

Torres Strait Tropical Rock Lobster Working Group

Meeting Record 6

25 & 26 July 2017

In-session meeting

Note all meeting papers and record available on the PZJA webpage:

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Australian Government

Australian Fisheries Management Authority

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Meeting participants

Members

Name	Position	Declaration of interest
Alexander Morison	Chair	Nil Member of other MAC's and RAG's.
Dean Pease	AFMA Executive Officer	Nil
Selina Stoute	AFMA Member	Nil
John Ramsay ¹	TSRA Member	Nil
Tom Roberts	Queensland Fisheries	Nil
Darren Dennis	Independent Scientific Member	Nil Previously involved in research projects
Aaron Tom	Industry Member	Wishes to own his own fishing boat and employ crew.
Mark David	Industry Member	TIB licence holder
Terrence Whap	Industry Member	Nil
Luke Dillon ²	Industry Member	TVH licence holder
Mark Dean ³	Industry Member	TVH operator
Daniel Takai ⁴	Industry Member	Pearl Island Seafood, Tanala Seafood and TIB licence holder
Ian Liviko	(PNG NFA)	Nil
Sevaly Sen	Fisheries Economist	Conducts various FRDC research projects relevant to AFMA fisheries.

1: not in attendance for Agenda Item 4.

2: attended day one only.

3: attended day one and until 11am on day two.

4: attended day two only.

Observers

Name	Position	Declaration of interest
Jerry Stephen	TSRA Deputy Chair TSRA Fisheries Portfolio	TIB licence holder, Native title holder of Ugar.
Charles David	TSRA	Nil
Mariana Nahas	TSRA	Nil
Thomas Namoa	Industry	TIB licence holder
Graham Hirakawa	Industry	TIB licence holder
Maluwap Nona	Chairperson Malu Lamar	TIB licence holder
Harry Nona	Industry	TIB licence holder
Phil Hughes	Industry	TVH licence holder
Brett Arlidge	Industry	General Manager M G Kailis Pty Ltd, holder of TVH licences

¹ Attended the meeting on day two only.

Action items and recommendations

Action Items

Number	Action
1.	Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities.
2.	AFMA to provide the objectives of the <i>Fisheries Management Act 1991</i> and the <i>Torres Strait Fisheries Act 1984</i> to Working Group members and observers.
3.	Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the <i>Torres Strait Fisheries Act 1984</i> .
4.	The following be presented at the next TRLWG meeting: a) an overview of the current understanding of stock connectivity between the Queensland East Coast and the Torres Strait TRL Fisheries; and b) the basis for the Queensland east coast TAC.

Recommendations

Number	Action
1.	Work should continue to examine whether there are cost-effective options for improving estimates of recreational catches in the region
2.	The PZJA work closely with both the Queensland and PNG Governments to ensure complimentary management arrangements are adopted in the event that the TRL stock biomass falls below the limit reference point.
3.	Further work be undertaken by the TRLWG and TRLRAG to examine possible options for applying a management trigger under the harvest strategy as the stock approaches the limit reference point to minimise the impacts on traditional inhabitant commercial fishers.

Agenda Item 1 - preliminaries

1.1 & 1.2 Apologies / adoption of agenda / declaration of interest

Apologies were received from two industry members. Phillip Ketchell was an apology for the entire meeting and Daniel Takai for day one only. The Working Group also noted an apology from Patrick Mills, Chairperson of the Torres Strait Fisher's Association who was planning to attend the meeting as an Observer.

The Working Group adopted the agenda with no changes and noted written advice from Phillip Ketchell would be tabled at Agenda Item 4.

The Chair noted that there could be potential conflicts of interest for members and observers when providing information and advice on some agenda items. These conflicts should be tabled by members and observers. The Chair noted that the Working Group is a consultative forum of the PZJA that provides advice on the management of the TRL Fishery. The Working Group is not a decision making body.

Representation at meetings

One industry observer noted that the representative for Kaiwalagal (the inner cluster of islands including Thursday Island and Horn Island) had been absent from a number of TRL Resource Assessment Group (RAG) and Working Group meetings. As a result, local industry feel they are not being adequately represented at TRLRAG and Working Group meetings. Preferably proxies should attend if a members cannot.

The AFMA member noted that members are expected to attend meetings and that every effort is made to ensure meeting dates correspond with the availability of members. AFMA will continue to work with members to ensure they can participate and where necessary, confirm whether they are able to continue in the role. Proxies are not used however observers are welcome to attend meetings.

The AFMA member noted the consultative forum representatives were nominated at a meeting on Horn Island in 2015 comprising over 60 stakeholders from across the region. With current appointments due to end this financial year, AFMA welcomes advice on alternative processes for nominating members.

One member raised concern with being referred to as an industry member rather than an island cluster representative. The AFMA member noted that future records can make clear the cluster group from which each member was nominated.

The Chair noted that representatives are bound by Fisheries Management Paper Number One (**Attachment A**) and the role of members is to act in the best interest of the Fishery rather than to advocate for a specific sector of the Fishery. The Chair noted that if there are different views of members they are recorded in the meeting record.

1.3 Action items from previous meetings

The Working Group noted progress against action items from previous meetings. The list of action items and progress is provided in **Attachment B**.

Recreational fishing rules

The Working Group noted an update on the recreational fishing rules for TRL that apply in the Torres Strait Protected Zone as detailed in the paper provided (**Action Item 9**).

Some members noted that the amount of recreational catch is unknown and that work should be undertaken to estimate the recreational take of TRL. The QDAF member noted that a Queensland recreational fishing survey had been undertaken, however there was only one respondent for the Torres Strait and therefore the data provided could not be considered sufficient to be representative of all recreational fishing in the region.

Working Group membership

The Chairperson for Malu Lamar (RNTBC) stated that Malu Lamar will not support any recommendation from the Working Group unless Malu Lamar (RNTBC) is recognised as a formal member of the group.

The Working Group noted advice that AFMA was progressing both Malu Lamar's and the TSRA Fisheries Portfolio member's request to become a member on all PZJA consultative forums.

Agenda Item 2 - updates

2.1 Industry

The Working Group noted the following updates provided by industry members and observers:

- Catches have been generally down however there has been some improvement in the months of June and July. The sand inundation of reefs surrounding Mabuiag including Beka Reef have started to clear and seagrass coverage around this area is increasing. The average size of TRL is slightly larger compared to last year.
- Catches around the inner cluster (Thursday Island) have been poor all season. It has not been worthwhile to use a big boat (primary/tender operation). Instead it has been more feasible to fish locally by dinghy.
- It is difficult for members to pass on the information of the RAG and Working Group meetings because the information is complex and the language used in meetings can be difficult to translate to something that is easy to understand and can be shared with fishers.
- Fishers from Iama are again reporting that hookah diving on top of the reef at Warrior and Dungeness reefs is continuing and this has an impact on the local Iama free dive fishers.

Fishing community home reefs

The Working Group noted advice from some industry members that communities continue to see transferrable vessel holder (TVH) operators diving their home reefs. This is of great concern to the communities and shows that the 'gentlemen's agreements' are not effective.

The Malu Lamar (RNTBC) Chairperson stated that home reefs should not be dived by the TVH sector and should be left for the local TIB fishers of that community. Malu Lamar (RNTBC) is currently undertaking a project to map the home reefs of Torres Strait communities and will work with the TVH sector to develop new agreements.

The Working Group noted and welcomed advice from both the Malu Lamar Chairperson and TVH industry members that they will work collaboratively with each other to develop agreements to address community concerns. It was noted that any such agreements could be the basis for an industry code of practice.

The AFMA member noted that upon request, AFMA could support future industry discussions by adjusting industry member travel arrangements alongside PZJA consultative forum meetings.

Action Item 1: Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities once finalised.

2.2 AFMA

The Working Group noted the updates provide by the AFMA member as detailed the agenda paper provided. The Working Group discussed the following updates:

Legislative amendments – Torres Strait Fisheries Act 1984

The PZJA has approved for AFMA to request legislative drafters to prepare draft amendments to the *Torres Strait Fisheries Act 1984*, including to allow for mandatory reporting by the TIB sector in the form of a daily fishing log. The drafting will provide the basis for consultation with the communities, industry members and the PZJA consultative forums.

- One industry observer noted that daily fishing logs may not be supported by the TIB sector, and it is preferred for reporting to be mandatory for seafood buyers and processors. TIB fishers don't want complicated rules, they just want to go fishing.
- One industry member suggested that a survey should be sent to each TIB licence holder questioning whether they support or do not support the introduction of mandatory daily fishing logs for the TIB sector.
- The Chairperson for Malu Lamar (RNTBC) noted that mandatory daily fishing logs for the Hand Collectable Fishery targeting bech de mer (BDM) would help support industry to develop the fishery. The Chairperson noted that some species are at risk of overfishing and that accurate catch reporting will be important for the sustainable management of the Fishery.
- The Fisheries Portfolio Member advised that the TIB sector will be discussing these issues in the near future, the sector should create another forum to consider these issues as a collective group and take relevant matters to the PZJA for consideration.

Amendment to the Commonwealth Fisheries Management Act 1991

Amendments to the Commonwealth *Fisheries Management Act 1991* have been proposed to require AFMA to have regard to interests of indigenous and recreational fishers.

The Chairperson for Malu Lamar (RNTBC) requested that a similar review be undertaken of the *Torres Strait Fisheries Act 1984* to check that the interests and recognition of indigenous fishers in the Torres Strait is consistent with the *Fisheries Management Act 1991*.

Action Item 2: AFMA to provide the objectives of the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984* to Working Group members and observers.

Action Item 3: Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the *Torres Strait Fisheries Act 1984*.

2.3 QDAF

The Working Group noted the Queensland Governments *Sustainable Fisheries Strategy* as detailed in the agenda paper and the following updates from the QDAF member:

- Queensland Boating and Fisheries Patrol has undertaken a recruitment round for 20 more fisheries patrol officers for Queensland;
- the Queensland East Coast Tropical Rock Lobster Working Group is likely to be re-established; and
- the Queensland East Coast TRL Fishery has had a very good season with the total allowable catch (195 tonnes) likely to be fully caught by 1 August 2017. Note on 7 September 2017 193.6 t of the 195 t TAC was taken.

2.4 TSRA

The Working Group noted the updates below provided by the TSRA member.

TSRA New Zealand study tour

- The TSRA recently visited New Zealand to learn about the Maori experiences with managing their traditional and commercial fishing interests;
- The TSRA Board will be briefed on the outcomes of the study tour at its meeting in September 2017;
- TSRA is planning to convene a Fisheries Symposium with stakeholders following the TSRA Board meeting to discuss both the study tour and how the TIB may benefit from the Maori experience. The TSRA Portfolio Member noted October or November would be suitable for industry members because it is during the Fishery closure;
- The TSRA can provide resources to establish community economic zones throughout the Torres Strait but ultimately it is up to Traditional Owners to determine how long this process will take.

Additional Government funding for TSRA

- The TSRA has been successful with recent funding bids for the region. The TSRA will receive \$16.75 million in new funding this financial year. Of that amount \$6 million is to be used for a landing jetty on Prince of Wales with the remainder (\$10.75 million) to be used to buyback fishing licences and invest in fisheries infrastructure.
- TSRA has commissioned an audit of fisheries infrastructure across all Torres Strait Island communities. The audit will identify what infrastructure is needed and how money should be invested to support development of fisheries in the region. Infrastructure needs will be considered broadly and could be anything including fuel bowsers, upgrading or building processing facilities and live holding tanks.

Expression on interest to lease TRL TVH licence held by TSRA

- The TSRA Board has agreed to lease-out one of the TVH primary/tender licence packages recently purchased by the TSRA for the 2017/18 fishing season. Expressions of interest will be sought with only Traditional Inhabitants being eligible to apply in the first instance.
- In making its decision the TSRA Board considered three options: (1). lease back to the TVH sector; (2). lease only to the traditional Inhabitants; and (3): retire the licence package. Leasing to a traditional inhabitant would give the licence holder the flexibility to crew the fishing boat with non-traditional inhabitants.
- One industry observer advised that he did not support the leasing-out of the TVH licence. Instead, in his view, the TVH licence should be retired.

2.5 Malu Lamar (RNTBC)

The Working Group noted the following updates from the Malu Lamar (RNTBC) Chairperson:

- in his capacity as Malu Lamar Chairperson, he had also been invited by the TSRA to attend the New Zealand study tour to meet with the Maori and learn from their fisheries experiences. The Maori agreed to provide assistance to Torres Strait Islanders in developing Torres Strait Fisheries;
- Malu lamar is aiming to establish a company two months from now;
- it is Malu Lamar's aim to empower TIB fishers across the board; and
- Malu lamar is looking forward to engaging with MG Kalis Pty Ltd and others and noted how the New Zealand Iwi work collaboratively across all sectors.

Agenda Item 3 - TRL Harvest Strategy

The Working Group noted the final draft TRL Harvest Strategy recommended by the TRL Resource Assessment Group (TRLRAG) as detailed in the Agenda Item paper and presented by the AFMA Executive Officer. A summary of the presentation is provided below.

Draft TRL harvest strategy recommended by the TRLRAG

- The draft Harvest Strategy (HS) sets out the pre-agreed management actions needed to achieve the Fishery objectives. The HS uses an empirical harvest control rule (eHCR) to determine a recommended biological catch (RBC).
- The major differences between the draft HS compared to the current interim Harvest Strategy are:
 - The draft HS uses an eHCR to calculate the RBC, while the interim HS uses an annual stock assessment to calculate the RBC. The draft HS applies a stock assessment on a three year cycle to review and evaluate performance of the eHCR and check the status of the resource.
 - The draft HS has a suite of pre-agreed decision rules that are designed to maintain the stock on average at the target biomass reference point (B_{TARG}) and to rebuild the stock if it breaches the biomass limit reference point (B_{LIM}) in two successive years. The draft HS B_{TARG} and B_{LIM} are more precautionary than the default Commonwealth Harvest Strategy Policy reference points.
 - The draft HS objectives have been developed to (a) place greater emphasis on the importance of the Fishery to the traditional way of life and livelihood of traditional inhabitants; and (b) maintain the stock on average at a target biomass level equal to recent years (2005-2015).
- The eHCR uses a regression of the 5 last year's data for the pre-season survey index of abundance of juvenile 1+ TRL (weighting 70%); newly recruited 0+ TRL (weighting 10%); the catch per unit effort (CPUE) indices for the TIB sector (weighting 10%) and CPUE indices for the TVH sector (weighting 10%).
- The draft HS decision rules are:
 - **Maximum catch limit** - The eHCR includes a maximum catch limit of 1000 t. Once the HS is implemented the cap will be reviewed after three years using MSE testing with the updated stock assessment model.
 - **Pre-season survey trigger** - If in any year the pre-season survey +1 indices is 1.25 or lower (average number of +1 age lobsters per survey transect) it triggers a stock assessment.
 - **Biomass limit reference point triggered** - If the eHCR limit reference point is triggered in the first year, a stock assessment update must be conducted in March.

- ❖ If after the first year the stock is assessed below the biomass limit reference point, it is optional to conduct a mid-season survey, the pre-season survey must continue annually.
- ❖ If the eHCR limit reference point is triggered two years in a row, a stock assessment must be conducted in December (of the second year).
- **Fishery closure rules** - If the stock assessment determines the stock to be below the biomass limit reference point in two successive years, the Fishery will be closed to commercial fishing.
 - ❖ Management strategy evaluation (MSE) testing of the eHCR has shown that it is extremely unlikely (<1%) for the Fishery to be closed based on its current performance.
- **Re-opening the Fishery** - Following closure of the Fishery, fishery-independent mid-season and pre-season surveys are mandatory. The Fishery can only be re-opened when a stock assessment determines the Fishery to be above the biomass limit reference point.
- Based on the decision rules, there are four alternative possible scenarios that may occur under the application of the eHCR. Graphic representations of the four scenarios were presented to the Working Group (**Attachment C**).

Comments and advice from Working Group members

1. *Impacts of the East Coast TRL Fishery on the robustness of the harvest strategy*

- Concerns were raised by some members that the impacts of the east coast fishery are not properly taken into account in the harvest strategy. Specifically the impact from how much is caught and when. With the east coast fishery season opening a month earlier (January) concerns were raised that the fishery may be having a bigger impact on spawning by catching berried females.
- Some members raised concerns that if the Torres Strait TRL Fishery is closed because it breaches the limit reference point (B_{LIM}) in two successive years then the Queensland East Coast TRL Fishery and the Papua New Guinea TRL Fishery should also be closed. It was recommended by some member that the PZJA write to the Queensland Minister requesting that they close the east coast fishery in the event that the Torres Strait fishery has to be closed.
- Some members noted that the Torres Strait Fishery is the only fishery conducting fishery independent surveys to determine the status of the resource and estimate a TAC. Some members remain concerned that the East Coast TAC is not based on good science.

- The QDAF member advised that an East Coast TRL Harvest Strategy will be developed as part of the Queensland Government's recently announced reform process.
- The AFMA member noted that the PZJA works with both the PNG Government and QDAF to develop complementary arrangements including Harvest Strategies. For the purposes of the Protected Zone, AFMA will formally seek support from the PNG-National Fisheries Authority on the Harvest Strategy through the Australia and PNG Fisheries Bilateral process under the Treaty.
- The Working Group noted that TRL is a shared stock with the QLD East Coast Fishery however the level of connectivity is uncertain. Irrespective of this uncertainty however the Working Group noted that the pre-season survey provides good data on the level of recruitment to the Torres Strait TRL Fishery and that the Harvest Strategy is designed to use these data to inform the management of the TRL Fishery.
- The Working Group further noted that the recently AFMA funded CSIRO larval advection project is aimed at providing updated information on TRL larval recruitment patterns for the Torres Strait.

2. *Potential for measures to be added as Limit Reference Point is approached to limit impacts on the TIB sector.*

- Some Working Group members recommended that the reduction of catch under the draft harvest strategy as the stock biomass move towards the limit reference point should not be uniform across the TIB and TVH sectors. Rather, a trigger point should be included in the draft HS before B_{LIM} at which point priority is given for fishing to the TIB sector over the TVH sector the TVH sector.
- The Fisheries Economist noted: (1) that there would need to be an agreed HS objective if the TVH sector were to take a larger reduction in the TAC compared to the TIB sector; (2) another option might be to restrict the Fishery to free dive only if a certain trigger point was reached; (3) and that the objective of any triggers would need to be agreed.
- The Malu Lamar Chairperson noted that the report titled 'A fair share of the catch' interprets the order of priority for Torres Strait Fisheries as (1) traditional fishing; (2) community fishing and (3) commercial fishing. The Chairperson noted the report should be considered when developing management arrangements for the Fishery including the draft HS and a legal interpretation of the report and its findings is required.
- The Industry Member from the TVH sector advised they could not agree to any proposal to have different measures applied to the TVH sector until more detail could be provided. The industry member noted that they too needed to make a living.

- Some TIB representatives and observers noted that TVH operators have the option of operating under a dual licence with the East Coast while TIB operators are unlikely to be able to secure endorsement to operate on the East Coast should the TS fishery close.
- An industry observer commented that industry should be left to work through these issues directly with each other.
- The AFMA member noted that the draft harvest strategy takes into account importance of TRL as an important shared resource. Having regard for importance of the resource for traditional fishing the harvest strategy is set to maintain a relative large stock size (target biomass is B_{65}). If the stock size reduces towards the limit reference point, then the harvest strategy process will recommend that the total catch be reduced so that the stock may build.

3. *Taking into account recreational catches*

- Some members questioned whether or not recreational catches were properly accounted for under the harvest strategy and sought advice on any plans to collect reliable estimates of recreational catches.
- The Working Group noted advice that TRLRAG did not recommend accounting for recreational catches at this time because overall catches are likely to be relatively low. One industry member did not support this assumption and considered recreational catches to be higher.
- The Working Group further noted advice that the FinFish Working Group has identified the need to examine whether there are cost-effective options for developing improved estimates of recreational catches in the future.
- The AFMA member noted that it is generally very costly to collect recreational catch data and so a risk based approach is generally required when accounting catches by that sector.

Recommendation

Having regard for the comments by members the Working Group:

1. **Recognised** that the draft harvest strategy is:
 - designed to inform management decisions for the Torres Strait TRL Fishery;
 - is based on robust fishery independent survey data and stock assessment process;
 - treats the TRL Fishery as a single stock;
 - does not take into account recreational catches on the basis of TRLRAG advice that catches are likely low; and
 - has been subject to rigorous performance testing by the TRLRAG.

2. **Recognised** that whilst there may be uncertainty in the level of connectivity between the east coast and Torres Strait TRL stocks, the draft TRL harvest strategy uses the best available data including annual fishery independent survey data, to recommend annual total allowable catches. Future work such as the recently funded larval advection modelling project is likely to improve our understanding of stock connectivity overtime.
3. **Requested (Action Item 4)** the following be presented at the next TRLWG meeting:
 - a) an overview of the current understanding of stock connectivity between the east coast and the Torres Strait TRL Fishery; and b) the basis for the Queensland east coast TAC.
4. **Recommends** that work should continue to examine whether there are cost-effective options for improving estimates of recreational catches in the region;
5. **Recommends** that the PZJA work closely with both the Queensland and PNG Governments to ensure complementary management arrangements are adopted in the event that the TRL stock biomass falls below the limit reference point.
6. **Recommends** that further work be undertaken by the TRLWG and TRLRAG to examine possible options for including social and/or economic objective in the draft Harvest Strategy and applying a management trigger under the harvest strategy as the stock approaches the limit reference point to minimise the impacts on traditional inhabitant commercial fishers.

Agenda Item 4 – TRL Management Plan

The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that outcomes of the recent TSRA study tour to New Zealand needs to be shared and considered by the TIB sector before proceeding with a plan of management for the fishery. The Working Group however agreed for public consultation outcomes on the draft management plan to be tabled (Agenda Items 4.2, 4.3 and 4.4).

A further summary table was circulated at the meeting which was intended to aid discussion among members on the key issues raised in the public consultation process (**Attachment D**).

4.1 Revised Sectoral Provisional Allocations

The Working Group noted that the TSRA had purchased two TVH primary/tender licence applications. Based on the provisional allocations assigned to those licences, the revised sectoral allocations that could be made under a quota management plan if they were to be combined with the TIB quota unit allocation is: TIB sector 62.54 per cent and TVH sector 37.46 per cent.

4.2 TRL Plan Public Meeting Outcomes

The Working Group noted the outcomes of public consultation meetings on the proposed TRL Management Plan as detailed in the Agenda Item paper.

One industry member noted that some communities, for example Masig, have not been provided an opportunity to meet with the industry representative for that cluster, to discuss and formulate a position on the management plan to allow them to provide a formal submission.

4.3 TRL Plan Written Submissions

The AFMA member read out the apology letter from the industry member Phillip Ketchell, the letter states that the Torres Strait Fishers Association (TSFA) does not support the proposed draft TRL Management Plan (**Attachment E**).

The Working Group noted the written submissions received on the draft plan as detailed in the Agenda item paper.

4.4 Native Title Notification – Malu Lamar (RNTBC) Submission

The Working Group noted the native title notification response on the draft plan from Malu Lamar (RNTBC) based on the Agenda Item paper.

The Working Group did not review the full summary on issues raised in the Malu lamar submission noting advice from the Chairperson for Malu Lamar (RNTBC) that the TIB sector and industry members first need to reflect on the recent meetings held with the Maori's before progressing development of the proposed draft management plan.

A single Malu lamar recommendation was noted. That is for the draft plan to provide separate rights and interest between native title holders and traditional inhabitants. Persons who are not native title holders, particularly if their traditional inhabitant identity is derived from the amnesty list, should not be granted TIB licences.

The Chairperson of Malu Lamar (RNTBC) noted the approval process for the grant of traditional inhabitant boat (TIB) licence is out of date and needs to be reviewed. The approval to grant a TIB licence needs to be based on genealogy to determine if a person is eligible to hold the licence. The Chairperson noted that PNG 'amnesty people' and aboriginal people from Cape York are not defined as a Torres Strait Islander under Article 1 of the Torres Strait Treaty.

4.5 Consideration of the draft management plan following public consultation

The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that the recent New Zealand study tour provided attendees with greater insight to the benefits and opportunities of quota management and how Maori manage their quota entitlements.

In light of what was learnt from meetings with the Maori and concerns raised about the draft plan through the public consultation, the Fisheries Portfolio Member and Malu Lamar

Chairperson did not support any further discussion on the draft Plan until the TIB sector and native holders more broadly, first meet to consider how their quota entitlements might be managed in order to meet their aspirations from the fishery.

The Fisheries Portfolio Member advised that the TSRA Board will be considering the outcomes of the NZ study tour at its meeting in September and that a work plan will be devised for leading the further consultation with the TIB sector and Malu Lamar. The Fisheries Portfolio Member further advised that the additional consultation may be a two year process with the first TIB meeting possibly occurring in beginning in October to coincide with the TRL Fishery closure. The aim of the TIB sector meeting will be for the sector to gather an understanding of the benefits of the Maori model and to agree on a preferred TRL Fishery management approach for the TIB sector. Additionally the consultation process may also cover issues across all fisheries such as restrictive rules in the Beche de Mer Fishery (7m boat length limit, free dive only).

Some industry members noted that the TVH sector should be included in the discussions about the Maori fisheries model to facilitate their understanding of how it could benefit the Torres Strait and fishery as a whole.

Industry members (TVH included) supported setting aside further development of the draft TRL Management Plan until the Traditional Inhabitant sector has developed preferred options for managing their quota allocation.

Other business – Malu Lamar reform proposal

The Chairperson of Malu Lamar circulated a paper titled 'Torres Strait Fisheries Reform Proposal – Australian Government and Queensland Government Assistance Request, June 2014 (**Attachment F**) to Working Group members at the end of the first meeting day and requested that he be able to present the paper on day two. The Malu Lamar Chairperson sought that it be tabled as it was relevant to the TIB sector in considering future options for managing fishing entitlements, such as TRL quota units.

The Malu Lamar Chairperson did not describe the detail of the paper but instead sought general comment from the Working Group.

The AFMA member advised that the paper is likely to be of some assistance for discussions being planned for the traditional inhabitant sector and Malu Lamar (as advised under Agenda Item 4). The AFMA member noted that the stated Malu Lamar vision includes working in partnership with industry, including the TVH sector and initiatives being progressed such as leasing-back arrangements and drawing on the Maori experience.

The AFMA member further advised that whilst it is helpful to be informed of the Malu Lamar reform proposal it was beyond the terms of reference of the Working Group to provide advice on the steps recommended in the paper as they relate to agreements and funding arrangements requested between Governments.

The Malu Lamar Chairperson advised that native title owners have commercial rights and interest prior to colonisation and that these rights have been recognised by the High Court. Their understanding of the *Akiba Decision* is that native title owners own the resources and this must be recognised. Malu Lamar has no interest in continuing to participate in future working groups and instead will take the Government to court.

The TSRA Fisheries Portfolio member noted that it has been requested on number of occasions for Malu Lamar to become a member of the PZJA. The AFMA member advised that the PZJA has previously requested Malu Lamar to put its proposal in writing but has not yet received response.

Some industry members and observers confirmed their support for the Malu Lamar Chairpersons position, including Malu Lamar becoming a member of the PZJA.

The TSRA member recommended that a legal synopsis of the *Akiba Decision* be formally considered by the PZJA and the precise nature of native title rights determined by the decision be explain to the working groups.

The Malu Lamar Chairperson reiterated his disappointment with the Working Group failing to properly recognise their native title rights and left the meeting.

Section 5 – Proposed Future Management Arrangements

Agenda items under section 5 *Proposed future management arrangements* were not discussed.

The Chair closed the meeting around 11am due to a lack of a quorum following the early departure of another industry member.

Section 5 agenda items were deferred to the next Working Group meeting. The Working Group noted that arrangements would be made out-of-session to reconvene as soon as possible.

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

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

MAY 2008

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

Document Authorisation

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Authorising Officer	Steve Bolton

Authorising Officer	
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1. ACRONYMS/DEFINITIONS

For the purposes of this document:

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

2. PURPOSE

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

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

3. INTRODUCTION

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

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

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

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

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

4. CONSULTATIVE STRUCTURE

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

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

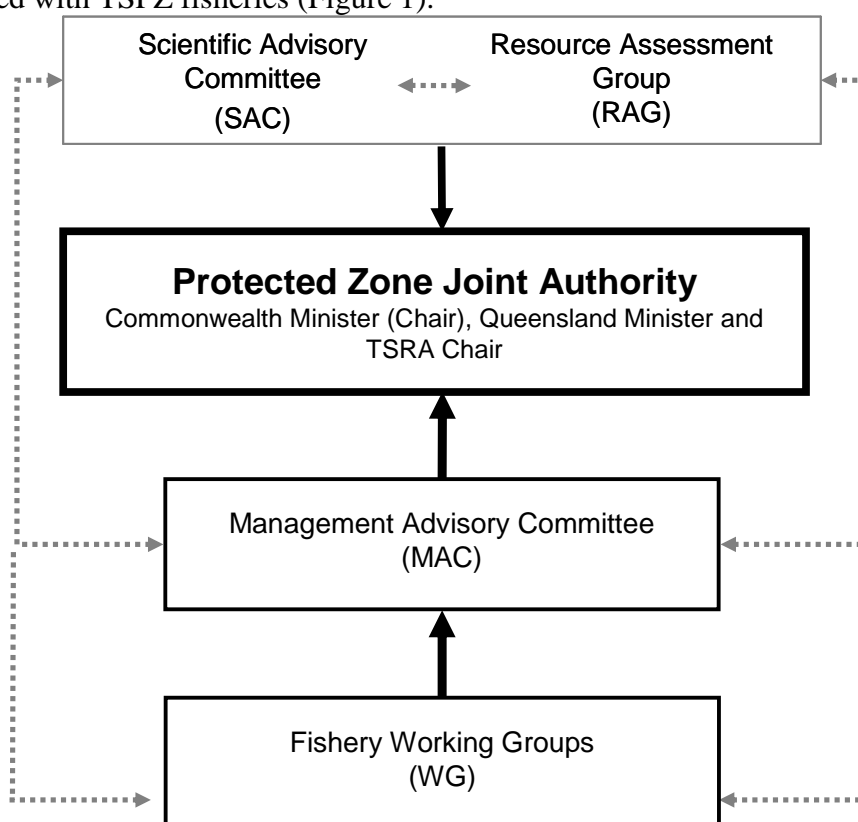


Figure 1. The consultative structure of the Torres Strait Protected Zone Joint Authority (PZJA). Solid lines and dashed lines indicate primary and secondary lines of communication respectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3. *Role and functions of Working Groups (WG)*

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

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

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

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

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

A RAG reports to the PZJA. It also informs relevant SACs, MACs or WGs of work on stock assessments in progress or potential issues, but is not restricted by them. This ensures that the potential conflict of interest generated by the assessment roles of RAGs and the management advisory roles of other consultative bodies does not impact on the quality of advice provided to the PZJA. A MAC (including its WGs) and associated

RAG are likely to have some common membership, therefore it is essential that members' roles be recognised and differentiated by the respective chairs.

5. TERMS OF REFERENCE

5.1. Management Advisory Committees and Working Groups

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

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

5.2. Scientific Advisory Committee (SAC)

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

1. Identify and document research gaps, needs and priorities for fisheries in the Torres Strait;
2. Provide a forum for expert consideration of scientific issues referred to the SAC by a MAC;
3. Provide a forum for detailed consideration of scientific issues raised by WGs and relevant stakeholder representative bodies and advise WGs and relevant stakeholders on the feasibility and merits of suggested research;
4. Develop and update a strategic plan for Torres Strait Fisheries research;
5. Solicit and review research proposals in line with the strategic plan and recommend proposals for implementation to the AFMA Research Committee (ARC) and/or other relevant funding organisations;
6. Provide other advice to the MACs on matters consistent with SAC functions;

7. Review research / consultancies, stock assessments, and other reports and outputs relevant to Torres Strait fisheries and advise the appropriate MAC and WG, on their technical merit;
8. Advise the MACs and WGs on the management implications identified by the research projects or the SACs own assessment of fisheries data;
9. Convene Fisheries Assessment workshops as appropriate to review and address assessment needs for Torres Strait fisheries and recommend research priorities for future assessments;
10. Provide advice to research providers and the MACs on appropriate mechanisms and protocols for engaging research providers in the Torres Strait fisheries;
11. Provide advice on effective delivery of research results to stakeholders; and
12. Provide advice on a range of issues including stock assessment advice.

5.3. *Resource Assessment Groups (RAG)*

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

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

6. COST RECOVERY

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

In Torres Strait, only the costs of the prawn fishery are attributed to Industry and recovered at the present time. It should be noted however that the PZJA agreed in principle that cost recovery should extend to other Torres Strait fisheries in line with

AFMAs Cost Recovery Impact Statement (CRIS). A policy on the cost recovery is being developed for the PZJAs consideration.

7. OPERATIONAL GUIDELINES

7.1. Membership Composition

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

7.1.1. Management Advisory Committee (MAC)

The minimum requirements for MAC membership are as follows:

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

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

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

7.1.2. Scientific Advisory Committee (SAC)

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

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

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

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

7.1.3. Working Group (WG)

The minimum requirements for WG membership are as follows:

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

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

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

7.1.4. Resource Assessment Group (RAG)

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

The minimum requirements for RAG membership are as follows:

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

7.2. Term of appointment

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

8. RESPONSIBILITIES AND OBLIGATIONS OF MEMBERS

8.1. Responsibilities of Members

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

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

8.2. Reaching consensus

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

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

8.3. Disclosure of interests

8.3.1. Types of interests

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

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

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

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

8.3.2. Declaring an interest

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

8.3.3. Dealing with an interest

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

Where it is determined that a direct conflict of interest exists, the MAC, SAC, WG or RAG may allow the member to continue to participate in the discussions relating to the matter but not in any decision making process. The member or the Committee/Group may also determine that, having made his/her contribution to the discussions, the member should retire from the meeting for the remainder of discussions on that issue.

As a guide, members with a direct conflict of interest should only be excluded from decision making if the matter being considered only affects the individual member rather than all persons involved in the fishery.

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

8.4. *Other Obligations of Members*

Members must:

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

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

8.5. *Personal and professional behaviour*

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

In the performance of their duties they should:

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

8.5.1 *Fairness and equity*

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

- Race;
- Religion;
- Gender;
- Political or union affiliation;
- Sexual preference;
- Political opinion;

- Marital status;
- Pregnancy;
- Social origin;
- Criminal record;
- Age; or
- Physical, intellectual or mental disability or impairment.

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

8.5.2 *Public comment*

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

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

9. CONFIDENTIALITY AND NON-DISCLOSURE

9.1. *General*

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

9.2. *Resource Assessment Groups (RAG)*

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

The Chair should warn members when matters of a confidential nature are tabled, and ensure that discussion documents are not used for any purpose not related to the business of the RAG. Exceptions should only occur with the written consent of the RAG Chair. However, all members are obliged to maintain standards of confidentiality

and non-disclosure relating to data. Note that industry members, non-government organisation personnel (NGO), and other fishery stakeholders may not be given access to confidential data.

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

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

10. ROLE AND APPOINTMENT PROCEDURES FOR MEMBERS

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

10.1 The Chair

10.1.1 Role

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

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

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

The roles and responsibilities of a Chair include:

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

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

10.1.2 Selection/Appointment Procedure

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

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

10.1.3 Acting Chair

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

- a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
- any period, when the Chair is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.
- A person appointed to act during a vacancy must not continue to do so for more than 12 months.

10.2 Protected Zone Joint Authority (PZJA) Agency Members

10.2.1 Roles

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

- participate in general discussion;
- contribute fisheries management expertise to deliberations;
- provide advice on relevant Government policy and the process required for policy development and change;
- ensure that the MAC, SAC, WG or RAG is aware of, and fully understands, PZJA policy and obligations under its governing legislation; and
- seek and provide additional information on Government policy as necessary.
- The views expressed and the policies advocated by AFMA and QDPI&F members are to be considered those of their relevant organisations.

The role of the TSRA member of a MAC, SAC, WG or RAG is to assist and support the traditional inhabitant members and provide fisheries expertise.

10.2.2 Selection/Appointment Procedure

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

10.3 Industry Members

10.3.1 Role

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

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

10.3.2 Selection/Appointment Procedure

The PZJA considers the selection of the industry members to a MAC, SAC, WG or RAG to be critical to the success of the Committee/Group. These individuals must have the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises when necessary. Industry members should not have

commercial interests in the same company as another member/s of the same committee or group. Above all, they must have credibility within the industry and the ability to address issues with the best interests of the fisheries in mind.

Industry members will normally be appointed through the following process:

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

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

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

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

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

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

While the PZJA or delegate may consult with industry organisations in the selection of industry members, once appointed, industry members are required to act in accordance

with the duties and obligations of MAC, SAC, WG and RAG members as set out in this paper. This means their contribution must be in the best interests of the fishery, rather than as an advocate of the industry sector that nominated them. Industry members are not representatives of particular sectors or interest groups.

10.4 Scientific Member

10.4.1 Role

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

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

10.4.2 Selection/Appointment Procedure

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

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

Scientific members will normally be appointed through the following process:

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

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

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

10.5 Traditional Inhabitant Members

10.5.1 Role

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

- Contribute knowledge of fisheries and communities to a MAC, SAC, WG or RAG.
- Contribute fisheries expertise to achieve the best management of the fishery.

- Regularly report to and liaise with other traditional inhabitants in the community on MAC, SAC, WG or RAG activities, including the issues being dealt with and the possible solutions being considered.
- Consult with members of community through local associations and meetings as necessary.

10.5.2 Selection/Appointment Procedure

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

10.6 Conservation Member - Optional

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

10.6.1 Role

The role of the conservation member is to:

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

10.6.2 Selection/Appointment procedure

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

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

10.7 Other Members

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

11. TERMINATION OR RESIGNATION – CHAIR AND MEMBERS

11.1 Termination of appointment

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

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

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

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

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

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

Appointment may also be terminated if:

- the Chair or member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his/her creditors or makes an assignment of his or her remuneration for their benefit; or
- the Chair or member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, and the interest could conflict with the proper performance of the member's duties in relation to consideration of the matter, and he/she fails to disclose the nature of the interest at a meeting of a MAC SAC, WG or RAG; or
- the Chair is absent, except with the leave of the PZJA, from two consecutive meetings of a MAC, SAC, WG or RAG; or
- a Member is absent, except with the leave of the Chair, from two consecutive meetings of a MAC, SAC, WG or RAG.
- Termination of appointment under this section will take effect when:
- the member has been warned by the MAC, SAC, WG or RAG Chair, or the PZJA Chair in a case of MAC, SAC, WG or RAG Chair non-compliance, that:
 - they have not complied with one or more of their obligations or responsibilities, and
 - the non-compliance is unacceptable, and
- The PZJA Chair or delegate is satisfied the member has a case to answer of non-compliance with their obligations or responsibilities warranting termination of appointment.

- The PZJA Chair or delegate has asked the member in writing to show cause why their appointment should not be terminated.
- After at least 14 days have elapsed, the PZJA or delegate has considered the matter, including any response by the member, and made a decision on the member's continuation in their position.

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

11.2 Resignation

11.2.1 Chair

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

11.2.2 Members

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

12. OTHER PARTICIPANTS

12.1 Permanent Observers

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

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

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

The appointment processes for permanent observers will generally mirror those undertaken for MAC, SAC, WG or RAG members – nominations will be sought in the same way as for members and proposed permanent observers will be required to complete a declaration form before being appointed to the MAC, SAC, WG or RAG.

There is nothing to prevent the appointment of a permanent observer covering an area of interest for which a member has been appointed.

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

12.2 *Casual Observers*

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

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

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

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

13. EXECUTIVE OFFICERS (EO)

13.1 *Role of Executive Officers*

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

13.2 *Duties of Executive Officers*

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

- Making arrangements (including booking venues and catering) for meetings of the MAC, SAC, WG or RAG.
- Preparing and circulating meeting notices, agendas and agenda papers to members, ensuring a final agenda and papers are provided to the Chair and members at least **10 working days** prior to all meetings of the MAC, SAC, WG or RAG.
- Ensuring a Chair's Summary of the MAC, SAC, WG or RAG meeting is

- prepared and cleared within **five working days** following the meeting.
- Ensuring the Chair's Summary is made available to all operators and others with an interest in Torres Strait fisheries (or in the case of a WG or RAG the relevant individual Torres Strait fishery) as soon as practicable following the MAC, SAC, WG or RAG meeting but no later than **10 working days** after the meeting.
- Preparing the draft minutes and action sheets from each meeting and submitting them to the Chair for comment and approval within **14 working days** and distributing them to members within **21 working days** after the meeting.
- Maintaining files, correspondence lists and follow-up action arising lists relating to the MAC, SAC, WG or RAG business.
- Ensuring that there is positive two way communication between the MAC, SAC, WG or RAG and the participants in the fishery/fisheries and that decisions or recommendations made by the MAC, SAC, WG or RAG and the reasons for them, are well publicised.

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

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

13.3 Selection/Appointment Procedure

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

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

14. MEETINGS

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

15. COMMUNICATION

15.1 General Communication and Liaison Issues

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

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

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

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

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

15.3 Reporting

All MAC, SAC, WG and RAG members are responsible for regularly reporting to their stakeholders on MAC, SAC, WG and RAG activities, the issues and possible solutions under consideration. The MAC, SAC, WG and RAG Chair's Summary report of meetings is available to assist in this process.

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

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

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

- i. Meeting reports are minutes or the record of a meeting;
- ii. Technical working papers are reports tabled and considered during meetings. These are important resources that underpin an overall assessment of the fishery. Technical working papers may not become public documents, but do need to be retained and archived. These documents should be series numbered identifying the Committee or Assessment Group involved, the year produced and the meeting when they were

- considered. Copies must be provided to the relevant Committee Secretariat for lodgement in the AFMA research library; and
- iii. Assessment reports are PZJA publications that are produced annually or periodically, and provide an assessment of the fishery. These assessment reports should generally adopt a standard reporting format for fishery assessment reports. The reports should carry an AFMA and PZJA logo, be series numbered and be made available for public circulation to stakeholders. Copies must be provided to the relevant Committee Secretariat for lodgement in the AFMA research library.

15.3.1 Chair's summary

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

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

15.3.2 Self Assessment

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

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

16. FINANCIAL MANAGEMENT

16.1 Fishery Budgets

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

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

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

16.2 Annual work planning and budget preparation for RAGs

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

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

16.3 Travel Expenses of Members

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

16.4 Remuneration for inter-sessional work

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

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

right to inspect such records, before approving payment of claims for inter-sessional work.

16.5 Remuneration for Chairs and SAC/RAG Scientific Members

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

16.6 Consultancies

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

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

17. CONSULTATIVE COMMITTEES

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

Legislative Objectives and Functions

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

8 Objectives to be pursued

In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty and in particular to the following management priorities:

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

34 Functions of Joint Authority under this Act

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

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

EXAMPLE ONLY – NOT FOR USE

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

Dear Chair

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

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

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

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

Yours sincerely

Signature
Name (please print)
Mailing Address
Daytime Telephone No.....
Mobile Telephone No.
Daytime Fax No
Email Address
Date

1. Procedural Matters

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

2. Notice of a meeting

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

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

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

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

3. Quorum

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

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

4. Agenda

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

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

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

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

papers to all members prior to meetings.

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

The agenda should have items listed in the following order:

1. Chair's Opening Remarks

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

2. Review and adoption of the agenda

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

3. Declaration of Interests

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

4. Apologies

5. Minutes of the Previous Meeting on (date)

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

6. Outcomes of the meeting of the PZJA on (date)

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

7. Business Arising from the Minutes

While the immediate consideration of any business that arises from the minutes of the previous meeting is normal, it may be appropriate for some issues to be dealt with as individual items later in the agenda.

8. Routine Items

Regular business which comes before the MAC, SAC, WG or RAG (such as correspondence etc.) should be dealt with at an early stage in the meeting to enable such items to be dealt with expeditiously, but without undue haste. Reports of the

SACs, WGs and RAGs and of each individual fishery will be discussed at this point during a MAC meeting.

9. Business Items to be Dealt With

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

10. Other Business

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

5. Attendance of Casual Observers

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

6. Rules of Debate

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

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

7. The Minutes

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

Minutes may be defined as the official, permanent, written record of the business transacted at a meeting. They should be accurate, concise and articulate, being free from

ambiguity or uncertainty. Where there is, by necessity, substantial and significant detail covered in the MAC, SAC, WG or RAG meeting, the minutes need to reflect this level of detail.

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

The minutes need to include:

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

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

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

TRAVEL EXPENSES

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

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

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

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

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

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

The claim form for travel expenses is attached.



Australian Government
Australian Fisheries Management Authority

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

DETAILS OF MEMBER

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

DETAILS OF MEETING

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

DETAILS OF TRAVEL

(AFMA use only)

Start: Place.....	Time.....	Date.....
End: Place.....	Time.....	Date.....
Was this travel by the most direct route?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, please provide comments		
Method of travel: <input type="checkbox"/> Plane (go to section A) <input type="checkbox"/> Vehicle (go to section B)		

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

Outward: Date.....	Depart.....	Arrive.....
Return: Date.....	Depart.....	Arrive.....
Are you claiming reimbursement for total cost of the airline ticket?		
Yes <input type="checkbox"/> No <input type="checkbox"/> Comments		

Section B - DETAILS OF VEHICLE

Distance travelled by direct route.....km	Engine size.....cc
-------------------------------------------	--------------------

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

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

SIGNED INVOICE DATE.....

ATTENDANCE VERIFIED

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

COST CENTRE	TOTAL PAYABLE APPROVED BY.....
-------------------	--------------------------------

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



TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING No. 6 25-26 July 2017
Action Items	Agenda Item 1.3 FOR INFORMATION

Number	Meeting	Action	Status
1.	TRLWG #5 held on 5-6 April 2016	AFMA to circulate further information to TRLWG members and observers on the AMSA requirements for commercial vessels under 10 m.	Complete AFMA provided AMSA contact details to the TRLWG members and observers by email on 6 May 2015. The email also included information on Torres Strait Maritime Safety Workshops.
2.	TRLWG #5 held on 5-6 April 2016	AFMA to circulate the sea surface water temperature website to the TRLWG members and observers out-of-session.	Complete The Thursday Island water temperature website is available at the aims.gov.au website: http://data.aims.gov.au/aimsrtds/datatool.xhtml?site=921&param=water%20temperature
3.	TRLWG #5 held on 5-6 April 2016	AFMA to amend the draft Plan to stipulate that the PZJA must review the TIB quota unit allocation within two years of the Plan commencing.	Complete Amended in Draft Plan.
4.	TRLWG #5 held on 5-6 April 2016	AFMA to circulate additional information regarding cancellation provisions under the <i>Torres Strait Fisheries Act 1984</i> .	Complete AFMA circulated further information on 28 April 2016.
5.	TRLWG #5 held on 5-6 April 2016	TRLRAG to provide advice on any findings relating to the impacts of changing the season start date to provide industry with a longer TAC notice period.	Ongoing The RAG has not yet considered this action item. To be considered at the next TRLWG meeting.

Number	Meeting	Action	Status
6.	TRLWG #5 held on 5-6 April 2016	AFMA to provide further information on whether the Act could restrict foreign ownership of fishing entitlements in the fishery.	Complete To be provided at Agenda Item 4.5.
7.	TRLWG #5 held on 5-6 April 2016	CSIRO to provide an update of the harvest strategy development at the next TRLWG meeting.	Complete To be provided at Agenda Item 3.
8.	TRLWG #5 held on 5-6 April 2016	The following agenda items to be considered at the next TRLWG meeting: a) proposed 12 month season for free-diver and lamp fishing for TIB sector tender vessels only; and b) proposal to permit lamp fishing from TIB vessels only.	Complete To be considered at Agenda Item 5.5
9.	TRLWG #5 held on 5-6 April 2016	QDAF member to circulate to members and observers out-of-session the regulations regarding the recreational take of TRL in the Torres Strait.	Complete AFMA (on behalf of QDAF) will circulate prior to the TRLWG meeting no. 6 the recreational fishing regulations for TRL in the Torres Strait to RAG and Working Group members and observers.
10.	TRLWG #5 held on 5-6 April 2016	AFMA to circulate the FRDC Report 2002/008 'Biology, larval transport modelling and commercial logbook data analysis to support management of the QLD TRL Fishery' to members and observers out-of-session.	Complete AFMA circulated the FRDC report 2002/008 to the TRLWG members and observers on 6 May 2016.
11.	TRLWG #5 held on 5-6 April 2016	TRLRAG review the advice and justification for opening the east coast TRL season on 1 January and AFMA present that advice as an update at the next TRLWG meeting.	Ongoing CSIRO provided a report titled <i>Biology, larval transport modelling and commercial logbook data analysis to support management of the NE Queensland rock lobster <i>Panulirus ornatus</i> fishery</i> . The report was sent to members and observers prior to the TRLWG meeting no. 6.

Number	Meeting	Action	Status
			The report provides information to support management arrangements for the East Coast Fishery. The RAG has not yet considered this action item.
12.	TRLWG #5 held on 5-6 April 2016	QDAF member to circulate to TRLWG members and observers further information regarding the approval process for the indigenous fishing permit.	Complete AFMA (on behalf of QDAF) circulated information regarding applications for indigenous fishing permits on 13 June 2016 to TRLRAG and TRLWG members and observers.

Torres Strait Tropical Rock Lobster Fishery – alternative annual Harvest Control Rule application scenarios

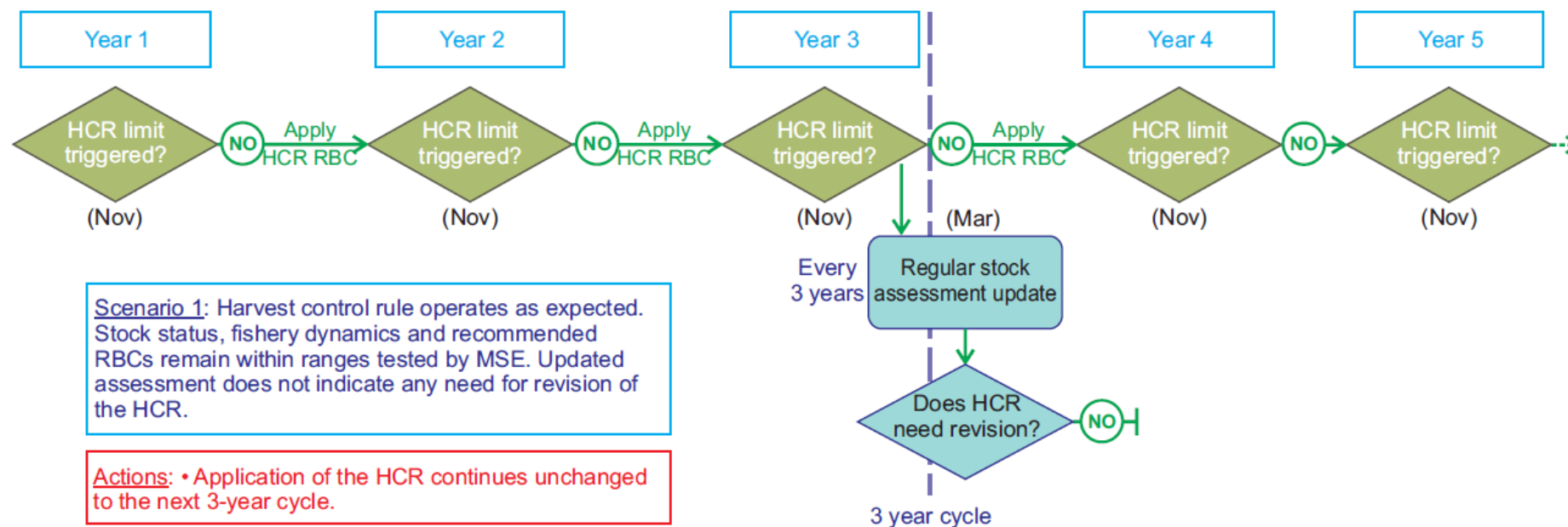
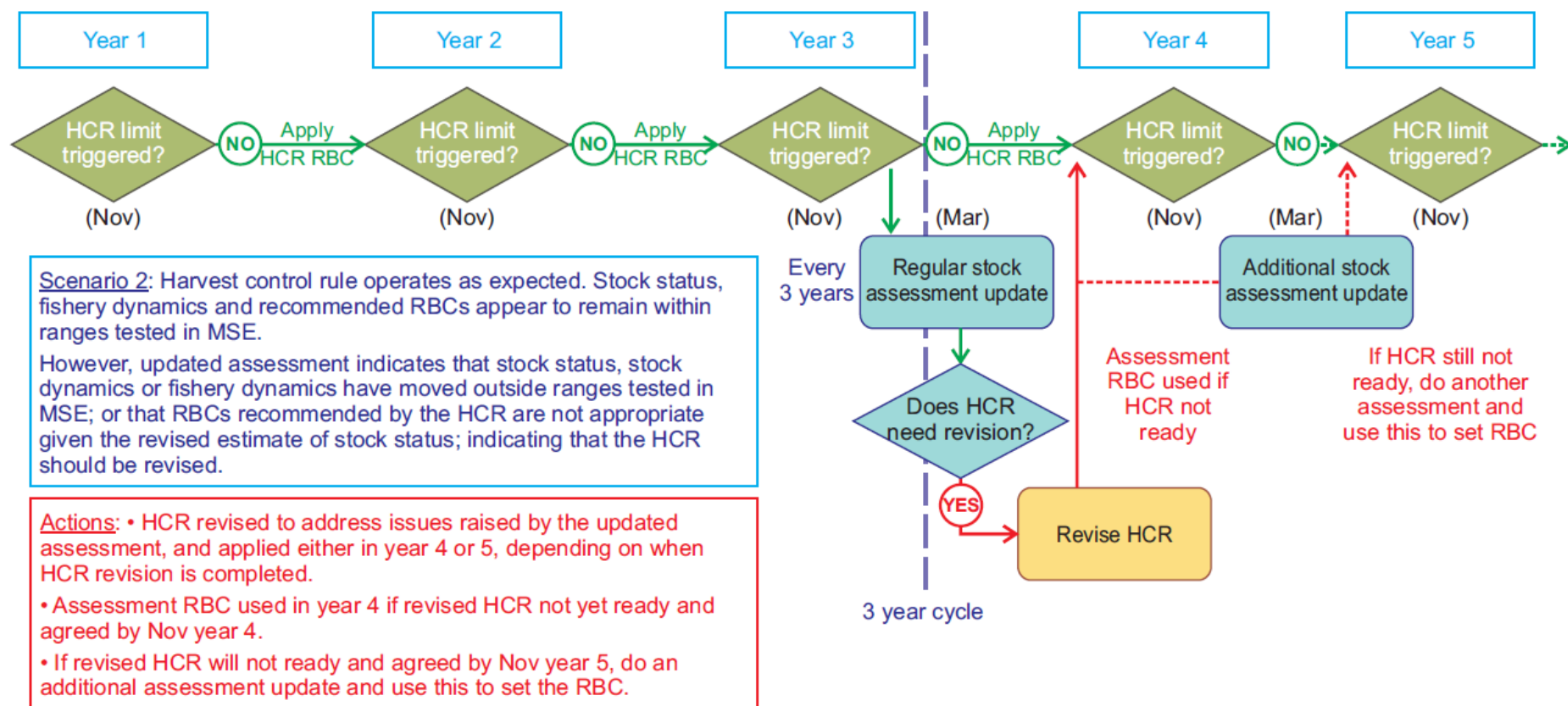
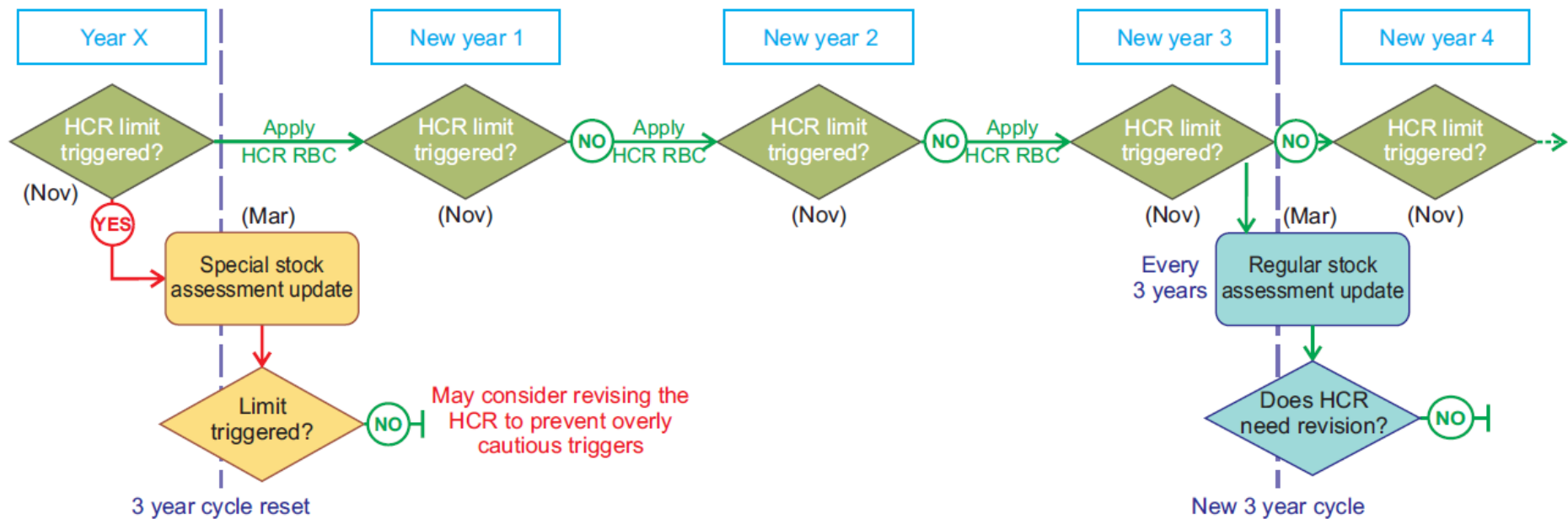


Figure 1. Torres Strait Tropical Rock Lobster Fishery decision rule scenario 1.



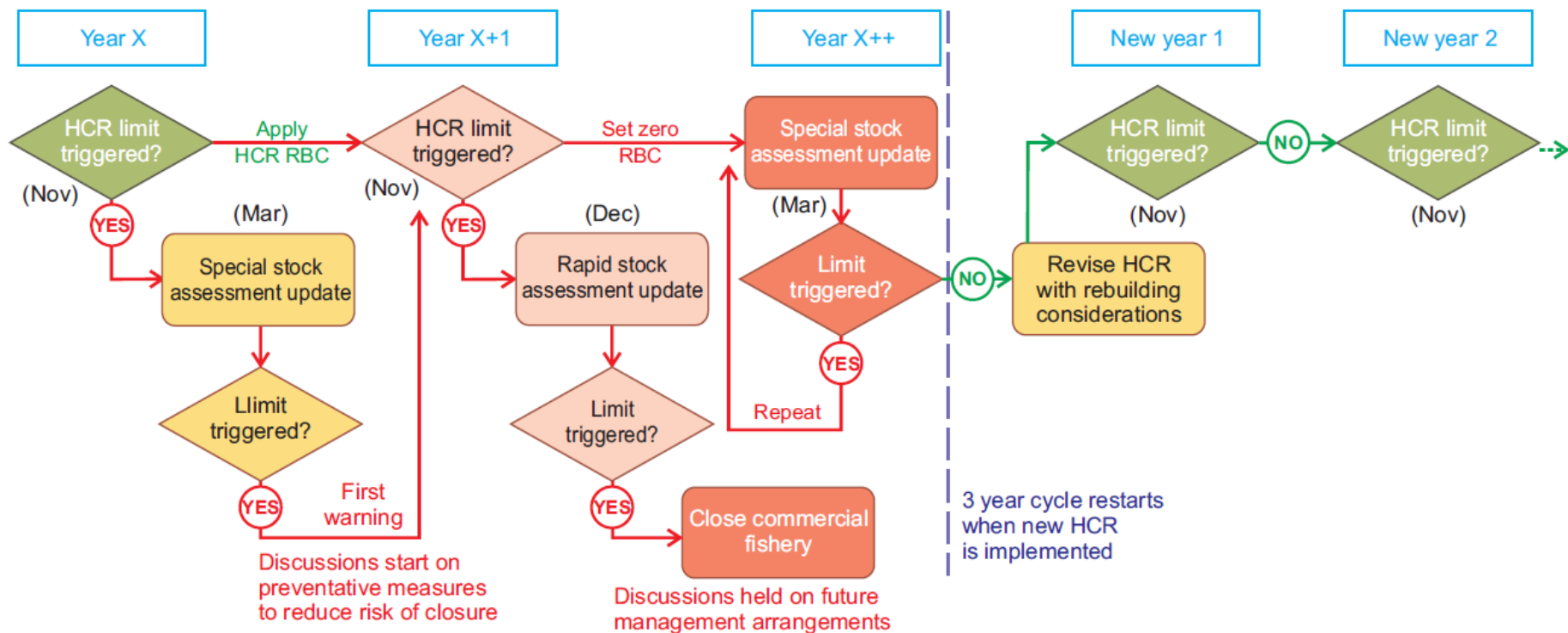


Scenario 3: Application of the HCR in a particular year results in the limit being triggered, requiring a special assessment update to confirm whether the limit has indeed been breached. However, this assessment update determines that the limit has not been breached.

Actions:

- Application of the HCR continues unchanged, although consideration may be given to revising the HCR to prevent overly cautious triggering of the limit (refer to Scenario 2).
- The three-year cycle is reset, postponing the next regular assessment update to retain the 3 year spacing between assessments, provided the HCR does not breach the limit again in that period.

Figure 3. Torres Strait Tropical Rock Lobster Fishery decision rule scenario 3.



Scenario 4: Application of the HCR in a particular year results in the limit being triggered, requiring a special assessment update to confirm whether the limit has indeed been breached. Special assessment update confirms that the limit has indeed been breached. Application of the HCR the following year results in the limit being triggered for the second successive year, requiring a second rapid assessment update to confirm whether the trigger has been breached a second time. Assessment update confirms that the trigger has been breached again. The commercial fishery is closed until an assessment update confirms that the stock has recovered to above the limit.

- Actions:**
- When it has been confirmed that the limit has been breached the first time, discussions will be held on preventative measures to reduce the risk of closure.
 - If it is confirmed that the limit has been breached for a second year and that the commercial fishery must be closed, discussions will be held on future management arrangements to reduce the risk of future closures.
 - If the fishery is closed, annual assessments will be done until an assessment update confirms that the stock has recovered to above the limit.
 - Before being re-implemented, the HCR will be revised to reduce risk of breaching the limit in future and to incorporate rebuilding requirements.

Figure 4. Torres Strait Tropical Rock Lobster Fishery decision rule scenario 4.

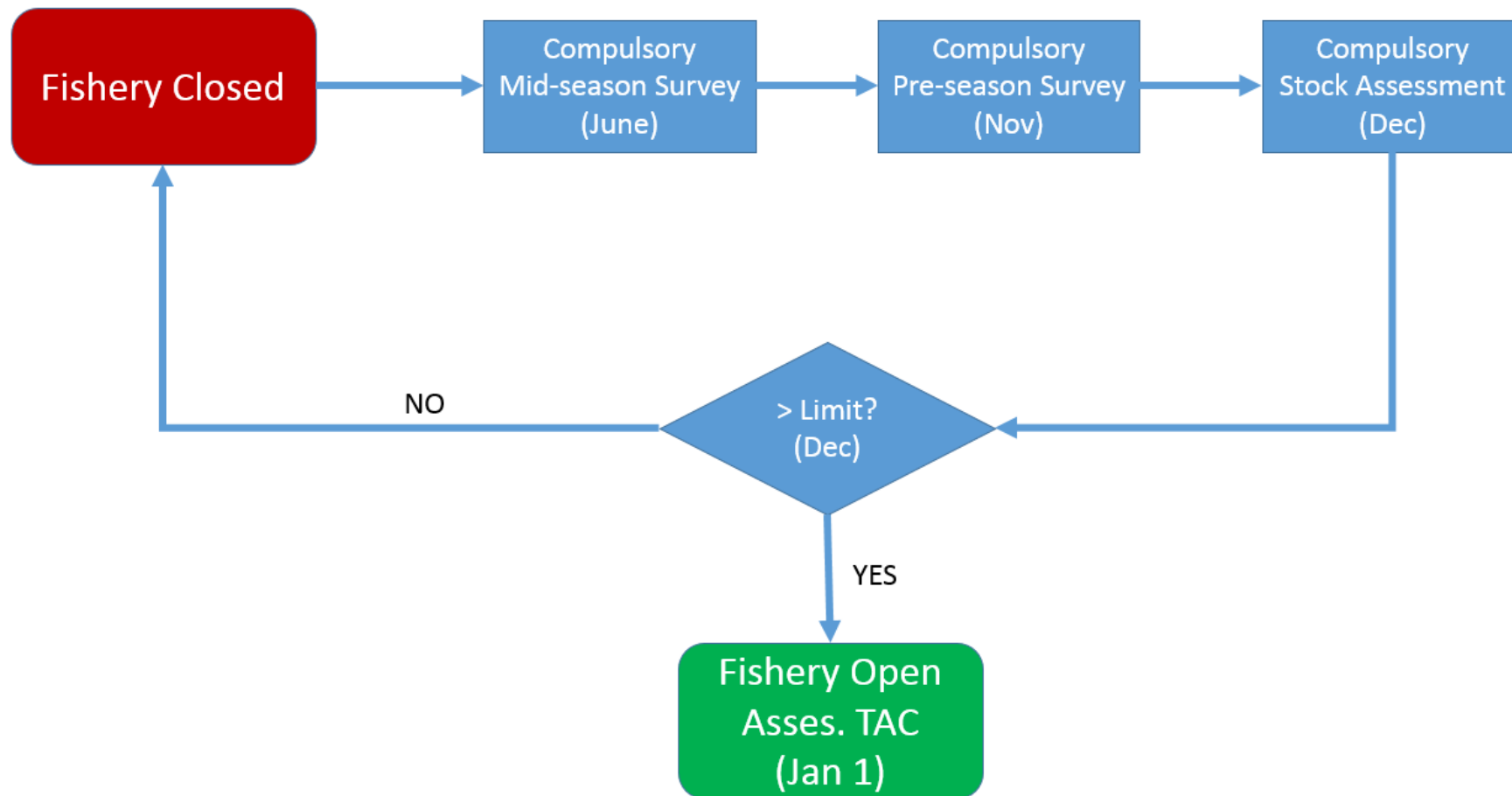


Figure 5. Torres Strait Tropical Rock Lobster Fishery closure and re-opening rule.

Part 1: Comments on the proposed quota management plan

Overarching management approach – Moving to quota management under a plan of management	
Mabuiag Traditional Owners	<ul style="list-style-type: none"> • General concern that under the TRL management plan commercial fishers will be allowed to focus more on catching their share at the least cost which can encourage excessive hookah and tender use on home reefs which can be detrimental to the local 'dinner plate' and local free divers, forcing them to go further afield. • In light of concerns over equity issues in the sectors and other issues, Traditional Owner groups should have the right to submit community TRL Management plans. Community plans would protect a community's right to practice Indigenous traditional sustainability and provide a platform for community level-decision making ownership. • A community management plan could be another input control in the fishery outlining controls for localised areas (traditional boundaries), these may include spatial and temporal closures, hookah restrictions, move-on provisions and community engagement protocols. • Support 100% move to TIB sector and a phasing out of the TVH sector in stages to reduce economic shock to the industry and allow time for capacity building, as long as there is no cost shifting to the TIB sector. • A move to 100% control TIB sector would need to include grass roots input and one way is through local area community management plans.
Kenneth McKenzie	<ul style="list-style-type: none"> • The introduction of quota will allow partial buyback of quota allocated. For example if an operator is allocated 3% of the fishery then they will have the option of selling 1% or 2%. TSRA would have the first right of refusal for such a transaction.

Phil Hughes	<ul style="list-style-type: none"> • In considering moving to a quota management system, the choice must be made between input controlled fishery where the resource is owned by the community and managed on behalf of that community by a PZJA that is responsive to the needs of community OR an output controlled fishery where the quota is held by the highest bidder; a fishery that is principally driven by market forces above any respect for social or community impact.
Torres Strait Seafood	<ul style="list-style-type: none"> • Under a quota management system one company will likely hold the monopoly of quota which could lead to that entity dictating lease arrangements and lower beach price of TRL for fishers. Do not believe the implementation of the quota system as it is will at all benefit the community.
Torres Strait Fisher's Association Inc	<ul style="list-style-type: none"> • Do not agree with the proposed plan on the grounds that some of its clauses may be contrary to the intent of the Torres Strait Treaty and the <i>Torres Strait Fisheries Act 1984</i> and therefore detrimental to the long-term interests of Traditional Inhabitants. Position informed by the report "a fair share of the catch". • The plan takes away the TIB's sector's capacity for future growth by granting quota to the TVH sector and then requiring the TIB sector to buy it back. This can only happen if the TVH sector wishes to sell. By allowing this the Minister may make decisions that over-rule the <i>prima-facie</i> priority ranking of community fishing ahead of commercial fishing (refer to <i>Fair Share of the Catch</i> report). • The plan gives entitlements to TVH licences not allowed under the Act. The PZJA should use its power to not renew TVH licenses as the TIB sector grows (refer to <i>Fair Share of the Catch</i> report). • Implying that a TVH license will be renewed annually creates a legal liability for the Commonwealth to the detriment of the TIB sector which is against the intention of the Act (refer to <i>Fair Share of the Catch</i> report).

Assessing objectives of the Plan (section 6)		
Raymond Moore		<ul style="list-style-type: none"> The allocation of quota units to the traditional inhabitant sector, deals with commercial fishing, not traditional fishing. The report “<i>A fair share of the catch</i>’ (Skehill and Young 2002) gives a legal interpretation that ‘livelihood’ refers to livelihood as derived from traditional activity.
Setting a Total Allowable Catch		
Mabuiag community		<ul style="list-style-type: none"> Support the idea of quota management system and capping catches to protect sustainability.
Quota unit allocation – TIB sector		
Mabuiag community		<ul style="list-style-type: none"> Support TSRA to hold quota in the interim as an entity on behalf of the TIB sector.
Kenneth McKenzie		<ul style="list-style-type: none"> Support TIB sector operating under an Olympic pool at the start as a quota system would be difficult to implement and police for the sector. As the quota system evolves this could be changed.
Torres Strait Seafood		<ul style="list-style-type: none"> Concerns regarding how and by whom the TIB quota could be managed. In the interests of transparency, fairness to TIB licence holders, recipients of any economic benefit and the ongoing viability of the fishery.
Leasing of Quota Units		
TVH sector	Kenneth McKenzie Raymond Moore	<ul style="list-style-type: none"> The TVH sector should be permitted to lease quota to any licence holder or the TSRA.

TIB sector	Kenneth McKenzie	<ul style="list-style-type: none">TIB sector catch could be assessed at the mid-point of the season (May) and with consultation quota that is likely to be uncaught can be leased to the TVH sector. Another assessment could be made at the end of July and leased quota amounts adjusted to suit.
	Raymond Moore	<ul style="list-style-type: none">Do not support leasing of TIB quota because it increases competition for the TIB sector. Whilst there is financial gain it comes at the expense of more competition for the TIB sector.
	Kenneth McKenzie	<ul style="list-style-type: none">Money raised by leasing could be held in trust for future buybacks or economic development.
Transferring (selling) Quota Units		
Kenneth McKenzie Raymond Moore	<ul style="list-style-type: none">TVH sector should be permitted to sell or lease only part of their quota to an existing licence holder or TSRA.	
Granting of new TVH licences (the number of quota units are fixed however number of Fishing Licences is uncapped)		
Raymond Moore	<ul style="list-style-type: none">Although the proportion of catch that the TVH sector could take would not increase (due to the limit on quota units), allowing new TVH licences to be created would increase the TVH effort. Existing TVH effort is one of the major factors limiting the expansion of the TIB sector.The granting of TVH sunset licences to lease unused TIB quota as done in the Finfish Fishery would add competition which would be detrimental to the TIB sector.	
Foreign Ownership of Quota Units and Fishing Licences		
Raymond Moore	<ul style="list-style-type: none">Quota units should only be able to be sold to Australian citizens. Foreign ownership of quota units would make it impossible to achieve 100% ownership.	

	<ul style="list-style-type: none"> Quota units should only be held by a person who also holds a Fishing Licence. Under this arrangement quota could only be held by a traditional inhabitant or one of the existing 12 TVH licences. Allowing investors to hold quota units will make it more difficult to achieve 100% ownership.
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Part 2: Comments on the TSRA additional elements as detailed in the paper titled TSRA's comments TRL (Kaiar) management plan – exposure draft

Submission	Summary of issue raised
Economic Development Contribution	
Torres Strait Fisher's Association Inc.	<ul style="list-style-type: none"> Introducing an economic development contribution from the TVH sector is not necessarily a good thing if it ends up as just more revenue to be managed by the TSRA. Rather than a financial contribution, the TVH operators should be required to contribute by helping train Torres Strait Islander divers or by a partnership arrangement helpful to that cause.
Kenneth McKenzie	<ul style="list-style-type: none"> Do not support the TVH sector contributing anymore in the way of annual fees or similar, for the economic wellbeing of Torres Strait Islanders.
Torres Strait Seafood	<ul style="list-style-type: none"> Do not support. Introducing an economic development contribution would be an impost to make the fishery economically unviable. Introducing a 'contribution' after the fact.
Raymond Moore	<ul style="list-style-type: none"> There is confusion over the meaning of an economic development contribution. If this means a financial contribution then it is unrealistic considering there are only 8 TVH licence holders compared with about 300 TIB licence holders.
	<ul style="list-style-type: none"> TVH could work with TSRA in promoting economic development, the main value of the TVH being its expertise in the fishery. TVH are willing to increase employment and training of traditional inhabitants

	<p>to improve employment and training opportunities for traditional inhabitants, the limiting factor in the past has always been trying to source willing applicants.</p> <ul style="list-style-type: none"> • Very difficult to include such factors into a management plan, there needs to be discussion on what exactly the TSRA is trying to include.
	<ul style="list-style-type: none"> • TSRA should be more active in promoting development in the TRL Fishery. For example, including the development of infrastructure to support trade in live TRL rather than tailed product at outer islands.
Mabuiag Traditional Owners	<ul style="list-style-type: none"> • Support.
First Right Refusal	
Kenneth McKenzie	<ul style="list-style-type: none"> • Support TIB sector to have first right of refusal on TVH licence sales, but if a third party offered a higher price, the licence should be permitted to be sold to the third party.
Raymond Moore	<ul style="list-style-type: none"> • Support, assuming first right of refusal means, the purchaser meets the value of other offers, their offer takes priority. There is general support for the traditional inhabitant aspiration to gain 100% ownership provided this is achieved in a fair and equitable manner. That is, it has to be voluntary and with fair compensation.
Mabuiag Traditional Owners	<ul style="list-style-type: none"> • Support.
Torres Strait Seafood	<ul style="list-style-type: none"> • Concerns with how this may be enforced.

Trading between existing licence holders only	
Raymond Moore	<ul style="list-style-type: none"> Some clarification is needed on this proposal however it infers that the sale of licences can only be between existing licence holders. Restricting the purchase of licences to existing licence holders is likely to result in a monopoly making it difficult for the TIB sector to achieve 100 per cent ownership. At present TVH licences can be purchased by anyone. TVH licence holders could not be expected to give up their right to a freely transferable licence.
Mabuiag Traditional Owners	<ul style="list-style-type: none"> Support.
Kenneth McKenzie	<ul style="list-style-type: none"> Subject to the first right of refusal proposal, TVH should be able to sell to persons other than existing licence holders.
Torres Strait Seafood	<ul style="list-style-type: none"> This statement needs clarification.
Other aspects of the draft management plan	
Powers	The Plan would be made by the Commonwealth Minister. This gives the Minister the power to set the Total Allowable Catch (TAC) and the length of the season. The TSRA is seeking clarification as this is different from the Finfish and Prawn fisheries management plans in which the PZJA has the authority to make the Plans.
Cancellation of quota	Currently the Plan will cancel quota if a licence is cancelled. The TSRA is seeking that the quota from a cancelled licence be transferred to the TIB sector.
Unused PNG catch allocation	The Plan is silent on the annual PNG allocation. The TSRA would like the Plan to state that any unutilised PNG allocation, should be allocated to the TIB sector.

Allocations under the plan	The TSRA is seeking it be made clearer that the current ownership of the fishery; 43.8% TVH and 56.2% TIB, are the initial allocations only.
Review	Following the two year review point after the allocation of quota to the TIB, the Plan presents only three options to the PZJA: the allocation of quota to individuals, allocation of quota to a non-government organisation or a combination of those two options. The TSRA believes that in the event there is no agreement from the TIB sector on a preferred quota holding model, it would be prudent to allow the PZJA the option of asking the TSRA to continue to hold the TIB quota until such time as the TIB sector has agreed on a preferred ownership model

Part 3: Comments on other management arrangements and issues

Submission	Summary of issue raised
Input controls generally	
Kenneth McKenzie	<ul style="list-style-type: none"> The introduction of quota could allow current input controls to be relaxed. The 10m boat length restriction for example, has become very inefficient due to changing rules and regulations by other government departments such as AMSA and Queensland Transport.
Torres Strait Seafood	<ul style="list-style-type: none"> Additional controls (input controls) should not be required should quota be introduced. Alternatively why would quota be enforced if the fishery is operating successfully under the current controls?
Luke Dillion	<ul style="list-style-type: none"> Input controls and standards have to be applied equally to the industry, all sectors, so that the impact is the same on each of the operators.
Season Start Date	
Kenneth McKenzie	<ul style="list-style-type: none"> Season should start a fortnight earlier each year to capitalise on the Chinese New Year market. For example around 16 January however the exact date to determined annually depending on tidal conditions.
	<ul style="list-style-type: none"> Queensland East Coast TRL Fishery should start mid-January (eg 16 January.as proposed for the Torres Strait).
Torres Strait Seafood	<ul style="list-style-type: none"> Torres Strait season start date should be consistent with the East Coast TRL Fishery opening on 1 January so that the Torres Strait industry can also benefit in being able to access the high market demand period leading up to Chinese New Year. Alternatively the East Coast season should be changed to be consistent with Torres Strait hookah fishery opening of 1 February.
Temporal Closures	

Kenneth McKenzie	<ul style="list-style-type: none"> Upon introduction of the quota system the tidal closures (moon-tide closures) could be removed as quota catch becomes the new limitation (on effort).
	<ul style="list-style-type: none"> Total fishery closure be put in place for three weeks starting around 18 August (dependent on tidal movement) to allow the completion of the annual moulting process where live lobster are subject to higher mortality rates.
	<ul style="list-style-type: none"> Total fishery closure 1 October to 16 January be maintained (after adjusting for a recommended earlier hookah season start date) to protect juveniles stocks. This must apply to PNG cross endorsed vessels.
Kenneth McKenzie	<ul style="list-style-type: none"> Annual moulting season for the East Coast is mid-September so maybe the season could be bought back two weeks to allow for the higher mortality.
Spatial Closures	
Kenneth McKenzie	<ul style="list-style-type: none"> Recommend investigating areas for no-take zones on the East Coast to protect TRL spawning. For example in deeper drop-off zones.
Fishery Research	
Kenneth McKenzie	<ul style="list-style-type: none"> Recommend more research on the connectivity between Queensland east coast TRL spawning and recruitment for the Torres Strait TRL Fishery.
	<ul style="list-style-type: none"> Support current assessment process to recommend a total allowable catch annually.
Compliance	
Phil Hughes	<ul style="list-style-type: none"> There is inadequate monitoring, control and surveillance (MCS) to support a quota management system.

	<ul style="list-style-type: none"> Because a single company owns a significant proportion of the TVH sector licences and an even greater share of the product, there is a conflict of interest and potential for manipulating any TAC on paper.
Free Dive and Lamp Fishing	
Kenneth McKenzie	<ul style="list-style-type: none"> TIB and TVH sector should be allowed to night spear and free dive from December to 16 January since only large lobsters come to the shallows in this period. An effort to police this period is required (ie no use of hookah).
Ownership of TIB licences	
Torres Strait Seafood	<ul style="list-style-type: none"> There should be more transparency and a more rigorous test for owning a TIB licenced carrier/processing vessels, to prevent loophole entry into the fishery.
Finfish leasing revenue	
Torres Strait Fisher's Association Inc	<ul style="list-style-type: none"> Many fishermen do not agree with the way money received from the lease of finfish quota has been spent in the past. TSRA's needs to improve its accountability by directing the funds towards a vision and strategies agreed to by the whole TIB sector, not just finfish representatives.

AFMA
PO Box 376
Thursday Island
Ph 0740691990

To AFMA

I give my apology for not being able to attend the TRL working group meeting on Tuesday 25 and Wednesday 26 July 2017 due to work commitments.

Could you please have recorded in the minutes that the Torres Strait Fishermen's Association rejects the proposed TRL Management Plan and reconfirms the position put forward in its official submission.

The proposed plan looks at the quota management issue from the perspective of a non-islander. What is needed is a plan that looks at the issue from an Islander perspective.

We believe that:

- The TRL management plan works outside of the intentions of the Torres Strait Fisheries Act and Torres Strait Treaty as outlined in the Fair Share of the Catch 2002
- The TRL management plan is designed to give TVH holders rights they do not have under the Torres Strait Fisheries Act.
- Therefore, we do not agree with the TRL Management plan
- Our stance has been voiced through the submission of our letter to AFMA in rejection of the TRL management plan
- We are in the process of coming up with an alternative plan and have started work on a concept for discussion.

Yours sincerely

Phillip Ketchell
TRL Working Group Rep, TSFA Vice Chair

Phone: 0437701055

25 July 2017

Synopsis – Version 2

Torres Strait Fisheries Reform Proposal

Australian Government and Queensland Government Assistance Request

June 2014

1. Introduction

- 1.1 Pending formal commencement of development of the Torres Strait Fisheries Reform Proposal, the Torres Strait Fisheries Reform Working Group (“WG”) seeks to keep the Australian Government and the Queensland Government generally updated through consecutive versions of the project synopsis. This is Version 2; Version 1 was circulated in April 2014.
- 1.2 On 7 August 2013, the High Court of Australia decided in the Torres Strait Regional Sea Claim (Part A), that the native title of Torres Strait Islanders includes a right to fish for any purposes, including commercial and trading purposes. It was the first time that native title sea rights were found to include a commercial element.
- 1.3 That alone creates a need for reform of fisheries legislation; to ensure it operates in a way more consistent with the pre-existing traditional laws and customs (native title) of the Indigenous people of the Torres Strait.
- 1.4 However the need for reform is driven by other imperatives as well:-
 - (a) Indigenous people in the Torres Strait are amongst the poorest in Australia. The dominance in the region of government services and a welfare based economy crowds out private enterprise, deters personal responsibility and dulls the ingenuity and self-reliance for which the region’s Indigenous people were historically known.
 - (b) Although modest legislative changes to initiate a TIB fishing sector have previously been made, the fisheries entitlements which provide greatest economic opportunity remain outside Indigenous ownership and control.
 - (c) Fishing is the original industry of the region’s Indigenous people. The industry is tailored to the inherent interests and aptitude of those people and inspires their vision for economic independence.

2. Vision

- 2.1 There is a short, medium and long term vision. It involves reform of both commercial and recreational fisheries in the region.
- 2.2 In the short term (6 to 12 months), WG seeks to:-

- (a) Complete a comprehensive commercial fisheries reform proposal of the kind suggested by Senator Scullion at the Sea Summit in Cairns on 22-24 January 2014.
- (b) Complete a complimentary proposal for recreational fisheries reform as part of the Queensland Government's current fisheries management review.
- (c) Complete the establishment of Malu Lamar as the registered native title body corporate for the Sea determination area and Gur A Baradharaw Kod Sea and Land Council as the region's successor native title representative body to the TSRA.

2.3 In the medium term (12-24 months), the WG/Malu Lamar seeks to:-

- (a) Work with the Australian Government and the Queensland Government in making legislative changes to the *Torres Strait Fisheries Act 1984* (Cth) and the *Fisheries Act 1994* (Qld) and associated regulations, coming out of the proposals referred to in paragraph 2.2. In essence, these changes will deliver Indigenous ownership of all fisheries entitlements on the basis of possible lease-back to existing TVH operators *and* direct commercial operations by the TIB sector.
- (b) Establish a new commercial structure for commercial and recreational fishing opportunities by Indigenous people in the Torres Strait. It will draw on learning from the Maori experience in New Zealand, involve collaboration with other Australian Indigenous fisheries initiatives and be informed by independent fisheries expertise.
- (c) Complete an overarching agreement between the region's native title holders, the Australian Government and the Queensland Government to record and provide for implementation of the outcomes in subparagraph (a) and (b) . This agreement may also provide for a streamlined system for fishing industry-related compliance with the *Native Title Act 1993* (Cth) and the *Torres Strait Islander Cultural Heritage Act 2003* (Qld). It might also address native compensation issues. It could be in the form of an Indigenous Land Use Agreement ("ILUA").

2.4 In the long term (24 months and beyond), the vision is for world class Indigenous owned and operated commercial and recreational fishing enterprises to be trading. They will provide for local employment, skills development and wealth generation for all of the region's people. Government's role will be as an efficient and streamlined regulator to ensure the scientifically-based sustainability of fisheries and oversee a rules-based system for ongoing commercial dealings with fishing entitlements.

2.5 The long term vision arises from the following:-

- (a) A government based economy and government funded welfare system in the region is not financially or socially sustainable. There is a demand for change amongst the region's Indigenous people.
- (b) The region's fisheries are not currently fully utilised to sustainable limits, the marine products are world class, aquaculture potential is completely untapped and Indigenous ownership and operation of sustainable fisheries presents great domestic and international marketing opportunities.
- (c) There is already broad support by both TIB and TVH sectors for a shared vision for the region's fishing industry. Successful dialogue between all industry sectors at an industry forum on Thursday Island on 31 March/ 1 April 2014 has already established that consensus.
- (d) There is rising global demand, especially from Asia's growing middle class, for agricultural produce. Asia already takes more than 40% of Australia's food exports. The Australian Bureau of Agricultural and Resources Economics and Sciences estimates massive Asian demand growth for Australia's agricultural produce to 2050.
- (e) The Torres Strait is geographically located on the door step of the Asian region. Seafood is amongst the highest value Asian food commodities, especially fresh/live product. Relatively modest investment in Horn Island's existing airport infrastructure will enable direct export of live product to Singapore and Hong Kong and from there trans-shipment to all of Asia. Australia has secured free trade agreements with South Korea and Japan. It may be on the verge of a free trade agreement with the People's Republic of China.
- (f) The region has a large pool of unemployed Indigenous youth. Many have strong aptitude in marine activities. They have a strong desire for training and practical skills development in sectors where there is a realistic potential for future employment and reward.
- (g) The Island composition of the region's land resources mean there is little scope for most other types of industry development. However, this lends itself to off-shore aquaculture, recreational fishing and adventure tourism.
- (h) The region's proximity to PNG and the Torres Strait Treaty may present opportunities for further joint fishing and tourism industry development between the Torres Strait and PNG.
- (i) The region's Indigenous people already have runs on the board in world class marine research and policy development. An example is their work with James Cook University and Tagai State College on the Torres Strait sea grass program.

3. Realising the vision

- 3.1 The WG, TIB and TVH sectors all accept the challenge set by Minister Scullion in January 2014 for the development of a detailed proposed for fisheries reform.
- 3.2 It needs to be a proposal of, by and from the region's Indigenous people. It will recognise the existing and ongoing role of the TVH sector.
- 3.3 The WG has already:-
 - (a) Secured support for the vision from all industry stakeholders (refer to minutes from the industry forum held in April 2014.)
 - (b) Identified sources of fisheries expertise within Australia to assist the WG in developing the proposal (MRAG Asia Pacific).
 - (c) Identified sources of fisheries expertise from New Zealand to help inform the proposal.
 - (d) Commenced dialogue with commercial advisers on other Australian Indigenous fisheries initiatives (Ambrose Solutions).
 - (e) Secured an indication from the National Native Title Tribunal for its ILUA assistance should parties decide to utilise such an agreement.
 - (f) Commenced the development of detailed ideas for reform.

4. Further Progress Since Version 1

- 4.1 Since Version 1 of the Synopsis was circulated in April 2014, the following further outcomes have been achieved:-
 - (a) On 15 May 2014 Malu Lamar (Torres Strait Islander) Corporation ("Malu Lamar") was incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).
 - (b) On 26 June 2014, the Honourable Justice Greenwood in the Federal Court of Australia made Orders that Malu Lamar be the prescribed body corporate for purposes of the *Native Title Act 1993* (Cth) in respect of the native title sea determination area arising out of the Torres Strait Regional Seas Claim (Part A) (QUD6040/2001).
 - (c) On 30 June 2014, details of Malu Lamar were entered on the Native Title Register maintained by the National Native Title Tribunal ("NNTT"). It is now the registered native title body corporate for the determination area.
 - (d) In addition to its native title functions under the *Native Title Act 1993*, Malu Lamar is also now the Torres Strait Islander party for the area for

cultural heritage purposes under the *Torres Strait Islander Cultural Heritage Act 2003* (Qld).

- (e) On 20 June 2014, the directors of Malu Lamar held a meeting and resolved to adopt the WG as a formal working group of Malu Lamar. The WG will continue its work with the Australian Government and the Queensland Government on reforms to the *Torres Strait Fisheries Act 1984* (Cth) and the *Fisheries Act 1994* (Qld). The working group will report to the executive committee of Malu Lamar.

4.2 The following operational arrangements have also been completed:-

- (a) With the kind support of the Australian Fisheries Management Authority, administrative procedures and other corporate establishment arrangements for Malu Lamar are either in place or underway.
- (b) Administrative support arrangements for Malu Lamar provided by the PBC Support Officer of the Torres Strait Regional Authority ("TSRA") and the Native Title Office ("NTO") of the TSRA, are now in place.
- (c) Arrangements have been made for the inaugural annual general meetings of Malu Lamar in August 2014. Members will receive a full update on the fisheries reform proposal at the meeting.
- (d) The WG has overseen responses to dozens of s24HA native title notifications in respect of future acts within the sea determination area over the last three months. To date responses have been provided by the NTO in its native title representative body capacity. Now that Malu Lamar is the registered native title body corporate for the area, future responses will be provided by it directly.

5. Next steps

- 5.1 Australian Government and Queensland Government commitment to grant assistance to help resource development by Malu Lamar of the proposal.
- 5.2 Appointment by the Queensland Government of a Malu Lamar representative (Mr Ned David), to the Ministerial Advisory Committee for the review of Queensland fisheries management.
- 5.3 Put in place other mechanisms for effective direct interface between Malu Lamar, the Australian Government and the Queensland Government in the development of the proposal. In particular the WG is seeking maximum dialogue directly with Senator Scullion as Australia's Indigenous Affairs Minister and the Australian and Queensland fisheries Ministers.