

## PROTECTED ZONE JOINT AUTHORITY

# Developmental Permit for Training Purposes (Training Permit) Policy



## Contents

1	Purpose .....	3
2	Background.....	3
3	Scope .....	3
4	Objectives .....	4
5	Key Principles .....	4
5.1	<i>Skills and/or knowledge gap has been clearly identified</i> .....	4
5.2	<i>Proposed activity seeks to address skills and/or knowledge gap of the TIB sector</i> .....	4
5.3	<i>Proposed activity is for fishing techniques that are approved within a PZJA fishery</i> .....	5
5.4	<i>Proposed activity does not unduly impact other TIB fishers</i> .....	5
6	Applying for a permit .....	6
6.1	<i>Due Dates</i> .....	6
6.2	<i>Permit Duration and Transferability</i> .....	6
6.3	<i>The Application</i> .....	6
7	Assessment .....	7
7.1	<i>Initial Assessment (3 weeks from the close of applications)</i> .....	7
7.2	<i>Consultation</i> .....	8
7.3	<i>Protected Zone Joint Authority Standing Committee</i> .....	8
7.4	<i>PZJA Decision (within 16 weeks from the end of the Initial Assessment)</i> .....	9
7.5	<i>Publishing Training Permit Conditions</i> .....	9
8	Monitoring and Compliance .....	9
8.1	<i>Permit Monitoring</i> .....	9
8.2	<i>Performance evaluation</i> .....	9
8.3	<i>Amending a permit</i> .....	9
9	Policy Review .....	10

# 1 Purpose

This document sets out the Protected Zone Joint Authority's (PZJA) policy and procedures to give effect to provisions in the definition of community fishing under the Torres Strait Fisheries Act 1984 (the Act) to allow non-traditional inhabitants on Traditional Inhabitant Boat (TIB) licensed vessels to provide training or advice in relation to fishing techniques.

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

# 2 Background

In accordance with PZJA licensing policy, TIB licences are restricted by licence condition to only having traditional inhabitant crew. This ensures that all TIB licences are engaging in 'community fishing' as defined by the Act. The Act defines 'community fishing' as commercial fishing conducted by a person

(s) who is a traditional inhabitant and when fishing, is not under any obligation whether formal or informal, to act in accordance with the directions, instructions or wishes of another person who is not both an Australian citizen and a traditional inhabitant.

The definition of community fishing in the Act specifically provides for an exemption to the TIB crewing requirement, for a non-traditional inhabitant to provide training or advice in relation to fishing techniques. Where a TIB licensee wants to employ a non-traditional inhabitant to provide training or advice, the PZJA grants developmental permits under section 12 of the Act to allow non-traditional persons to be carried on-board TIB-licensed boats.

Developmental permits have previously been granted to support training activities regarding the catching, processing, and handling of seafood product and the maintenance and operation of fishing boats.

# 3 Scope

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

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

## 4 Objectives

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

- Increase the capacity of the TIB sector to access commercial fisheries resources in the Torres Strait.
- Support economic development of the TIB sector and enable skills transfer from the non-Indigenous fishing sector.
- Ensure training does not lead to inequitable access to fishery resources.

## 5 Key Principles

When the PZJA assesses an application, it will refer to the objectives of the Torres Strait Fisheries Act 1984 and the following key principles:

### 5.1 Skills and/or knowledge gap has been clearly identified

The applicant must provide relevant information that clearly demonstrates the existence of the particular skills and/or knowledge gap within the TIB sector in relation to fishing techniques. In doing so, the applicant must include what steps they have taken to employ suitably skilled traditional inhabitants to both address the skills and/or knowledge gap within their fishing operation, and to undertake the proposed training and/or advice activity.

It is expected that skills and/or knowledge gaps within the TIB sector will relate to fishing techniques not widely used by the TIB sector. For example, using boats or equipment not common within the TIB fishing fleet, using processing or fishing methods not commonly used by TIB fishers. In most cases, it is expected that the skills and capacity development will occur in relation to the operation of a primary fishing vessel.

### 5.2 Proposed activity seeks to address skills and/or knowledge gap of the TIB sector

The application must provide relevant information explaining how the proposed training and/or advice activity will address the identified skills/knowledge gap within the timeframe of the permit. A schedule of activities proposed to be undertaken and a clear methodology must be included. A schedule of activities proposed to be undertaken and a clear methodology must be included.

The applicant must outline how the performance of the proposed training and/or advice activity will be assessed, including measuring improvements in the capacity and skills of the TIB crew in relation to the particular fishing technique.

### 5.3 Proposed activity is for fishing techniques that are approved within a PZJA fishery

The proposed activity must relate to commercial fishing techniques that are approved techniques within a PZJA fishery and the applicant must hold a TIB licence to fish in that fishery.

### 5.4 Proposed activity does not unduly impact other TIB fishers

The PZJA will take into account the impact the proposed training and/or advice activity may have on other TIB fishers.

*In making decisions under the Act, the PZJA, must have regard to the objectives of the Act which include to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants (s 8(a) of the Act), to manage commercial fisheries for optimum utilization (s 8(e)), and to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants (s 8(g)). As a result, it is important for the PZJA to consider the management of the fishery as a whole and the employment opportunities that PZJA fisheries provide for all TIB licensees.*

As the TIB sector is currently managed under a collective 'Olympic' or competitive Total Allowable Catches it will be relevant for the PZJA to consider for example:

- the number of permits that may be issued in a fishery at one time
- the type of activity proposed
- the duration of the permit
- the extent of fishing activity that is proposed to occur to complete the training activity by the trainer and the trainees.

The applicant should take into account the fishing access arrangements in the targeted fishery and provide sufficient information for the PZJA to consider the potential impact in that fishery. In particular, the training plan should outline the expected frequency of fishing activity and an estimated total amount of catch that may be required for the training and/or advice activity to successfully occur.

## 5.5 The obligation is on the applicant

Applicants must be able to provide sufficient information to demonstrate to the satisfaction of the PZJA how their proposed training and/or advice activity is consistent with the objectives of the Act and Key Principles of this policy.

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

## 6 Applying for a permit

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

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

### 6.1 Due Dates

Applications will need to be submitted to AFMA by a specified date (s). Closing dates for the submission of applications will be advertised on the PZJA website.

There will be two opportunities per year for the submission of applications and the PZJA will assess and grant permits within a 16 weeks timeframe. This timeframe includes undertaking a native title notification process. Cut-off dates are advertised on the PZJA website.

### 6.2 Permit Duration and Transferability

Developmental permits granted for the purposes of training and advice are not transferable and will generally be granted for a period no greater than a single fishing season. A permit may be granted for a period up to three years if the applicant is able to successfully demonstrate the need or benefit of the training activity over the relevant period. Multi-year permits will be subject to a performance review at the end of the relevant fishing season.

### 6.3 The Application

Applicants must use the Training Permit application form on the PZJA website. An application should clearly articulate:

- The current skill and/or knowledge gap

- The impact of the skill and/or knowledge gap on their business/ability to fish
- The goals of the proposed training and/or advice activity and within what timeframe
- What efforts have been made to employ suitably skilled traditional inhabitants to both address the skills and/or knowledge gap within their fishing operation, and to undertake the proposed training and/or advice activity.

An application must include a plan that sets out the operational elements of the proposed training and/or advice activity. This includes:

- The species being targeted
- The equipment and/or technique intended for use
- The approximate catch required or expected to be taken during the proposed training and/or advice activity
- The schedule of activities
- How the performance of the proposed training and/or advice activity will be assessed, including measuring improvements in the capacity and skills of the TIB crew in relation to fishing techniques.

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

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

## 7 Assessment

Applications will be assessed against the objectives and key principles outlined in this policy. The PZJA may include any conditions that allow effective monitoring of the training activity.

The first phase of the assessment process is intended to take place within a 12-week period. The targeted timeframe for PZJA consideration is an additional 4-weeks. The applicant will be provided the opportunity to review additional reporting requirements and conditions prior to the application being assessed by the PZJA.

### 7.1 Initial Assessment (3 weeks from the close of applications)

Within three weeks from the close of applications AFMA will review the application to determine if the:

- proposed activities are for commercial fishing techniques that are approved techniques within a PZJA fishery
- applicant holds the appropriate TIB licence

- application has been fully completed and if necessary, seek additional information from the applicant.

## 7.2 Consultation

Community and industry views are important to provide the PZJA with advice about current skills gaps and possible impacts on other TIB fisheries if a permit is issued.

### 7.2.1 Native title notification (4 weeks, commencing after the Initial Assessment)

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

### 7.2.2 Identifying skills and/or knowledge gaps

One of the considerations the PZJA will take into account when considering applications is information about the kinds of skills gaps that exist across the Torres Strait fisheries. To assist the PZJA in understanding these skill gaps, the PZJA agencies will seek the advice of industry and communities. This will be done periodically to ensure the advice on skills gaps remains relevant.

## 7.3 Protected Zone Joint Authority Standing Committee

The PZJA Standing Committee (AFMA, TSRA, the Queensland Government Department of Agriculture and Fisheries and Commonwealth Department of Agriculture) will be provided the application for consideration and advice. The PZJA Standing Committee will provide advice to the PZJA on the application.

The PZJA Standing Committee may recommend that the PZJA decline the application or approve the application subject to conditions. Conditions may relate to:

- catch reporting
- compliance monitoring and control measures (for example requirements for vessel monitoring system and pre-departure notifications)
- the carriage of observers
- catch limits
- restrictions on the timing of activities
- performance reporting.

The applicant will be notified by AFMA of such recommendations to provide an opportunity for the applicant to submit comments to AFMA prior to the PZJA consideration of their application.



## 7.4 PZJA Decision (within 16 weeks from the end of the Initial Assessment)

The PZJA will consider the application within 16 weeks from the close of applications. The PZJA will assess the application against the objectives of the Act and in line with this Policy. The PZJA will consider outcomes of the native title notification process and any relevant advice from the PZJA Standing Committee and any relevant advice from industry and communities on skills and knowledge gaps in the TIB sector.

## 7.5 Publishing Training Permit Conditions

The conditions placed on approved Training Permits will be published on the PZJA website.

# 8 Monitoring and Compliance

## 8.1 Permit Monitoring

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

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

## 8.2 Performance evaluation

The PZJA may make it a condition of the permit for the Applicant to submit performance reports. The conditions may prescribe the information to be supplied within a performance report and dates for when reports must be submitted to AFMA.

A performance review will be undertaken by AFMA in the first instance and provided to PZJA agencies for their information, review, and comment. This evaluation is an important component to inform future applications.

## 8.3 Amending a permit

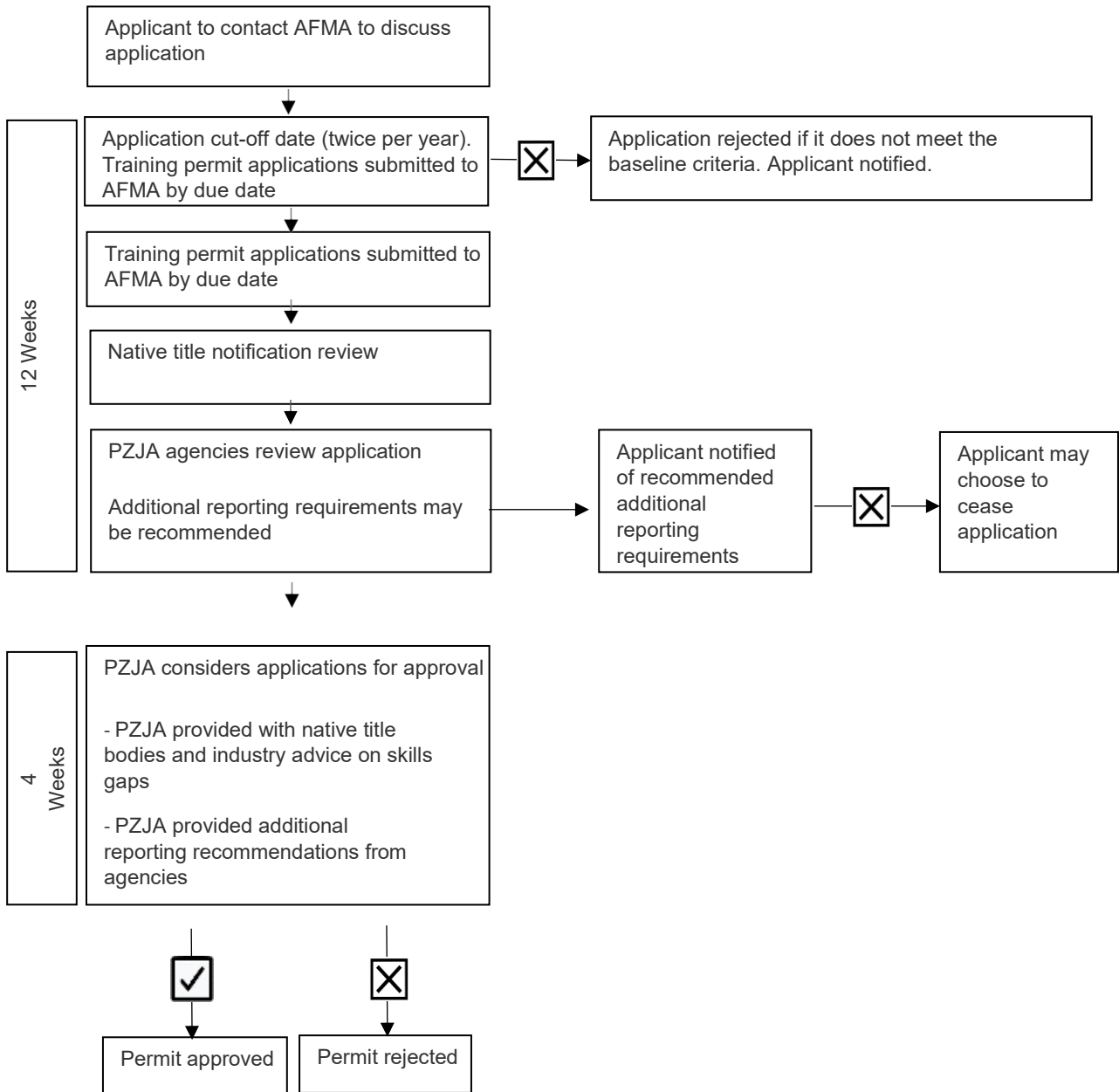
The PZJA may seek to review a permit at any time. The PZJA revoke the permit or vary (or revoke) the conditions to which the permit is subject. The PZJA may also specify further conditions. The PZJA may amend or revoke a Training Permit at any time if:

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

## 9 Policy Review

The PZJA will review this policy within five years of implementation to assess its effectiveness and efficiency.

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



# Appendix 2 - Application for developmental permit for training purposes

Return Application to:  Torres Strait Protected Zone Joint Authority  c/- Australian Fisheries Management Authority PO Box 7051 Canberra Business Centre ACT 2610	  	<h2 style="margin: 0;">Application for Developmental Permit</h2> <p style="margin: 0;"><i>Torres Strait Fisheries Act 1984 Sub-section 12(1)</i></p>
---	---	--

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

### 1 Applicant Details

Name (in full):	Date of Birth: ...../...../.....	Email:
Postal Address:	Residential Address:	Mobile:
		Business:
Main Contact Name	Position/Role:	Fax:
ACN/ABN:	Country (if not Australia)	Is this name a: <input type="checkbox"/> Company <input type="checkbox"/> Partnership <input type="checkbox"/> Individuals

### 2 Boat/License Details

License Number:	Expiry Date: ...../...../.....	Boat Mark/Distinguishing Symbol:	Engine Make:
Community (if applicable):	Boat Make:	Boat Name:	Colour:
Owner Name:	Boat Length:	Mean Engine Rating(KW)/ Horsepower:	Tonnage:
Hull Material:	Boat Breadth:	Home Port:	Place Where Built:
VMS Installed: Yes / No	If VMS installed, Immersat Mobile #:		

<b>3 Entry Details</b>	<b>4 Proposed Type of Operation</b>
------------------------	-------------------------------------

Please tick any applicable current entries:  <input type="checkbox"/> Tropical Rock Lobster (CR) <input type="checkbox"/> Pearl Shell (PL)  <input type="checkbox"/> Reef Line (LN) <input type="checkbox"/> Prawn (PR)  <input type="checkbox"/> Spanish Mackerel (MK) <input type="checkbox"/> Trochus (TR)  <input type="checkbox"/> Crab (CB) <input type="checkbox"/> Beche de mer (BD)  <input type="checkbox"/> Other.....	Give a brief description of the nature of the operations to be undertaken, and the fishing equipment to be used:
---	--

### 5 Proposed Time Period

Nominate a desired date period for which you require the Developmental Permit:

Start: ...../...../.....                      End: ...../...../.....

## 6 Proposed Area of Operation

In the space provided below, specify two lines of latitude which will indicate the northern and southern boundaries of your proposed operations.

Northern-most Latitude	<i>Degrees</i>			<i>Minutes</i>		
	<i>Degrees</i>			<i>Minutes</i>		

In the space provided below, specify two lines of longitude which will indicate the eastern and western boundaries of your proposed operations.

Eastern-most Longitude	<i>Degrees</i>			<i>Minutes</i>		
	<i>Degrees</i>			<i>Minutes</i>		

Alternatively, please describe the Torres Strait Fishery that you propose to operate within:

.....

## 7 Proposed Master

The following person is nominated as the master of the boat described in Section 2 – Boat/License Details

<b>Name</b>			
<b>Postal Address</b>			
	State	Postcode	
<b>Contact Numbers</b>	( )	( )	

## 8 Declaration by Applicant

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

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

<b>Signature(s) and Date</b>		Affix Company Seal
	...../...../.....	
<b>Printed Name(s) and Position Held in Company</b>		

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

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

**Return Applications to:**

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

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

..... Hours ..... Minutes

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