter of previous catch levels and this is not consistent with maintaining relative economic position;
- (b) that exceptional circumstances should be set out in general criteria with clear standards used to assess claims; and
- (c) that data taken into account should be verifiable by independent means.

4.2.4 The PZJA **NOTED** that there was sufficient time for further consultation with stakeholders and **REQUESTED** the AAP to conduct such further consultation with the aim of providing a final report in March 2007 taking account of:

- (a) stakeholder comments;
- (b) provision of general criteria for exceptional circumstances and evidence standards to support claims against general criteria; and
- (c) any data provided by AFMA under 4.3.





ALLOCATION ISSUES – Data for Allocation Purposes

4.3.1 The PZJA **NOTED** that:

- (a) TSFMAC considers that reliable catch data are important to the allocation of resources between PNG, islander and non-islander sectors and the tender process, that the correction and verification of these data should be given the highest priority to inform recommendations/decisions on appropriate allocation mechanisms by the PZJA;
- (b) this data is important for the purpose of establishing a “starting point” on current catch between sectors in relevant fisheries in order to conduct the voluntary licence surrender process;
- (c) data from logbooks and docket books and other relevant sources have been entered into the AFMA databases;
- (d) there have been ongoing and unexpected delays in data processing/correction;
- (e) the AFMA Data Section in Canberra is currently undertaking a number of processes to correct data that were submitted either incorrectly or incompletely so that they can be used for the purposes of establishing catch ratios of the community and non-community sector;
- (f) AFMA Systems Section has installed software in the Thursday Island office which will make it possible for the final corrections to be made to the data; and
- (g) it will not be until the correction work has finally commenced that it will be possible to forecast the time that will be needed to complete the work.

4.3.2 The PZJA **NOTED** that once the data have been corrected they will be sent to individual fishers to verify that the records held by AFMA accurately reflect the catches that they have taken in the relevant fishery and that:

- (a) the success of this part of the project will hinge on individuals cross validating the figures provided by AFMA with their own records; and





- (b) submitting figures to AFMA to assist in any corrections that may need to be made quickly.

4.3.3 The PZJA **AGREED** that AFMA and Queensland will work towards addressing catch history concerns for the AAP for allocation purposes by March 2007 and that the Standing Committee will oversee this process.

ALLOCATION ISSUES – Community Fishing Allocation Options

4.4.1 The PZJA **NOTED** that the Indigenous fishing sector would like to work under a competitive TAC in the TRL fishery for the first two years of a quota system while they assess other options for internal quota allocation. The same arrangements were agreed to for the Finfish fishery under PZJA decision 19.4.2(b)(i).

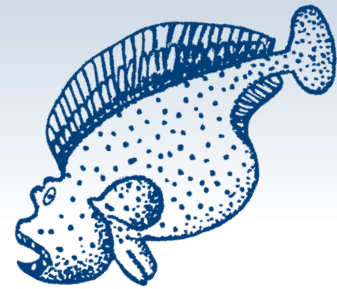
4.4.2 The PZJA **NOTED**:

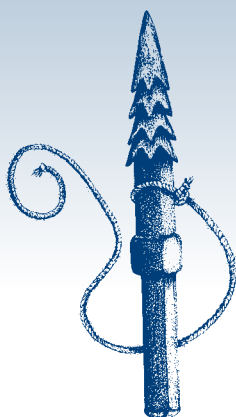
- (a) the TSRA-funded consultancy requested by the Community Fisher Group, with the report to be completed by, and provided to, PZJA 21 (July 2007);
- (b) ABARE has proposed to undertake a report on impediments to economic development in the Islander sector;
- (c) DAFF is in discussions with the TSRA and Indigenous Business Australia to explore options for progressing Islander aspirations of a 70:30 share of the TRL fishery; and
- (d) DAFF and TSRA are collaborating on these projects to ensure the implementation of PZJA 19.2D.2 requirements.

4.4.3 The TSFMAC recommends DAFF and the TSRA should collaborate in moving these processes forward.

4.4.4 The PZJA:

- (a) **AGREED** that the Torres Strait Indigenous commercial fishers work under a competitive TAC/ TAE for the first two years of a quota management system in both the TRL and Finfish fisheries; and
- (b) **REQUESTED** that PZJA agencies continue to collaborate, sharing information generated with the TSRA and CFG to allow the Indigenous fishing





sector to choose the most appropriate quota sharing arrangement for implementation after the 2 year period of a competitive quota system.

ALLOCATION ISSUES – Appeals

4.5 The PZJA **NOTED**:

- (a) that appeals of allocation decisions made under Management Plans could be made to the Administrative Appeals Tribunal (AAT) and that determinations of the AAT could be appealed in the Federal Court of Australia;
- (b) the Australian Government is conducting a review of appeals mechanisms available under the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984*; and
- (c) any changes to the current appeals process would be consulted with stakeholders and, in the context of the Torres Strait fisheries, implemented, in conjunction with proposed legislative amendments to the *Torres Strait Fisheries Act 1984*.

PRAWN FISHERY – 2007 Management Arrangements

5.1.1 The PZJA **NOTED**:

- (a) the preliminary analysis of the trends in catch and effort for the 2006 season that indicate an above average stock biomass for tiger and to a lesser extent endeavour prawn during the 2006 season; and
- (b) the TSPEHA believes the healthy state of the stock is not a result of the cuts in effort to the fishery but a result of previous management arrangements.

5.1.2 The PZJA **AGREED** that management arrangements for the Torres Strait Prawn Fishery (TSPF) for 2006 be rolled over for the 2007 season, while the Management Plan for the fishery is being developed. Specific roll-over provisions, which will be resolved in the long term through the development of the management plan and the introduction of an effort-based unit system, include:

- (a) a total allowable effort cap of 9,200 days for the fishery;



- (b) allowing the trade in any quantity of whole days;
- (c) a minimum holding of 34 days during 2007; and
- (d) the boat replacement policy being suspended during 2007 in order to further assist the industry to restructure itself.

5.1.3 The PZJA **NOTED**:

- (a) the Torres Strait Prawn Management Advisory Committee (TSPMAC) recommendation to adopt a Fisheries Management Notice (FMN) to modify the specifications for Turtle Exclusion Devices (TEDs) in the fishery to comply with the United States requirements for import approval; and
- (b) the TSPEHA disagreement with the flotation requirements of the FMN.

5.1.4 The PZJA **AGREED** to:

- (a) roll-over the 2006 management arrangements for the TSPF for the 2007 season;
- (b) adopt a FMN as presented to the meeting but amended to remove flotation requirements; and
- (c) refer the issue of flotation specifications and maintenance of the United States export certification back to the TSPMAC for advice before the commencement of the 2007 season.

5.1.5 The PZJA **NOTED**:

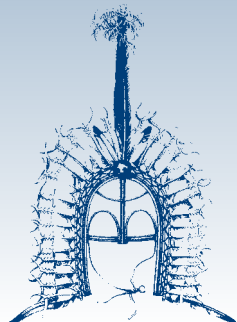
- (a) that the TSPF is the only commercial fishery in the Torres Strait that Islanders do not hold licences in and that in its operations it is more characteristic of other Australian Government-managed fisheries;
- (b) that effect will be given to the 2007 management arrangements for the TSPF through conditions on the licences issued by the QDPI&F on behalf of the PZJA;
- (c) that the PZJA Standing Committee strongly supported the proposed minimum holding of 34 fishing days to encourage trading of effort and autonomous adjustment of the fishery; and
- (d) the likelihood that current exemptions from minimum holding of 34 days during 2007 will not apply under management plans (expected to commence in 2008).





PRAWN FISHERY – Management Plan

- 5.2.1 The PZJA **AGREED** that the draft Management Plan be provided to the Office of Legislative Drafting (OLD) subject to further revision in light of TSPEHA comments and a further review by the PZJA agencies in order to produce a draft Management Plan that can be used for wider consultation and provide the basis of a Regulatory Impact Statement.
- 5.2.2 The PZJA **NOTED** Attachment 5A on clarification of units from the June 2006 TSPMAC meeting.
- 5.2.3 The PZJA:
- (a) **NOTED** the TSPEHA request that the days system established by the 1992/93 and 1993/94 PZJA decisions be rolled over into the management plan such that allocated fishing days continue to be the time based effort unit in the Torres Strait prawn fishery; and
 - (b) **REAFFIRMED** its decision on PZJA 19.15.4 (c) that the management plan will adopt a unitised system where fishing access units are a proportion of the sustainable effort meaning that a unit will be 1/9200th of the TAE and this may result in units worth part days; and
 - (c) **NOTED** that accommodation of industry concerns about banks had been made by allowing the conditions on licences to be expressed as the full multiplication of units by their unit value resulting in a number of days.



PRAWN FISHERY – OBSERVER PROGRAM

- 5.3 The PZJA **NOTED**:
- (a) the 2005 trip report for the observer program in the fishery; and
 - (b) that the AFMA observer program will make the 2006 report available before March 2007.



PRAWN FISHERY – Bycatch Reduction Workshop

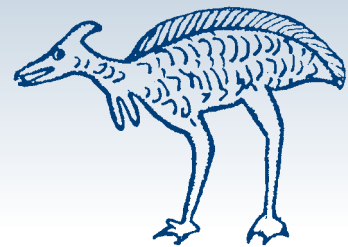
5.4.1 The PZJA **NOTED** that the TSPMAC recommended:

- (a) the Australian Maritime College, CSIRO Marine & Atmospheric Research (Cleveland) and AFMA invite and encourage Torres Strait prawn fishers to attend the industry workshop scheduled for late November 2006 to evaluate the potential of a range of new, innovative options to reduce bycatch in prawn trawl fisheries; and
- (b) that the PZJA request agencies to identify funding opportunities to encourage attendance at the workshop by TSP Industry.

5.4.2 The PZJA further **NOTED**:

- (a) the Bycatch Reduction Workshop is a Northern Fisheries Management Advisory Committee (NORMAC) initiative;
- (b) Torres Strait industry participants have been invited to participate on an opportunistic basis; and
- (c) costs should be met by licence holders.

5.4.3 The PZJA **NOTED** there was an error in Paragraph 1 of the Background section of the Agenda Paper supporting this decision (PZJA 20 Agenda Item 5.4) which overstated bycatch reduction targets.



PRAWN FISHERY – Finances

5.5.1 The PZJA:

- (a) **NOTED** the expenditure against the 2005/06 AFMA budget for the fishery;
- (b) **AGREED** that the levy for the fishery in 2007 continues to be calculated using the current formula for fixed and variable components;
- (c) **NOTED** that options are being considered for the calculation of levies under a unit-based system beyond 2007; and
- (d) **NOTED** the TSPEHA request that greater accountability is provided in the development and implementation of agreed budgets.



TURTLE & DUGONG FISHERY – Outcomes of Consultation on Strategic Assessment Report

6.1 The PZJA **NOTED** that:

- (a) AFMA, with assistance from the TSRA and DEH, has carried out extensive consultation with Torres Strait communities on the Turtle and Dugong Fishery Strategic Assessment Report;
- (b) a number of submissions including some from Torres Strait communities have been received during the public comment period which closed on 8 September 2006;
- (c) AFMA is currently reviewing those comments and, in light of those comments, will be submitting a final Turtle and Dugong Fishery Strategic Assessment Report for consideration by the PZJA for submission to the Minister for the Environment and Heritage;
- (d) the TSFMAC noted the significance of the impacts of this report and that it requires full and thorough consideration and that the TSFMAC will consider the report out of session;
- (e) the TSFMAC has asked the CFG to convene a working group of interested parties to provide for the continued interface between the TSFMAC and the Department of the Environment and Heritage in preparing recommendations to the TSFMAC on the assessment report; and
- (f) the TSFMAC recommended that the PZJA consider the final report out-of-session before providing it to the Australian Government Minister for the Environment and Heritage.

TURTLE AND DUGONG FISHERY – Update on NAILSMA Process

6.2 The PZJA **NOTED**:

- (a) the NAILSMA project is gaining momentum and there is general support in the participating communities for the project; and



- (b) the TSRA has only been successful in securing funding for NAILSMA activities in eight out of the 22 Torres Strait communities.

PZJA CONSULTATIVE STRUCTURE – Process for bringing matters to the PZJA

- 7.1.1 The PZJA **NOTED** the TSFMAC has advised stakeholders that as a first preference, matters to be brought before the PZJA be referred through the appropriate PZJA consultative mechanism, noting that the PZJA consultative mechanisms, including specific working groups, provide a robust and transparent avenue for input into PZJA decisions and communication with PZJA Members.
- 7.1.2 The TSPMAC noted the recommendation and acknowledges the formal consultation process and agrees in principle to the structure and process, but this process should not exclude stakeholders pursuing other processes as necessary.
- 7.1.3 The PZJA **NOTED** the PZJA consultative structure provides a robust and transparent avenue for input into PZJA decisions and communication with PZJA members.
- 7.1.4 The PZJA **AGREED** that as a first preference:
 - (a) matters be brought to the PZJA’s attention via the consultative mechanisms established to support consultation with stakeholders and best practice fisheries management outcomes;
 - (b) materials tabled at PZJA meetings will be referred to the PZJA consultative structure so that members can be advised of the views of the TSFMAC (and relevant working groups) and the TSPMAC; and
 - (c) this process be articulated in (Torres Strait Fisheries Management Advisory Committee and Associated Committees and Working Groups) Fisheries Management Paper No. 1.





PZJA CONSULTATIVE STRUCTURE – Roles and Membership

7.2.1 The PZJA **NOTED**:

- (a) the Torres Strait Scientific Advisory Committee (TSSAC) met in September to consider issues relevant to the CRC Torres Strait Ltd including the annual and final reports for the research projects;
- (b) following the cessation of the CRC, the TSSAC, AFMA and other PZJA agencies need to review the research prioritisation and funding process again;
- (c) this was the last meeting of the TSSAC in its dual role of serving the PZJA and the CRC;
- (d) the TSFMAC has recommend the TSSAC be more active in exploring:
 - (i) greater focus on fisheries management outcomes;
 - (ii) greater input from funding and stakeholder organisations; and
 - (iii) future funding arrangements;
- (e) the TSFMAC intention to:
 - (i) review the TSSAC membership; and
 - (ii) ensure collaboration with the TSPMAC on R&D needs and priorities.

7.2.2 The PZJA **AGREED**:

- (a) to defer consideration of delegating responsibility for the appointment of advisory committee and Working Group members to the PZJA Standing Committee at this time;
- (b) that Resource Assessment Groups, in the absence of other relevant subcommittees, should be recognised as the primary source of advice on TACs or Total Allowable Effort (TAE) for the Torres Strait Fisheries;
- (c) that Resource Assessment Groups (RAGs) should make recommendations on TACs or TAE) directly to the PZJA ensuring the TSFMAC should be provided with a reasonable opportunity to comment on the TAC/TAE advice from the RAG in relation



to social, economic and operational issues before the PZJA makes a final decision but that this process should not delay decision making;

- (d) to a revised Terms of Reference for the TSSAC to reflect its return to being solely a PZJA advisory body; and
- (e) to proposed research recommended by the TSSAC, including a project to conduct a TRL abundance survey in November this year.

7.2.3 The PZJA **NOTED** the outcomes of the TSSAC meeting held 7–8 August 2006.

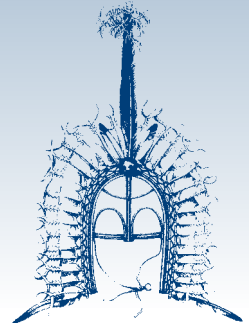
7.2.4 The PZJA **REQUESTED** the TSSAC incorporate into its Terms of Reference, its role on providing advice on a range of issues for the Torres Strait Prawn Fishery, including stock assessment advice.

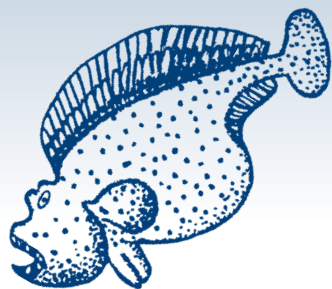
7.2.5 The PZJA **APPROVED** the inclusion of a Department of Agriculture, Fisheries and Forestry (DAFF) officer as a permanent observer on the TSPMAC.

7.2.6 The PZJA **AGREED** to revise Fisheries Management Paper 1 and Fisheries Administration Paper 1 to reflect the decisions covered by 7.2.

PZJA CONSULTATIVE STRUCTURE – Appointments

- 7.3 The PZJA **AGREED** to the appointment of:
- (a) Mr Neil Green to the vacant Finfish Working Group Industry position;
 - (b) Mr Phillip Hughes to the vacant Tropical Rock Lobster Working Group Industry position; and
 - (c) Dr Ashley Williams to the vacant Finfish Working Group Research position.





PZJA CONSULTATIVE STRUCTURE – PZJA Standing Committee Role

- 7.4 Subject to further consultation with stakeholders in the context of the legislative amendments process, the PZJA **AGREED**, in principle, to work towards a more streamlined PZJA administration process including the following elements:
- (a) a PZJA Standing Committee is created as a body in the *Torres Strait Fisheries Act 1984* capable of accepting delegations;
 - (b) a paper will be brought to the PZJA out-of-session which will scope the role and responsibilities of the Standing Committee and the nature of its activities; and.
 - (c) the PZJA Standing Committee is requested to consolidate and provide advice to the PZJA on a range of out-of-session matters that will need to be considered before PZJA 21 but that these decisions will be made by the PZJA.

TORRES STRAIT FISHERIES LEGISLATIVE AMENDMENTS

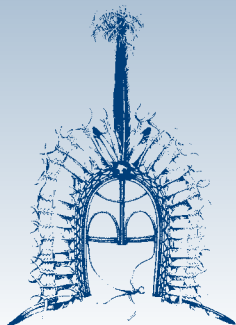
- 8.1 The PZJA **NOTED** that:
- (a) the MACs have considered materials prepared by the Department of Agriculture, Fisheries and Forestry (DAFF) to facilitate consultation on proposed amendments to the *Torres Strait Fisheries Act 1984*;
 - (b) DAFF has commenced consultation with Torres Strait fishers on proposed amendments and has informed the MACs on consultation mechanisms and proposed timetable.
- 8.2 The PZJA **AGREED** that the materials prepared to facilitate consultation on proposed amendments be sent to PZJA stakeholders and others affected by the *Torres Strait Fisheries Act 1984*.
- 8.3 The PZJA **REQUESTED** that the PZJA Standing Committee consider mechanisms for direct engagement with Torres Strait stakeholders on amendments to the *Torres Strait Fisheries Act 1984*.



LONG TERM POLICY – Commonwealth Harvest Strategy

- 9.1.1 The PZJA **NOTED** progress in developing a Commonwealth Harvest Strategy Policy (the Policy) for fisheries managed under the *Fisheries Management Act 1991* (Commonwealth Fisheries) and that:
- (a) a “20/40” harvest strategy is in place in Commonwealth Fisheries until the Policy is finalised;
 - (b) although the Policy does not apply to Torres Strait Fisheries, the TSFMAC will provide advice to the PZJA on the utility and applicability of the Policy to fisheries managed by the PZJA after the guidelines have been released; and
 - (c) in particular, the PZJA is interested in the TSFMAC and the TSPMAC views on where the Commonwealth Harvest Strategy policy should not apply in Torres Strait fisheries.
- 9.1.2 The PZJA further **NOTED**:
- (a) recruitment and, hence, stock levels in the Torres Strait Prawn and Tropical Rock Lobster fisheries is highly variable and influenced by a range of factors not always related to traditional, recreational and commercial harvest;
 - (b) given the variability of these stocks, the direct applicability of the 20:40 principles to these fisheries requires appropriate consideration; and
 - (c) AFMA has a statutory obligation to advocate the adoption of the principles of the Commonwealth Harvest Strategy in internationally managed fisheries.
- 9.1.3 Subject to the finalisation of the Commonwealth Harvest Strategy the PZJA **NOTED** the objectives of the Commonwealth Harvest Strategy may be used as a guide, while exploring options to manage sustainable commercial harvest and pending agreement with jurisdictions and agencies with an interest in the Torres Strait Fisheries.





LONG TERM POLICY – Strategic Approach to Aquaculture

9.2 The PZJA **NOTED** Queensland Department of Primary Industry and Fisheries' intention to investigate aquaculture development in the Torres Strait and to provide a progress report to PZJA 21.

COMPLIANCE – Licence Sticker System

10.1 The PZJA:

- (a) **AGREED** to implement the guidelines for the Torres Strait Fishing Boat Registration Sticker System at Attachment 10A;
- (b) **REQUESTED** amendments are made to the *Torres Strait Fisheries Regulations 1985* to give effect to the boat registration sticker system; and
- (c) **REFERRED** this matter to the PZJA Standing Committee to coordinate implementation, with a preferred implementation date of 31 March 2007.

COMPLIANCE – Domestic Compliance Update

10.2.1 The PZJA **NOTED** the domestic compliance update (Attachment 10B).

10.2.2 The PZJA **NOTED** the TSPMAC recommended to reschedule the completion of a compliance risk assessment for the Torres Strait Prawn Fishery until after the introduction of new management arrangements for the Prawn, Tropical Rock Lobster and Finfish Fisheries under fishery-specific management plans.

10.2.3 The PZJA **AGREED** to undertake the Compliance Risk Assessment for the fisheries prior to the implementation of the relevant Management Plans.

COMPLIANCE – Foreign Compliance Update

10.3.1 The PZJA **NOTED**:

- (a) the progress in respect to the development of a foreign fishing vessel (FFV) disposal facility and the Horn Island transitory facility; and
- (b) the update on FFV apprehensions in the Torres Strait region.



10.3.2 The PZJA **NOTED** cooperation between the Queensland and Australian Governments to manage illegal fishing in the Torres Strait area.

OUTCOMES OF THE PNG BILATERAL MEETING

11.1 The PZJA **NOTED**:

- (a) the outcomes of the bilateral fisheries talks between Australia and Papua New Guinea (PNG) on 23–24 August 2006; and
- (b) the proposed share of the catch for the period 1 December 2006 to 30 November 2007 for the Australian jurisdiction and the proposed PNG entitlement in the Article 22 fisheries.

11.2 The PZJA **NOTED**:

- (a) the outcomes of the bilateral discussions with PNG in relation to the prawn fishery; and
- (b) the outcomes of the catch sharing and preferential entitlement discussions with PNG.

PZJA STANDING COMMITTEE REPORT AND PROJECT PLAN

12.1 The PZJA **NOTED** the Standing Committee report.

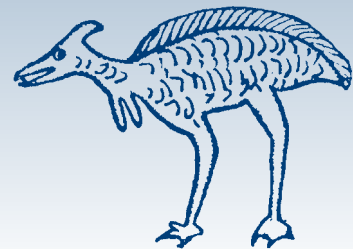
12.2 The PZJA **NOTED** the revised draft work plans and projects associated with the introduction of management plans for the Torres Strait Fisheries and the implementation of past PZJA decisions.

INFRASTRUCTURE AND BUDGET

13.1 The PZJA **NOTED**:

- (a) infrastructure constraints currently faced by Torres Strait Fisheries Management and alternatives; and
- (b) cost implications of implementing new fishery management arrangements.

13.2 The PZJA **AGREED** that Standing Committee will bring proposals to the PZJA under the Cost Sharing Agreement setting out options to cover the administrative logistics for implementation of decisions over one, two and three years.





OTHER BUSINESS

14.1 The PZJA **AGREED**:

- (a) to reconvene on 17–18 July 2007 (subject to Queensland Budget Estimates dates) to consider management arrangements for 2008 and other matters;
- (b) in light of the timeframe between PZJA 20 and 21:
 - (i) necessary decisions could be made out of session by teleconference and correspondence; and
 - (ii) that PZJA Members would hold a community engagement session at a date to be determined around March 2007.

14.2 The PZJA **CONFIRMED** its out of session decision to amend the Allocation Advisory Panel's (AAP's) Terms of Reference agreed under PZJA 19 2.C.1 to include terms of reference in relation to the Finfish fishery at Attachment 14A and an additional term of reference in relation to the Tropical Rock Lobster fishery:

“Where appropriate to maintain the intent of the allocation process, suitable rules for transfers, amalgamation or separation of fishing concessions.”

14.3 The PZJA considered the TSPEHA request to reinstate a combined Stakeholder and Authority Meeting and **AGREED** to continue with the current split process.

14.4 The PZJA **REQUESTED** Standing Committee prepare a paper for PZJA 21 on overall opportunities for increasing Torres Strait Islander employment in the Torres Strait fisheries including:

- (a) employment as master fishermen; and
- (b) employment as observers.



ATTACHMENT 5A

CLARIFICATION ON “UNIT SYSTEM FOR 2007”

Currently the Total Allowable Effort (TAE) of the fishery is 9200 fishing days, of which, Australian operators have allocated fishing days on licences equating to a total of 6867 fishing days. The other 2333 fishing days of the TAE are held in trust for Papua New Guinea (PNG) operators.

In 2007 those fishing days will be converted on a one-for-one basis to “time based effort units”. Under the management plan for the fishery the total number of units issued in the fishery would be fixed at 9200 and the total number of units issued to Australian operators would be fixed at 6867, the other 2333 units will continue to be held in trust for PNG operators. Assuming all licences are renewed for the 2007 fishing season that would result in the allocation of a total of 6867 units to Australian operators in the fishery. Each unit issued to an operator would thus equate to 0.01087% ($1/9200 \times 100$) of the Total Allowable Effort (TAE) in the TSPF. For an operator holding 100 days in 2006, that would equate to an allocation of 100 units in 2007, worth 1.087% of the TAE for the fishery.

By definition, the conversion of the number of units held by an operator under a time based effort unit system to a percentage holding in the fishery would be used to calculate the number of fishing days that can be fished in any given season. Assuming the TAE in 2007 is set at 9200 days, every time based effort unit held by an operator would equate to 1 allocated fishing day under the following equation.

$$(1 \text{ unit} / 9200 \text{ units}) \times \text{TAE} = \text{days held}$$

TAE changes

Any changes to the TAE in the fishery would be made as required by the PZJA, according to scientific information and through consultation with the TSPMAC.





Trading

The time based effort units will be transferable under the new unit system. All operators would be entitled to trade units to other operators, in a similar way to that currently used by operators to trade fishing days. Following the allocation of units in 2007, operators would trade units with a value of 0.01087% of the TAE, such that someone trading 100 units will trade 1.087% of the TAE, (equating to 100 days assuming the TAE is maintained at 9200 days).

Banks and wording on licences

Industry members informed the TSPMAC how important it was to be able to take their licences to bank managers to illustrate and borrow money against a number of “allocated fishing days”, as this is the system has been used historically in the fishery. They requested that licences issued following the move to the unitised management system should indicate the number of allocated fishing days. The TSPMAC recognised this and suggested that statements be issued on licences that nominated “XXX allocated fishing days which equates to X.XX% of the TAE for the fishery“. The calculation of “XXX allocated fishing days” would be made by licensing staff based on the number of units held by the operator at the time the licence was issued.



ATTACHMENT 10A

GUIDELINES FOR THE TORRES STRAIT FISHING BOAT REGISTRATION STICKER SYSTEM

The boat registration stickers will apply to Torres Strait fishing boats except those with a Prawn endorsement. That is all non-prawn endorsed boats the subject of a Torres Strait Fishing Boat Licence (TVH) or Traditional Inhabitant Fishing Boat Licence (TIB). Registration Stickers will also apply to PNG boats endorsed under catch sharing arrangements to fish in the Australian area of the Torres Strait Protected Zone.

Any boat which is the subject of a Carrier Boat Licence or Processor-Carrier Boat Licence (TPC Class B or C) but which do not have a fishing boat licence in place will not be included in the registration sticker regime.

Prawn endorsed vessels will be excluded as there is little risk of unlicensed fishing in this fishery and the boats are monitored with VMS.

The same stickers will be used for TVHs, TIBs and PNG endorsed boats (i.e. no variation in colour or design between the sectors).

Design Features

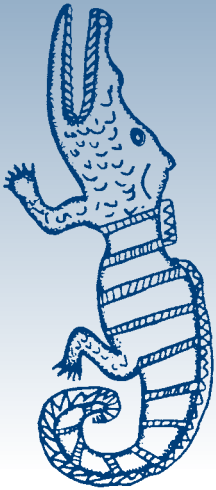
A mock up of these proposed design features was presented to the meeting.

Durability & adherence

The stickers must be able to survive 12 months of daily exposure to direct sunlight and salt water, and need to adhere to all hull materials (whether painted or bare) including metal, wood or fibreglass.

The stickers need to be “one use only” i.e. once affixed to a surface there’s no way to remove it intact and therefore cannot be affixed to another boat. This will probably be achieved through a strong adhesive which causes the sticker to rip when removed.





Advice regarding the sticker type will be sought from Queensland Transport.

Colour

Stickers will be the same colour during a calendar year (1 January to 31 December). DPI&F plan to use the same colour scheme each year as Queensland Transport.

Size

Printed stickers will be A5 size; that is half of A4, or 148mm high by 210mm wide.

Font

A bold sans-serif font should provide greatest visibility. The exact font and size still need to be determined.

Details

The sticker will include logos and possibly other design features to prevent replicas from being created.

Details contained on stickers will include:

- Sticker number
- Month of expiry
- Year of expiry
- PZJA logo
- Torres Strait dari (A copyright permission will be sought for this image)

The most prominent feature on the sticker will be the month of expiry. January to September (i.e. single digit months) should be expressed with a zero in front (e.g. January = 01) to prevent January and February stickers being tampered with to appear like November and December stickers.

The sticker's colour will be the more prominent indicator of year and consequently will be printed in a much smaller font size than the month.

Sticker Numbering System

Stickers will be numbered continuously within a year, but restart each year



(e.g. 2007: Jan = 1–50, Feb = 51–140... Dec 2007 = 1150–1200, and 2008: Jan = 1–60)

Extra stickers will be built into the print run to account for boat replacements, lost stickers, new licences, etc. As a general rule extra stickers printed for each month will be equivalent to the greater of either:

- 10 stickers per month, or
- 10% of licences due to expire during that month.

If a larger print run can provide better economy, additional stickers will be obtained particularly in months which have the most licences expiring.

An additional buffer should be included in the first year or two to account for more new licence applications, particularly from people who have continued to use old commercial/community marks while unlicensed.

STICKERS IN USE

Implementation

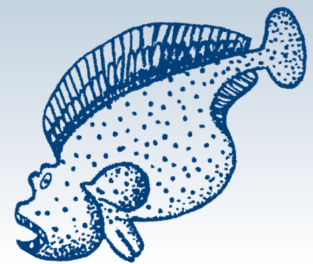
The sticker system should be implemented on a single date for the majority of boats, with a two to three month introductory period.

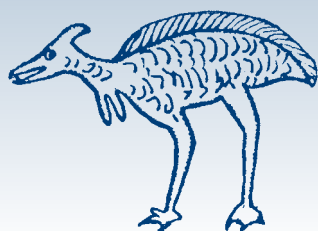
For example, if the system was implemented at the start of April 2007, stickers would be posted to all people whose existing licences expire between May 2007 and April 2008. Those people whose licences expire in April 2007 would not be sent 2007 stickers; instead they would be sent a 2008 sticker with their renewed licence.

QB&FP will be directed to show discretion during this implementation period and the system would be completely operational within a 3 month period.

Auditing of stickers

In anticipation of the current Torres Strait Licensing database being replaced in 2007, the current database will not be changed to incorporate a “sticker number” field. Incorporating such a field may be considered in development of a new database.





A manually maintained spreadsheet (to be designed during the implementation phase, and changes made to meet practical usage) will be kept which contains in each year:

- the sticker numbers and the month printed on each sticker
- the boat mark to which each sticker has been allocated,
- date sent, and
- a comments field to record if stickers have been declared lost, damaged, or removed from boat.

The spreadsheet will not duplicate information which is accessible from the database, and boat mark will be the common element between the two resources.

The spreadsheets will be accessible on “U” drive (for DPI&F staff) and will also be sent with the monthly licence updates (including AFMA staff).

As some clients have multiple licences (which may or may not expire at the same time), the boat mark will be prominently hand-written onto the backing of the sticker to ensure the correct sticker is affixed to the correct boat (as recorded in the spreadsheet).

Placement on boat

The sticker must be affixed to the outside of the transom of the boat identified on the licence.

Sticker replacements

In the case of a boat replacement (where the old boat ceases to be licensed), the licensee will need to confirm in writing that the old registration sticker has been removed from the old boat prior to the new boat being recorded on the licence and a registration sticker issued for the new boat.

In the case of a lost or damaged sticker, the licensee will need to briefly confirm in writing the circumstances for needing a replacement sticker.

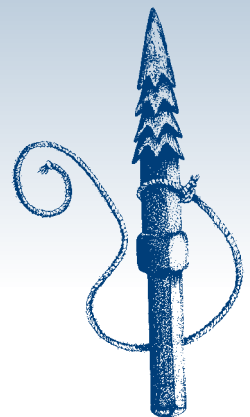
Other than the implementation phase, if a licensee declares that they have not received their sticker (but the spreadsheet and stickers remaining in possession of Licensing Unit support that a sticker was sent to the client), they will also need to declare they did not receive their licence as they would be sent together.



DPI&F will now seek that the written declaration be witnessed by a Justice of the Peace/CDec, Island Chairperson or in their absence Deputy Chairs or people acting in those positions.

Licence with expiry greater than 1 year

There is only one primary TVH which expires in April 2009 (inadvertently renewed for 5yrs in 2004). If the licence is renewed, in future it will be renewed for one year periods only. Although the licence does not expire until 2009, this boat will be provided with annual registration stickers with an April (04) expiry.





ATTACHMENT 14A

Torres Strait Protected Zone Joint Authority Fisheries Allocation Advisory Panel formed to advise on the appropriate basis for the allocation of fishing concessions in the non-community commercial fishing sector of the Finfish Fishery

29 May 2006

TERMS OF REFERENCE

The Torres Strait Protected Zone Joint Authority (PZJA) was established under the *Torres Strait Fisheries Act 1984* (the Act). It is responsible for monitoring the condition of designated fisheries within the Torres Strait Protected Zone (TSPZ) and for the formulation of policies and plans for their management. The PZJA must have regard to the rights and obligations conferred on Australia by the Torres Strait Treaty (the Treaty), in particular the protection of the traditional way of life and livelihood of the traditional inhabitants, including their traditional fishing.

The PZJA has resolved to develop statutory management plans for Torres Strait Tropical Rock Lobster (TRL), Prawn and Finfish Fisheries. These statutory management plans are being developed by PZJA Agencies for consideration by the PZJA.

The Torres Strait Finfish Fishery comprises the Reef Line Fishery and the Spanish Mackerel Fishery. Separate licence endorsements are required for commercial fishers to operate in each of these fisheries but the fisheries share a common management system (framework) referred to as the “Finfish Fishery”.

The PZJA decided at their 19th meeting (27–28 April 2006) that the Finfish Fishery will move to an individual transferable effort (ITE) management system in the non-community commercial fishing sector. These new management arrangements will be implemented during the 2007 fishing season and will be embodied in the management plan for the fishery. The PZJA also decided at this meeting that the community fishing sector would be managed through a total allowable catch (TAC) that will be fished under competitive arrangements.

The PZJA has established this Independent Allocation Advisory Panel (AAP) to provide advice on the transfer of fishing



concessions from one sector to another and from the current management measures to the new ITE management system in the non-community commercial fishing sector.

The need for such advice stems from the 9 November 2005 announcement of the PZJA relating to the allocation of fishing resources between the Traditional Inhabitant commercial (community) fishing sector and the non-community commercial fishing sector. After taking account of Papua New Guinea (PNG) entitlements under the Treaty, the PZJA will allocate a 50/50 share of the remaining commercial fishing concessions between the two Australian sectors. PNG is currently entitled to approximately 25% of the Spanish Mackerel Fishery and currently have no entitlements in the Reef Line Fishery.

The movement of fishing concessions will be achieved through a voluntary open tender process.

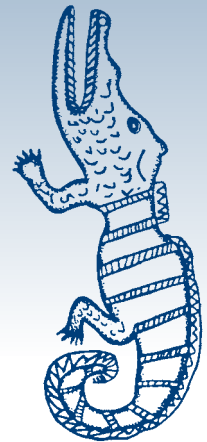
These terms of reference are in addition to those for the Tropical Rock Lobster Fishery. Further terms of reference concerning resource allocation in the Torres Strait Prawn Fisheries may also be provided when relevant PZJA management decisions are finalised. Timeframes for the completion of written reports on ensuing terms of reference will be established at the time the terms of reference are distributed.

The terms of reference are as follows.

Terms of reference

The AAP is to advise the PZJA on:

1. A method for determining who in the non-community commercial fishing sector in the Torres Strait Reef Line and Spanish Mackerel Fisheries should be eligible to be granted ITE fishing concessions.
2. A method for determining the allocation of ITE fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait Reef Line and Spanish Mackerel Fisheries.
 - An ITE fishing concession is a right to one of a number of equal portions of effort analogous to shares in a fishery.
 - The allocation of fishing effort connected to each





unit of ITE fishing concessions will be annually determined through a setting of a total allowable commercial catch (TACC) by the PZJA in accordance with the Finfish Fishery Management Plan.

- The non-community commercial fishing sector's share of the TACC will be determined through the PZJA policy announcement of 9 November 2005 relating to the allocation of fishing resources between the community fishing sector and the non-community commercial fishing sector.
 - The Torres Strait Reef Line Fishery is a multi-species fishery, with the main target species being coral trout (*Plectropomus spp.*).
 - The Torres Strait Spanish Mackerel Fishery is a multi-species fishery with the main target species being Spanish Mackerel (*Scomberomorus commerson*).
3. Any exceptional circumstances that should be taken into account in the allocation of ITE fishing concessions to the non-community commercial fishing sector in the Torres Strait Finfish Fishery.
 4. Any appropriate rules for transfers, amalgamation or separation of fishing concessions to maintain the intent of the allocation process.
 5. The AAP should provide its draft advice to the Chair of the Standing Committee of the PZJA by 21 July 2006.
 6. The report will then be revised by the AAP and released for a 28 day period of public consultation. The Panel will consider stakeholder submissions before finalising their advice.
 7. The final report must be provided to the Australian Government Department of Agriculture, Fisheries and Forestry Contact Officer by 22 September 2006, prior to the 20th PZJA meeting.



Allocation Advisory Panel Process

In undertaking these tasks, the AAP is required to:

1. Take into account information provided in PZJA Fisheries Management Paper number 2 establishing ‘guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change’.
2. Consult with relevant parties and any person/s or organisations with appropriate knowledge or experience;
 - The Panel will consult directly with holders of fishing concessions, Traditional Inhabitant representatives and other stakeholders affected by the allocation decisions. This consultation shall take place at advertised meetings that will be held in appropriate locations in the Torres Strait and Cairns.
 - The Panel will meet to confer on relevant allocation issues. At such meetings the Panel may seek advice/ input from relevant legal, economic, statistical or other experts or PZJA Agencies on matters relating to the required allocation(s).
3. Identify any data necessary to support the allocation decisions, whilst ensuring that data can be cost effectively collected and verified.
4. Explain and justify the recommended allocation system to the PZJA in the form of a ‘written report of recommendations’.
5. Seek written submissions on its ‘draft report’ during a 28 day public comment period (as defined by the Panel) and then provide its final report to the PZJA, including copies of all written submissions.
6. Provide draft and final reports that will be publicly available following consideration by the PZJA.
7. Provide advice to PZJA Agency officers appearing as witnesses before tribunals or courts in any challenge to the recommended allocation system if implemented by the PZJA.
8. Maintain full records of all activities undertaken by the Panel.





9. Identify in the allocation process any exceptional circumstances that should be taken into account in the allocation of fishing concessions relevant to the terms of reference.

Factual Brief(s)

To enable the AAP to consider allocation in or across a particular fishery/s, PZJA Agencies will provide the AAP with a brief which includes, but is not limited to:

1. the PZJA Fisheries Management Paper establishing guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change;
2. any other policy papers or decisions of the PZJA relevant to the allocation(s) being considered;
3. details of the fishery/s;
4. details of existing/historical management arrangements in the fishery/s;
5. details of existing fishing concessions; and
6. details of any past commitments made (whether by press release, correspondence or other written communication).



ANNEX B: PROTECTED ZONE JOINT AUTHORITY ADVISORY COMMITTEE AND TORRES STRAIT CONSULTATIVE STRUCTURE: MEMBERSHIP AND MEETING FREQUENCY

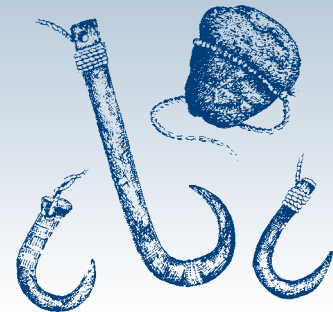
PROTECTED ZONE JOINT AUTHORITY (PZJA)

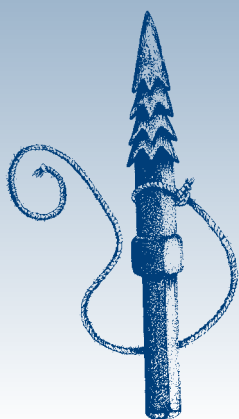
- Senator the Hon. Eric Abetz, Commonwealth Minister for Fisheries, Forestry and Conservation (Chairman);
- The Hon. Tim Mulherin, M.P., Queensland Minister for Primary Industries and Fisheries;
- Mr John T. Kris, Chair of the Torres Strait Regional Authority.

MEMBERSHIP OF TORRES STRAIT CONSULTATIVE BODIES

Torres Strait Fisheries Management Advisory Committee (TSFMAC):

Representation	Member
Chair	Prof Russell Reichelt
TSRA (Yam Island)	Mr Charles David
TSRA (Badu Island)	Mr Solomon Manai Nona
TSRA (Port Kennedy)	Mr Graham Hirakawa
TSRA (Yorke Island)	Mr Lota Warria
TSRA (Mabuiag Island)	Mr Terrance Whap
TRSA (Waiben, Ngurapai and Muralag Islands)	Mr Yen Loban
TSRA (Murray Island)	Mr Kila Odo
TSRA (Coconut Island)	Mr Jack Billy Mr Francis Pearson
TSRA (Darnley Island)	Mr Kenny Bedford
TSRA (Boigu Island)	Mr Dimis Toby
TSRA (Dauan Island)	Mr Phillip Bigie





TSRA (Kubin)	Mr Richard Newie
TSRA (Saibai Island)	Mr Jerry Babia
TSRA (Seisia)	Mr Harold Townson
TSRA (St Pauls)	Mr John Wigness
TSRA (TRA WQ)	Mr Riley Gibia
TSRA (Hammond Island)	Mr Seriako Dorante
TSRA (Stephens Island)	Mr Bert Matysek
TSRA (Bamaga – NPA)	Mr Hodrick Mudu
	Mr Clifford Wasiw
TSRA (Umagico – NPA)	Mr Connie Young
TSRA (Horn Island)	Mr Willy Wigness
TSRA (Injinoo Island)	Mr Mac Blarry
	Mr Robert Bagie
TSRA (New Mapoon – NPA)	Mr Trevor Lifu
TSRA (Fisheries Co-ordinator)	Mr Toshio Nakata
– supporting	
Non-community – Prawn fishery	Mr Mark Millward
Non-community – Tropical Rock Lobster	Dr Ray Moore
Non-community – Finfish (Reefline)	Mr Carl D’Aguiar
Non-community – Finfish (Spanish mackerel)	Mr Shaun Hansen
General Manager – Fisheries Resource Management – QDPIF	Mr Jim Gillespie
QDPI&F – Senior Fisheries Management Office (Torres Strait)	Mr Shane Gaddes
AFMA – Manager Torres Strait	Mr Jim Prescott
AFMA – Senior Manager – Northern Fisheries	Ms Dorothea Huber Mr Andy Bodsworth
Research member – TSSAC	Vacant
DEH – Sustainable Fisheries	Ms Caitlin Barry
TSRA	Chair of Massig
AFMA – Executive Officer	Mr Mick George



Torres Strait Prawn Management Advisory Committee (TSPMAC):

Representation	Member
Chair	Mr Jim Gillespie (QDPI&F)
AFMA – Manager, Torres Strait Fisheries	Mr Mick George Dr David Wilson
AFMA – Senior Manager, Northern Fisheries	Ms Dorothea Huber Mr Andy Bodsworth
QDPI&F – Senior Fisheries Management Officer (Torres Strait)	Mr Shane Gaddes
TSRA – Board Fisheries Portfolio	Mr Don Mosby
TSRA – Fisheries Co-ordinator	Dr Marcus Finn
CFG – Darnley Island	Mr Ken Bedford
CFG – Yam Island	Mr Charles David
CFG – Yorke Island	Mr Lota Warria
Industry – Prawn, non-traditional inhabitant	Mr Barry Wilson
Industry – Prawn, non-traditional inhabitant	Mr Mark Millward
Industry – Prawn, non-traditional inhabitant	Mr Rob Giddens
Industry – Prawn, non-traditional inhabitant	Mrs Rosemary Millward
Industry – Prawn, non-traditional inhabitant (processor)	Mr Bob Robbins
Research Member	Mr Clive Turnbull (QDPI&F)
Compliance Member	Mr Lyndon Peddell (QDPI&F)
NFA PNG**	Mr Lester Baule
NFA PNG**	Mr Phil Polon
DFAT treaty liaison officer**	Ms Suzy Wilson





DAFF**	Mr Stephen Colquitt
DEW**	Mr Robert Ferguson
ABARE**	Mr David Galeano

** Denotes permanent observer status

Torres Strait Finfish Working Group (FWG):

Representation	Member
Chair – AFMA	Ms Dorothea Huber Mr Jim Prescott
TSRA – Mer (Murray) Island	Mr Kila Odo
TSRA – Masig (York Island)	Mr Lota Warriar
TSRA – Warraber Island	Mr Samuel Tamu
TSRA – Erub (Darnley) Island	Mr Ken Bedford
TSRA – Poruma (Coconut) Island	Mr Francis Pearson
TSRA – Ugar (Stephens) Island	Mr Bert Matysek
Finfish (Reef Line) – non- traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish mackerel) – non-traditional inhabitant	Mr Shaun Hansen
Finfish – non-traditional inhabitant	Mr Neil Green (QSIA)
QDPIF – Senior Fisheries Management Officer (Torres Strait)	Mr Shane Gaddes
AFMA – Manager TS Fisheries	Mr Jim Prescott
TSRA	Mr Toshio Nakata
Research Member	Dr Ashley Williams (JCU)
Compliance Member	Mr Lyndon Peddell QB&FP Thursday Island
Executive Officer	Dr Annabel Jones (AFMA)



Torres Strait Tropical Rock Lobster (TRL) Working Group (TRLWG):

Representation	Member
Chair	Mr Kerrod Beatty Ms Dorothea Huber
TSRA – Badu Island	Mr Richard Bowie
TSRA – Yam Island	Mr Charles David
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warrie
TSRA – Mabuia Island	Mr Terrance Whap
TSRA – Waiben, Ngurapai and Muralag Islands	Mr Yen Loban
TRL – non-community	Dr Ray Moore
TRL – non-community	Mr Phillip Hughes
TRL – non-community	Mr Brett Alridge
QDPIF – Senior Management Officer (Torres Strait)	Mr Wez Norris Mr Shane Gaddes
AFMA – Manager, Torres Strait Fisheries	Mr Jim Prescott
TSRA – Fisheries Co-ordinator	Mr Toshio Nakata (supporting)
Research Member	Dr Yimin Ye (CSIRO)
Compliance Member	Mr Lyndon Peddell
Executive Officer	AFMA

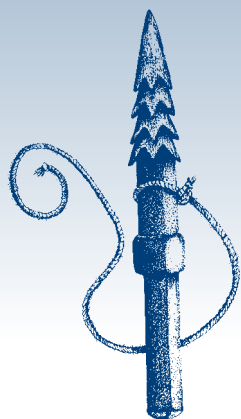




Torres Strait Tropical Rock Lobster Research Advisory Group (TRLRAG):

Representation	Member
Independent Chairperson	Mr John Pollock
Executive Officer – AFMA	Ms Samantha Emerick
Queensland Industry	Mr Jim Fogarty
Queensland DPI&F Scientist	Mr Clive Turnbull
Queensland Fishery	Mr Shane Gaddes
Torres Strait Fishery (PNG)	Mr Lester Baule
Torres Strait Fishery (Australia)	AFMA representative
Torres Strait Fishery	TSRA representative
Torres Strait Industry (PNG Indigenous rep)	Mr Meremi Maina
Torres Strait Industry (Australian Indigenous rep)	Mr Graham Hirakawa
Torres Strait Industry (Australian TVH rep)	TVH representative
Scientist (CSIRO)	Dr Yimin Ye
Independent Scientist	Mr Nokome Bentley
Bureau of Rural Sciences	Mr Neil Bensley
GBRMPA**	Mr Randall Owens
Torres Strait Fishery (PNG)**	Mr Philip Polon
Torres Strait Fishery (Australia)**	Mr Andy Bodsworth

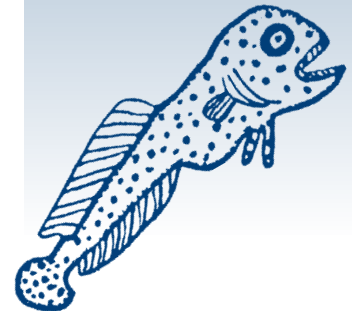
** Denotes permanent observer status

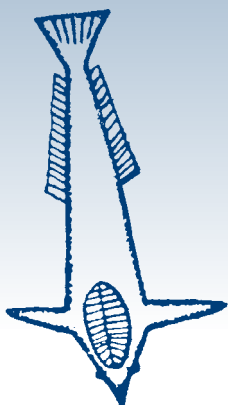




MEETINGS

- **Protected Zone Joint Authority**
Meeting 20: 25–26 October 2006
- **Torres Strait Fisheries Management Advisory Committee**
Meeting No. 8: 26–27 September 2006
- **Torres Strait Scientific Advisory Committee**
Nil in 06/07
- **Torres Strait Prawn Management Advisory Committee**
TSPMAC No. 2: 19–20 September 2006
TSPMAC No. 3: 9 February 2007
TSPMAC No. 4: 14–15 June 2007
- **Torres Strait Finfish Working Group**
3–4 October 2006
22–23 February 2007
23–24 May 2007
- **Torres Strait Tropical Rock Lobster Working Group**
11–13 July 2006
19–21 February 2007
16–18 May 2007
- **Torres Strait Tropical Rock Lobster Research Advisory Group**
10–11 August 2006
14–15 May 2007





ANNEX C: REPORTS RELATED TO TORRES STRAIT FISHERIES 2006–07

- Begg, G. A., Chen, CC-M, O'Neill, M.F. Rose, D.B. 2006. *Stock assessment of the Torres Strait Spanish mackerel fishery*. CRC Reef Research Centre Technical Report No. 66. CRC Reef Research Centre, Townsville.
- Daniell J., Hemer, M., Heap, A., Mathews, E., Sbaffi, I., Hughes, M., Harris, P., 2006. *Biophysical processes in the Torres Strait Marine Ecosystem II. Survey results and review of activities in response to CR objectives*. Geoscience Australia, record 2006/10, 210 pp.
- Grayson, J., Marsh, H. and Hamann, M. 2006. *Information to assist Torres Strait Islanders manage their traditional fisheries for dugongs and green turtles. Final project report to Ocean Park Conservation Foundation*.
- Jones, A. and Barnett, B. 2006. *Guidelines for ethical and effective communication for researchers working in Torres Strait. Report to CRC Torres Strait, Townsville, Australia*. 106 pp.
- Kwan, D., Marsh, H., and Delean, S. 2006. *Factors affecting the customary hunting of a threatened marine mammal by a remote Indigenous community*. Environmental Conservation 33: 164–171.
- O'Neill, F.M., Turnbull, C.T. 2006 *Stock Assessment of the Torres Strait tiger prawn fishery (Peneaus esculentus)*. Department of Primary Industries and Fisheries, Queensland.
- Pitcher, C.R., Haywood, M., Hooper, J., Coles, R., Bartlett, C., Browne, M., Cannard, T., Carini, G., Carter, A., Cheers, S., Chetwynd, D., Colefax, A., Cook, S., Davie, P., Ellis, N., Fellegara, I., Forcey, K., Furey, M., Gledhill, D., Hendriks, P., Mcleod, I., Sheils, J., Sheppard, J., Smith, G., Strickland, C., Van der Geest, C., Venables, W., Wassenberg, T., Yearsley, G. 2007. *Mapping and Characterisation of Key Biotic and Physical Attributes of the Torres Strait Ecosystem*. SCIRO/QM/QDPI CRC Torres Strait Task Final Report. 145 pp.



- Rasheed, M.A., Dew, K.R., Kervill, S.P., McKenzie, L.J. and Coles, R.G. 2006. *Seagrass distribution, community structure and productivity for Orman Reefs, Torres Strait – March and November 2004*. DPI Information “Series QI06088 (DPI, Carins), 38 pp.
- Rasheed, M.A., Thomas, R., and Taylor, H.A. 2006. *Critical Marine Habitats adjacent to the Prince of Wales and Adolphus shipping channels in the Torres Strait, Far North Queensland, Australia – 2006 Atlas, DPI&F Information Series QI06063*. Northern Fisheries Centre, Cairns, 35 pp.
- Skewes, T.C., Taylor, S., Dennis, D.M., Haywood, M.E.D., Donovan, A. 2006. *Sustainability Assessment of the Torres Strait Sea Cucumber fishery, CRC-TS Project Task Number: T1.4*, ISBN 1 921232 04 8, 50 pp.
- Smyth, D. and D. Kwan. 2006. *Towards the Development of Cultural Indicators for Marine Resource Management in Torres Strait. Report to the Torres Strait CRC*. 72 pp.
- Stafford, H., Neil, K.M., and Chalmers, S.J. 2006. *Port of Thursday Island – Baseline Survey for Introduced Marine Pests. Final Report of the March 2004 Port-Wide Field Survey*. CRC Torres Strait and Queensland Department of Primary Industries and Fisheries. 46 pp.
- Taranto, T.J. and Pitcher, C.R. 2007. *CRC Torres Strait Task 5.2: Data and Information Management. Final Report for CRC Torres Strait. CSIRO Marine and Atmospheric Research, Cleveland*. pp. 42.
- Taylor, H.A., Rasheed, M.A. and Sankey, T.L. 2006. *Long term seagrass monitoring in the Port of Thursday Island, March 2006. DPI&F Publication PR06-2546*. (DPI&F, Northern Fisheries Centre, Carins, 27 pp.
- Ye, Y., Dennis, C.M., Skewes, T.D., Taranto, T.J., Haywood, M.C.E., Brewer, D.T., Wassenberg, T.J., Chetwynd, D, McLeod, I.M., Donovan, A.G. 2006. *Sustainability Assessment of the Torres Strait Rock Lobster Fishery: CRC-TS Project Task Number: 1.3. CRC Torres Strait Research Task Final Report, July 2006*. 128 pp. ISBN 1 921232 06 4





ANNEX D: FREEDOM OF INFORMATION ACT AND OCCUPATIONAL HEALTH AND SAFETY ACT STATEMENTS

Information relating to the *Freedom of Information Act 1982* and *Occupational Health and Safety (Commonwealth Employment) Act 1991* with respect to Torres Strait fisheries is contained within the annual report issued by the Australian Fisheries Management Authority.



