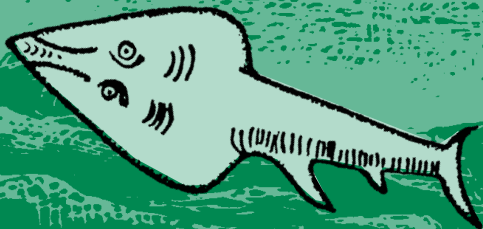




TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY



*Annual Report 2005-06*



*Torres Strait Fisheries Act 1984 (Commonwealth)*



PRESENTED TO PARLIAMENT PURSUANT TO SECTION 41 OF THE ACT

Senator the Hon Eric Abetz  
Commonwealth Minister for  
Fisheries, Forestry and Conservation  
Chairman of the Protected Zone Joint  
Authority  
Parliament House  
CANBERRA ACT 2600

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

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

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## ACRONYMS

ACV	Australian Customs Vessel
AFMA	Australian Fisheries Management Authority
AIMS	Australian Institute of Marine Science
ANU	Australian National University
BAP	Bycatch Action Plan
BRD	Bycatch Reduction Device
CRC-TS	Co-operative Research Centre Torres Strait
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DAFF	Department of Agriculture, Fisheries and Forestry
DEH	Department of Environment & Heritage
FFV	Foreign Fishing Vessel
FMN	Fisheries Management Notice
GA	Geoscience Australia
GIS	Geographic Information System
ICC	Island Coordinating Council
JCU	James Cook University
NPA	Northern Peninsula Area
PNG	Papua New Guinea
PZJA	Protected Zone Joint Authority
QCFO	Queensland Commercial Fishermen's Organisation
QDPI&F	Queensland Department of Primary Industries & Fisheries
QSIA	Queensland Seafood Industry Association
TAC	Total Allowable Catch
TIB	Traditional Inhabitant Boat
TSFIICC	Torres Strait Fishing Industry and Islanders' Consultative Committee
TSFMAC	Torres Strait Fisheries Management Advisory Committee
TSPMAC	Torres Strait Prawn Management Advisory Committee
TSSAC	Torres Strait Scientific Advisory Committee
TSPZ	Torres Strait Protected Zone
TSRA	Torres Strait Regional Authority
TVH	Transferable Vessel Holder



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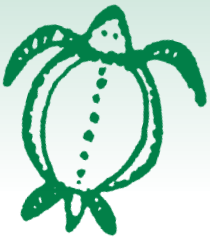
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## ACKNOWLEDGMENT

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





## 1 INTRODUCTION

This, the twentieth Annual Report of the Protected Zone Joint Authority (PZJA), describes PZJA activities during the year ended 30 June 2006 and the condition of the fisheries in the Torres Strait Protected Zone (TSPZ) (Fig. 1). The PZJA is responsible for management of commercial and traditional fishing in the Australian area of the TSPZ and designated adjacent Torres Strait waters.

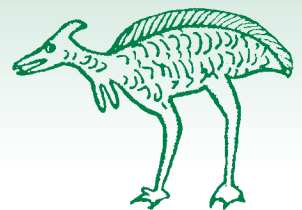
## 2 BACKGROUND

### THE TORRES STRAIT

The Torres Strait is located between the tip of Cape York and Papua New Guinea (PNG). It consists of over a hundred islands and reefs which have evolved from four major origins: volcanic, alluvial, coral cays, and flooded land bridges which were once part of the Great Dividing Range. Currently, 18 of the islands are inhabited. Geographically the islands are divided into inner, eastern, central, western, and top-western island groups.

### THE TORRES STRAIT TREATY

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







## THE TORRES STRAIT FISHERIES ACT 1984

The Australian Parliament passed the *Torres Strait Fisheries Act* in 1984 and it came into force on 15 February 2005. The purpose of the *Torres Strait Fisheries Act* is to give effect, in Australian law, to the fisheries elements of the Treaty.

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

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

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

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

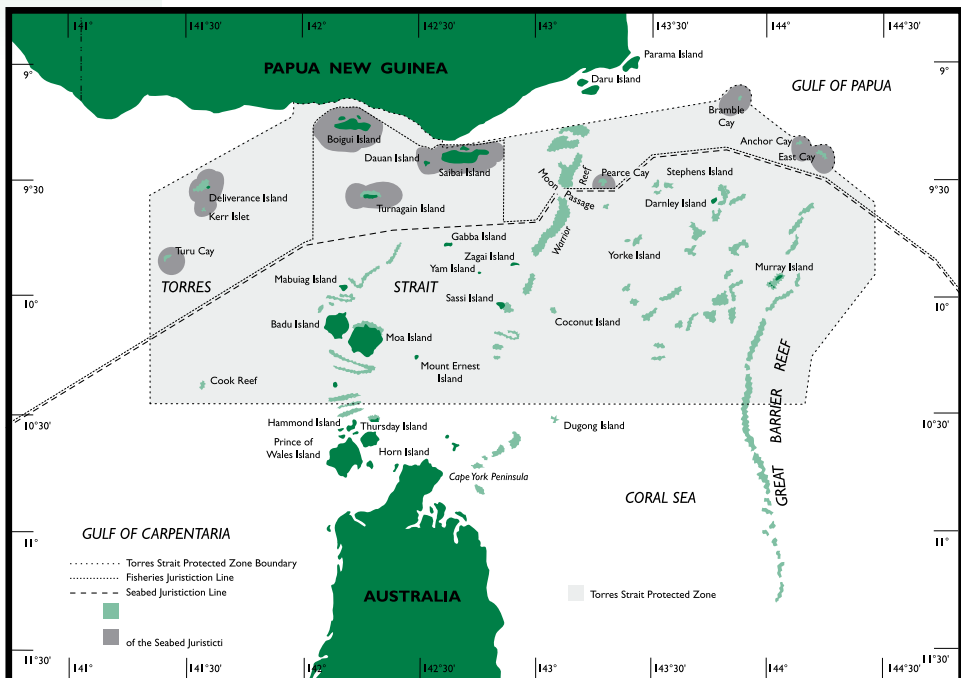


Fig. 1 — The Torres Strait Protection Zone.



### 3 THE PROTECTED ZONE JOINT AUTHORITY AND ITS MEMBERS

The PZJA, established under the *Torres Strait Fisheries Act 1984*, is responsible for the management of PZJA fisheries. Its members comprise the Commonwealth and Queensland Ministers responsible for fisheries, and the Chair of the TSRA. During 2005–06, the members of the PZJA were:

- Senator the Hon Ian Macdonald, Commonwealth Minister for Fisheries, Forestry and Conservation (July 2005 – January 2006);
- Senator the Hon Eric Abetz, Commonwealth Minister for Fisheries, Forestry and Conservation (January 2006 – June 2006);
- The Hon Henry Palaszczuk, MP, Queensland Minister for Primary Industries and Fisheries; and
- Mr John T. Kris, Chair of the Torres Strait Regional Authority.

The Australian Government Minister is the Chair of the Authority.

#### ROLES AND RESPONSIBILITIES

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

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

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





In October 1996 the PZJA agreed that all commercial fishing in Torres Strait would come under PZJA management. Arrangements were introduced on 1 April 1999 to include the following fisheries:

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

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

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

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



## MEETINGS

The PZJA met at Thursday Island on 5–6 July 2005 (Meeting No. 18) and at Thursday Island on 28 April 2006 (Meeting No. 19). The latter meeting was preceded by a Stakeholder Forum on 27–28 April. The PZJA's agreed decisions arising from the meetings are detailed in Annex A.

## ADVISORY COMMITTEES

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

To manage fisheries within the Australian jurisdiction of the TSPZ, the PZJA has developed a consultative process, which incorporates representatives from the Australian Traditional Inhabitants of Torres Strait and commercial fishers. The PZJA is advised by the Torres Strait Fisheries Management Advisory Committee (TSFMAC) and the Torres Strait Prawn



Management Advisory Committee (TSPMAC). The TSFMAC advises the PZJA on management issues for fisheries managed under the Torres Strait Fisheries Act 1984 (as of June 2006, this excluded prawns). The TSFMAC consists of representatives from Traditional Inhabitant groups and commercial fishers, Commonwealth and Queensland fisheries managers, and the Chairman of the Torres Strait Fisheries Scientific Advisory Committee (TSFSAC).

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

The Torres Strait Fisheries Scientific Advisory Committee (TSFSAC), which is comprised of representatives from research organisations, fisheries managers, Traditional Inhabitants and industry, advises the TSFMAC and TSPMAC on scientific issues associated with TSPZ fisheries.

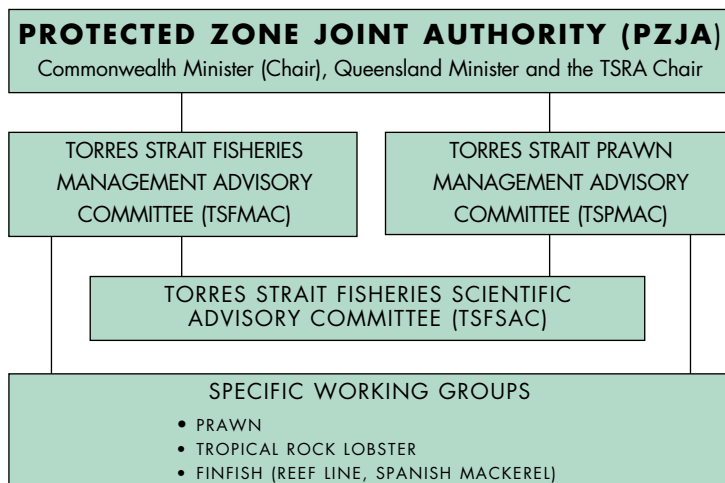


Fig. 2 — The structure of the Torres Strait Protected Zone Joint Authority and advisory bodies.

The consultative process outlined above, which involves Traditional Inhabitants, industry and Government, is the main clearing house for consideration of management issues and fisheries policy problems. The structures of the Working Groups



were amended to encompass the new PZJA fisheries (bêche-de-mer, trochus, crab and finfish) following the introduction of single jurisdiction on 1 April 1999. The full membership of the Committees and the dates on which they and their Working Groups met during the year are set out in Annex B.

In addition to this permanent advisory structure, the PZJA, at their Meeting of April 2006, established an Allocation Advisory Panel (AAP) to advise the PZJA on the appropriate basis for the allocation of fishing concessions in the non-community based commercial fishery sector for Tropical Rock Lobster and Finfish (Spanish Mackerel and Reef Line) fisheries. The panel consists of three independent members: the Honourable Jeffery Miles AO (Chair, retired judge), Ms. Sevaly Sen (economist) and Mr. Brett McCotter (industry).

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



## 4 CO-OPERATION WITH PAPUA NEW GUINEA (PNG)

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

### CATCH SHARING

Articles 22 and 23 of the Treaty allow for the sharing of catch within the TSPZ. The key catch-sharing arrangements with PNG for 2005–06 were:

- six PNG vessels to fish for **prawns** in the Australian sector of the TSPZ;
- 1,500 fishing days for use by seven operators, each with up to seven tenders each, to take **tropical rock lobster** in the Australian sector of the TSPZ;
- monitoring and taking of **dugong** for traditional purposes; and
- monitoring and taking of **turtle** for traditional purposes in Australian waters and artisanal purposes in PNG waters.

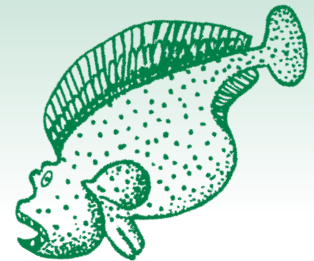
Catch sharing arrangements for **Spanish mackerel** were suspended for 2005–06, noting the lack of interest from either party to activate the entitlement and the cost savings in managing the fishery as a domestic fishery.

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

The Commonwealth Minister agreed that joint management arrangements should be in place for a full 12-month period starting from the date of approval, i.e. 1 December 2005 to 30 November 2006.

### OUTSIDE BUT NEAR AREAS

When part of a fisheries stock in the TSPZ extends outside but near to the TSPZ, the Commonwealth *Torres Strait Fisheries Act 1984* and its PNG equivalent allow Australia and PNG to extend TSPZ management arrangements into these areas. These are referred to as the “outside but near areas” (refer to maps of individual fisheries). The Torres Strait Treaty also provides for the two countries to agree to management and conservation measures in areas extending beyond the TSPZ.





## 5 FISHERIES

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

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

Non-Article 22 Fisheries are those that are not managed in conjunction with PNG. The fisheries that constitute non-Article 22 Fisheries are undertaken by Traditional Inhabitants for subsistence or commercial purposes.

### COMMERCIAL FISHERIES

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

A limited number of non-Traditional Inhabitants participate in the TSPZ fisheries. The PZJA have prevented expansion by this group since shortly after the Treaty was ratified through the requirement that non-Traditional Inhabitants must purchase an existing non-traditional licence to gain access to a fishery. Where there is scope for expansion in Torres Strait fisheries, the PZJA has attempted to reserve growth for Torres Strait Traditional Inhabitants, although there have been some exceptions where effort has increased while licence numbers have not.





## TRADITIONAL FISHERIES

Torres Strait Traditional Inhabitants have always exploited a diverse range of marine animals including dugong, turtle, tropical rock lobster, finfish, shells, crabs, and octopus for subsistence and use in cultural activities. Torres Strait Traditional Inhabitants have among the highest rates of seafood consumption in the world.

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

It is difficult to assess all species separately because of the diverse range of marine animals taken in the course of traditional fishing. However, studies undertaken during the 1980s indicated that, at the time, reef species were lightly exploited. No recent work has been undertaken to complement these studies, however while rates of exploitation may have increased during the intervening period, it is unlikely that they are now excessive.

The only management restrictions placed on traditional fishing activities in the 2005–06 period relate to dugong and turtle, and a bag limit on tropical rock lobster and sea cucumber (bêche-de-mer).

## ARTICLE 22 FISHERIES

A summary of each of the Article 22 Fisheries during 2005–06 are detailed below. Note that in previous PZJA Annual reports fishery data have been presented by financial year. However, for this and subsequent reports, landing data will be presented by calendar year due to the fact that most fisheries data is collected and presented to industry by calendar year.







## PRAWN

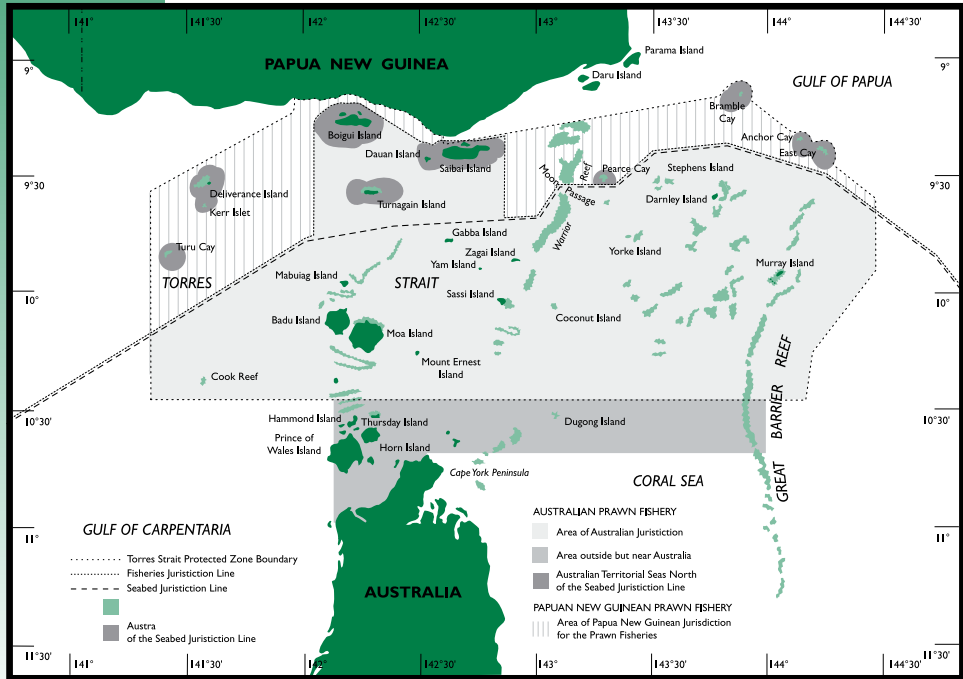


Fig. 3 — Torres Strait Prawn Fishery.

**Description of the fishery:** The Torres Strait Prawn Fishery (Fig. 3) is a multi-species (including endeavour, tiger and king) prawn fishery which operates in the eastern part of the Torres Strait. It is the most valuable commercial fishery in the Torres Strait, with 1,311 tonnes valued at over \$13 m taken in 2005 (Table 1) (catches reported are for the fishing season that ends within the financial year). Fishing is permitted from 1 March to 1 December each year.

**Condition of the fishery:** The Torres Strait Prawn Fishery is considered to be fully exploited at the present level of effort. The catch since 1999 has declined steadily from 2,200 to 1,311 tonnes in 2005 (Fig. 4). Species composition for the 2005 fishing season are shown in Table 1.



Table 1 — Prawn catches in the TSPZ for the 2005 season (1 March to 1 December 2005).

<i>Species</i>	<i>Catch (tonnes)</i>
Endeavour prawns	594
Tiger prawns	651
King prawns	51
Other	15
<b>Total</b>	<b>1,311</b>

**Management objectives:** Objectives adopted for the Torres Strait Prawn Fishery for 2005–06 were:

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

These objectives are to be achieved in a manner that avoids damage to other fisheries and the marine environment.

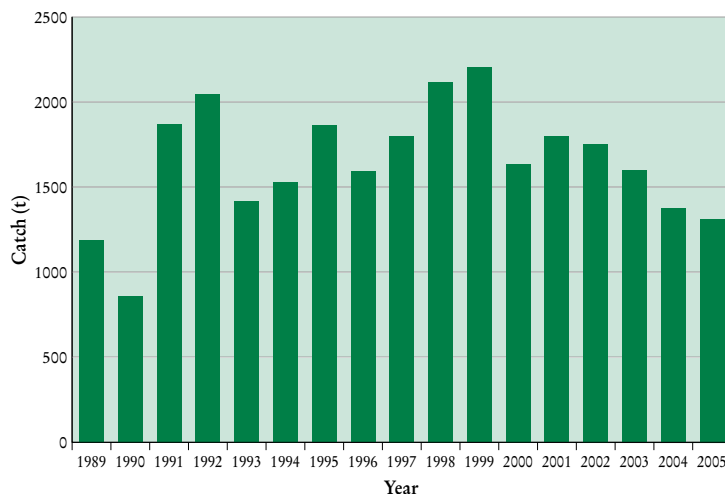
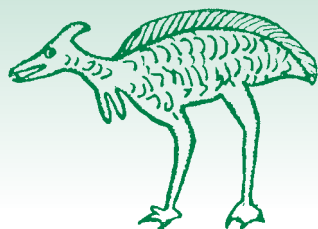


Fig. 4 — Annual catch of prawns (Endeavour, Tiger and King) in the Torres Strait Prawn Fishery 1989–2005. Data presented are for the fishing season ending in December 2005 but considered part of the financial year 2005–06.





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

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

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

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

Following these two decisions the Australian Government Department of Agriculture Fisheries and Forestry issued a Request for Tender (RFT) in December 2005, which had the primary objective of surrendering 25% of the 9,197 days allocated in the TSPF for the 2006 season, so that these days could be held in trust to allow for PNG's catch sharing entitlements under the Torres Strait Treaty. The RFT resulted in the surrender of 2,333 allocated fishing days from the TSPF and the removal of 16 commercial licences from the TSPF.

In accordance with an out-of-session decision of the PZJA, the 9,197 nights was rounded up to an overall effort cap of 9,200 fishing days available in the TSPF for the 2006 season, of which 6,867 fishing days were available to Australian operators, 2,070 fishing days were available to PNG operators and 263 days were held in trust by the Australian Government.

At the end of June 2006, there were 51 active licences in the fishery and 10 inactive licences that did not have a boat attached to it. The Prawn fishery is a cost recovered fishery.

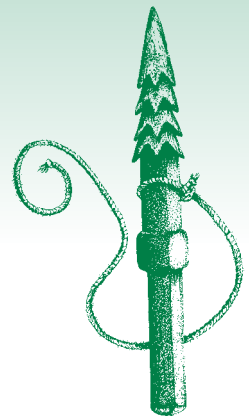
A Bycatch Action Plan (BAP) is in place for the Prawn Fishery, and is subject to periodic review. The primary aims of the TSPF BAP are to:

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

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

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

**Strategic Assessment:** The fishery underwent the strategic assessment process during 2005. The TSPF was formally declared a Wildlife Trade Operation and its Statement of Management Arrangements was accredited under section 33 of the *Environment Protection and Biodiversity Conservation Act 1999* in November 2005. As a result of the strategic assessment, the Department of Environment and Heritage (DEH) provided a number of recommendations to improve the sustainability of the TSPF to which the PZJA have agreed. The implementation of the recommendations will be monitored and reviewed as part of the next DEH review of the fishery in 2008.





## TROPICAL ROCK LOBSTER

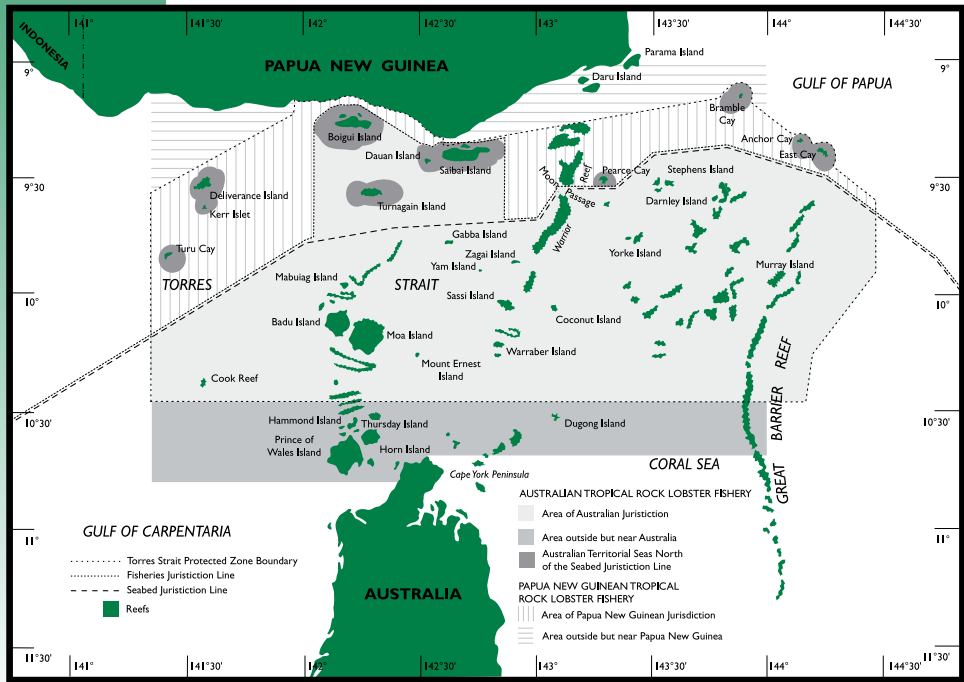


Fig. 5 — Tropical Rock Lobster Fishery.

**Description of the fishery:** The Torres Strait Tropical Rock Lobster (TRL) Fishery (Fig. 5) is the second most valuable commercial fishery in the Torres Strait and very important to many Torres Strait Traditional Inhabitants. The fishery is based on a single species, the ornate tropical rock lobster (*Panulirus ornatus*). Lobsters are taken by hand or a short hand spear by divers working from dinghies. Most divers' free dive on shallow reef tops but others use hookah (surface supplied air) to dive the large areas of open bottom in the Torres Strait. Most fishing occurs during neap tides when currents ease and underwater visibility improves. Commercial fishing occurs from December to September inclusive, peaking in March-August. Traditional fishers can take up to three lobsters per person or six per boat at any time of the year.

Expansion in participation in the Torres Strait TRL Fishery is limited to Traditional Inhabitants in order to maximise



their opportunities. At the end of June 2006 there were 364 Traditional Inhabitant Boat licences (TIBs) with lobster endorsements. This is about 10 per cent fewer than at the same time one year earlier.

The PZJA imposed licensing provisions to prevent the growth of the non-Traditional Inhabitant sector during the 1980's. Through a process to remove the latent effort in 2004, there has been a small reduction in the numbers of non-community licences. At the end of June 2006 there were 24 fully transferable licensed primary vessels with a total of 63 attached tenders and two non transferable licences for dinghies that are not attached to a primary vessel.

In addition, licence holders with two or more tenders attached to a primary vessel undertook a 30% reduction in the number of months that their tenders were allowed to operate. In practice this meant that licence holders could work some of their tenders for the entire season but others ceased operation at various times to effect the reduction. There was also a cap on the number of TIB licences with lobster endorsements for boats longer than six metres to assist in the control of effort in the community fishing sector. There was also a seven day prohibition on the use of hookah imposed on all licence holders each month which was centred on either the new or full moon when the spring tides are at their peak. The degree to which this reduced fishing effort is unquantified but thought to be about 10 to 15 per cent.

The PZJA also has a boat replacement policy that aims to control fishing capacity by preventing the introduction of larger more efficient boats. There is also a ban on trawlers taking lobster to prevent pressure on the lobster resource from the prawn trawling fleet.

**Condition of the fishery:** During 2005–06 the fishery was being assessed with a new stock assessment model and current survey and catch data. The outcome of the assessment process will be presented at a meeting of the TRL Resource Assessment Group in August 2006. This assessment will be the first re-assessment of the condition of the fishery using current information since size limits were increased, the fishing season was shortened by two months and the period when hookah is prohibited extended by two months. It also follows a period of relatively high lobster abundance and fishery production during 2003 to 2005 inclusive. It is expected that the assessment is likely to be more “optimistic” than the previous one.





The 2005 season catches from the fishery were the highest on record with 893 tonnes (live weight) landed (Fig. 6) at an estimated value of \$13.3 m.

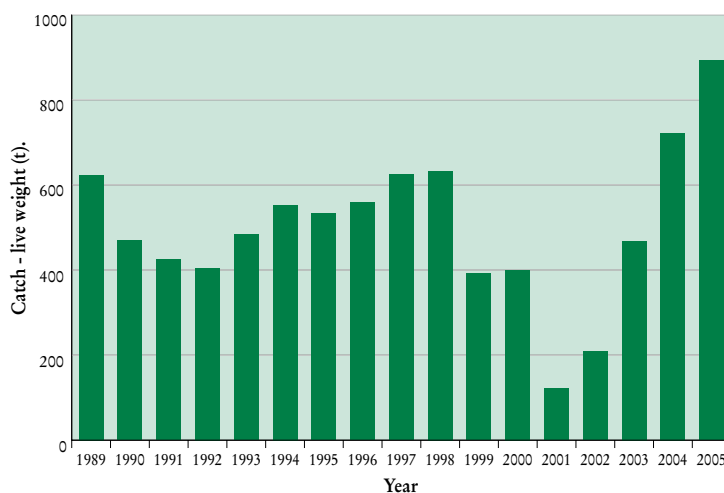


Fig. 6 — Annual catch of the Torres Strait Tropical Rock Lobster Fishery 1989–2005. Data presented are for the fishing season ending in December 2005 but considered part of the financial year 2005–06.

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

- to maintain the fishing mortality at a level below that which produces the Maximum Sustainable Yield ( $F_{MSY}$ ) (accounting for all sources of fishing mortality). The actual level will be determined following consideration of the recommendations of the Tropical Rock Lobster Resource Assessment Group, noting that the PZJA is currently considering a level at least 10% below  $F_{MSY}$ ;
- in accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of Traditional Inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;



- to provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea;
- to monitor interactions between the prawn and lobster fisheries;
- to maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
- to promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for Traditional Inhabitants and to ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community; and
- optimise the value of the fishery.

**Strategic Assessment:** In November 2002 the Minister for the Environment and Heritage signed an agreement to initiate a strategic assessment. The final assessment Report was submitted in December 2003. The TRL fishery was formally declared a Wildlife Trade Operation in September 2004. This designation provides the opportunity for harvesters to export product for three years. Where the conduct of the fishery meets a number of conditions set by the Department of Environment and Heritage (DEH). DEH also provides a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. At the end of three years, the fishery will be reassessed.







## FINFISH (SPANISH MACKEREL)

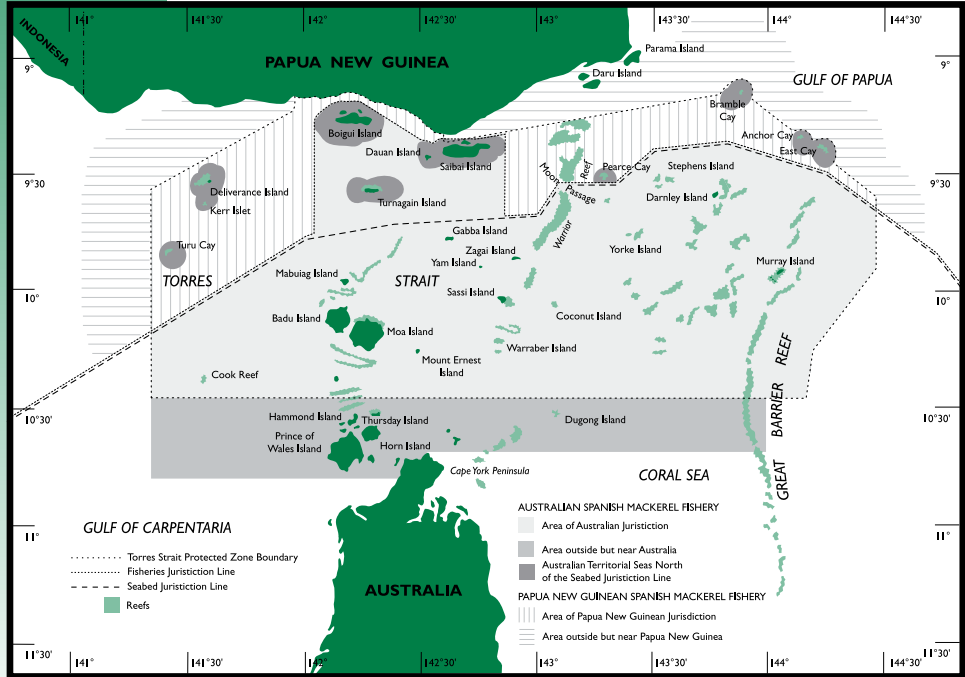


Fig. 7 — Spanish Mackerel Fishery.

**Description of the fishery:** The Torres Strait Spanish Mackerel Fishery operates predominantly in the eastern Torres Strait (Fig. 7), targeting the narrow-barred Spanish mackerel (*Scomberomorus commerson*). In 1999, the fishery was expanded to include school mackerel (*Scomberomorus queenslandicus*), grey mackerel (*Scomberomorus semifasciatus*), spotted mackerel (*Scomberomorus munroi*), and shark mackerel (*Grammatorcynus bicarinatus*).

The catch of Spanish Mackerel (*Scomberomorus commerson*) in 2005 was approximately 278 tonnes (whole weight) (Fig. 8). The value of the 2005 catch was approximately \$1.3 m.

Spanish mackerel are fished by trolling, generally from dories/dinghies operating either to a primary vessel or by themselves. The majority of the catch is taken by a small number of commercial operators. At the end of June 2006 there were 16 primary vessels with 31 tenders licensed as Torres Strait Fishing Boats.

Spanish mackerel fishing is an important source of income for the Traditional Inhabitants who participate in the fishery with 228



Traditional Inhabitant Boat Licences current at the end of June 2006. Information concerning the quantity of mackerel taken by Torres Strait Traditional Inhabitants has been collected during 2005–06. However this data is collected in docket books which are not compulsory and at this time the data has not been fully collated. The quantity of mackerel taken for traditional purposes is also unknown.

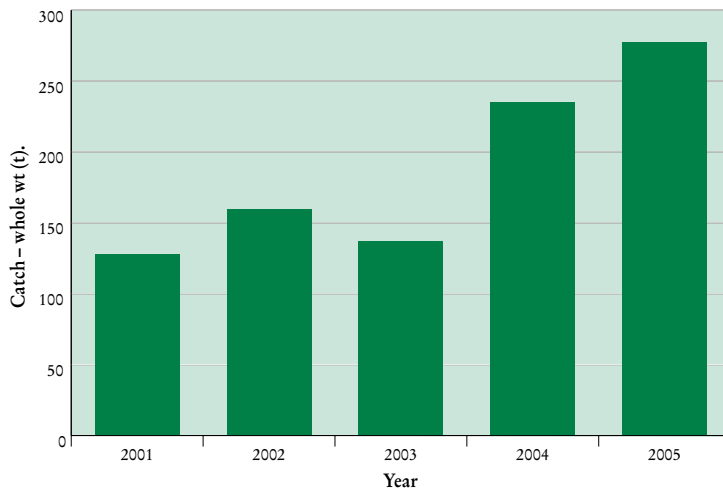


Fig. 8 — Catches of the Torres Strait Spanish Mackerel Fishery (*Scomberomorus commerson*) 2001–2005.

**Condition of the fishery:** Information available for the Torres Strait Spanish Mackerel Fishery indicates that the stock is fully exploited. While the stock has been relatively stable over a period of several decades a recent assessment has indicated that the stock is likely near maximum sustainable levels.

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

**Management objectives:** Objectives adopted for the Torres Strait Spanish Mackerel Fishery during 2005–06 were:

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





- to promote the fishery as a line fishery; and
- to continue monitoring of the fishery and enter into a catch sharing agreement with PNG.

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

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



## PEARL SHELL

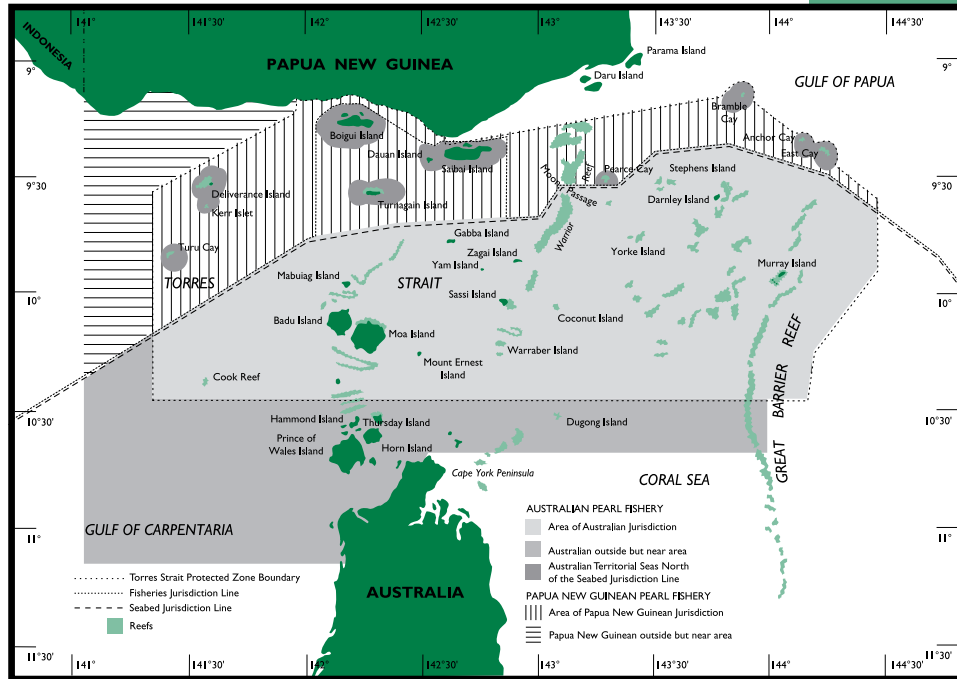


Fig. 9 — Pearl Shell Fishery.

**Description of the fishery:** The PZJA is responsible for the management of pearl shell collection in the Torres Strait. Farming of pearl shell is managed by the QDPI&F.

The gold-lipped pearl shell (*Pinctada maxima*) is the main species targeted in the Torres Strait, although another six species, including the black-lipped pearl shell (*Pinctada margaritifera*) also occur. Pearl shell is collected live for pearl culture farms, principally by divers using hookah equipment. Only a few boats specialise in collecting pearl shell, primarily through the months of October to March. Lobster and trochus divers also occasionally collect some pearl shell. Pearl farming is regulated by the QDPI&F.

There was no commercial activity in the Torres Strait pearl shell fishery (Fig. 9) in 2005.

**Condition of the fishery:** On the basis of past surveys, the abundance of pearl shell on the main fishing grounds is low, although there has been occasional recruitment to stocks in some places.



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

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

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

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

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



## DUGONG AND TURTLE

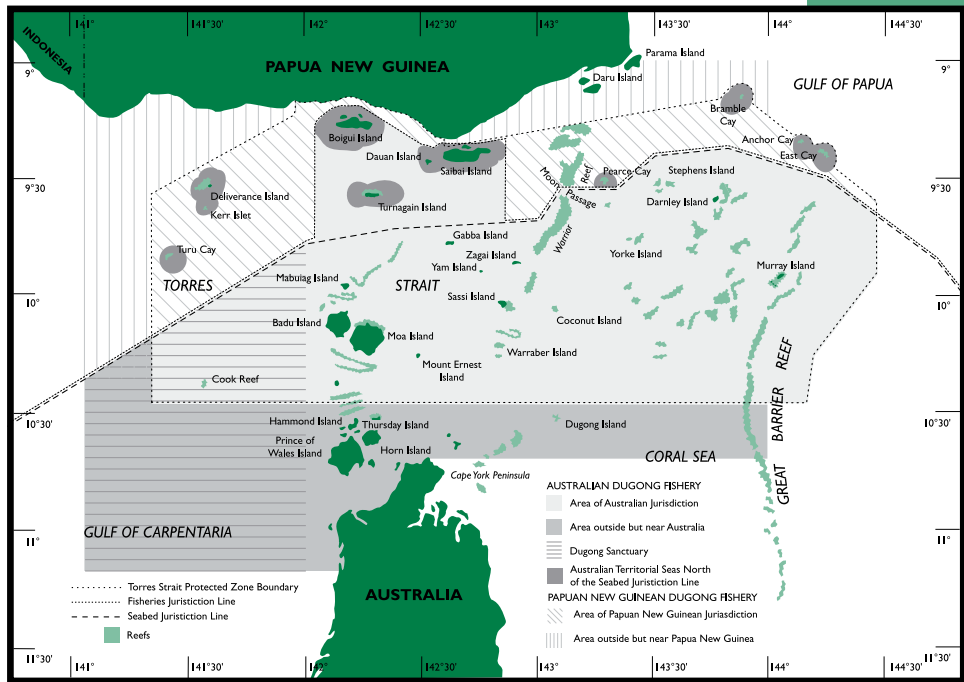


Fig. 10 — Dugong Fishery.

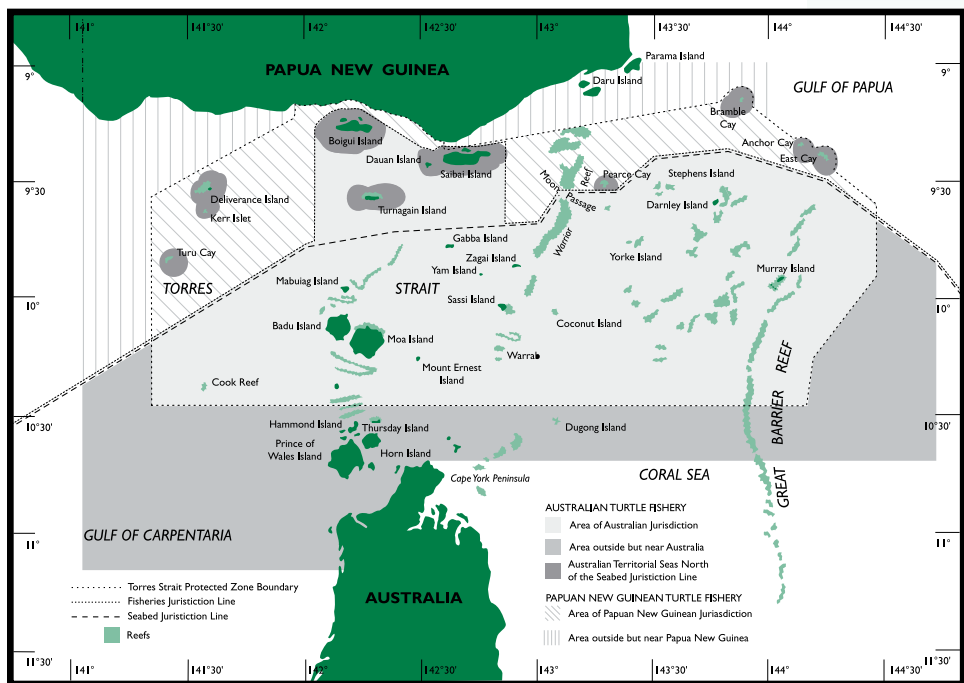


Fig. 11 — Turtle Fishery.



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

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

**Condition of the fisheries:**

**Dugong:** The population of dugongs in the Torres Strait was estimated from aerial surveys conducted in 1987, 1991, 1996 and 2001. The most recent population estimate is  $14,106 \pm 2,314$ . The estimated annual catch for 2000–01 by communities in the Australian area of jurisdiction of the TSPZ was  $619 \pm 134$  dugongs. Outside this, in an area known as the ‘outside but near area’ where dugongs are also taken however no estimate of the catch exists.

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

**Turtle:** There are no population estimates for turtle stocks in the Torres Strait however the monitoring of key turtle nesting sites in Queensland has flagged concerns with respect to the green turtle stocks. As a result, there is a growing awareness of the need to manage the traditional take of green turtles to ensure the long term viability of the population. The estimated annual catch of green turtles in 2001 by communities in the Australian area of jurisdiction of the TSPZ was  $1,619 \pm 574$  turtles.

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





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

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

**Strategic Assessment:** The draft ‘Strategic Assessment of the Torres Strait Turtle and Dugong Fisheries’ will be released for public comment between 12 July and 8 September 2006. Extensive public consultation will be undertaken across the Northern Peninsula Area (NPA) and Torres Strait region. Following the inclusion of public comments, the report will be circulated through the TSFMAC, Environment Committee and PZJA for approval before submitting it to the Minister for the Environment and Heritage.

## NON-ARTICLE 22 FISHERIES

A summary of each of the individual non-Article 22 Fisheries for 2005–06 are detailed below.

### FINFISH (REEF LINE)

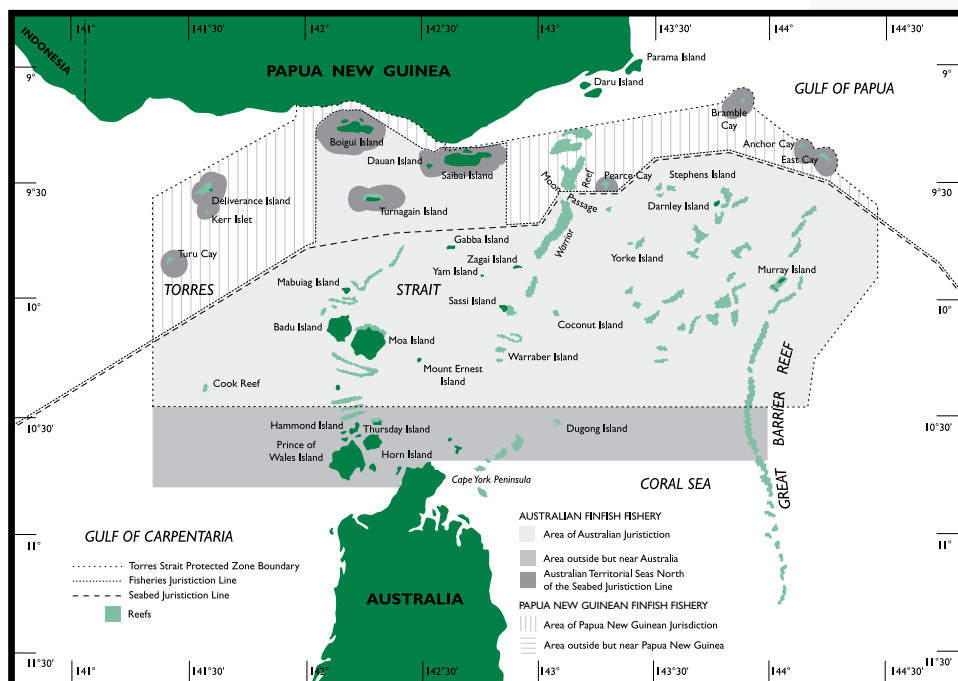


Fig. 12 — Reef Line Fishery





**Description of the fishery:** The Torres Strait Finfish (Reef Line) Fishery (Fig. 12) is a multi-species fishery targeting a range of reef fish species. The fishery focuses primarily on the highly valued coral trout species (*Plectropomus* spp.), barramundi cod (*Cromileptes altivells*), mixed reef fish (*Lutjanus* spp. and *Lethrinus* spp.), and numerous species of rock cods (*Epinephelus* spp.). A barramundi (*Lates calcarifer*) fishery also exists within the Torres Strait Finfish Fishery but is limited to the territorial waters adjacent to the six Australian islands in the north-west of Torres Strait near the PNG coast: Saibai, Boigu, Moimi, Kaumag, Aubusi and Dauan.

Finfish are generally taken by hand lines. The level of Traditional Inhabitant catch in this fishery is expected to increase in future due to the high value of the target species and the fact that this fishery provides an important economic development opportunity for Traditional Inhabitants in the eastern Torres Strait.

Prior to December 2005 the use of nets was permitted in the Finfish Fishery, however net endorsements were limited to Traditional Inhabitants and their use was restricted to an area within the outside but near area. After December 2005 all commercial netting has been banned throughout the TSPZ and the outside but near area.

Barramundi (*L. calcarifer*) are fished with hand spears and hand set monofilament gill nets from the inland swamps and shorelines of the aforementioned six islands. The fishery is accessed mainly for subsistence.

**Condition of the fishery:** The status of reef fish stocks in the TSPZ is uncertain at present. In previous seasons there have been four full-time primary commercial fishing boats operating in the fishery and several other primary commercial fishing boats operating in the fishery from time to time. The 2005–06 season had three full-time primary commercial fishing boats active in the fishery with most other boats only fishing sporadically in the fishery. The number of Traditional Inhabitants participating in the fishery is uncertain.

Although there are a number of boats endorsed for the Reef Line fishery, most boats typically fish very little or not at all in the Reef Line fishery. The Reef Line sector is comprised of



31 Torres Strait Commercial licences (TVH) (nine primaries and 22 tenders) and 199 Traditional Inhabitant Boat (TIB) Licences.

Information concerning the quantity of reef fish taken by Torres Strait Traditional Inhabitants under TIB licenses has been collected during 2005–06. However this data is collected in docket books which are not compulsory and at the time of printing these data have not been fully collated. An unknown quantity of reef fish is also taken during the course of traditional fishing.

The Torres Strait Reef Line Fishery is considered to be under exploited at the present level of harvest. Landings for all species in 2005 totalled 122.6 tonnes with coral trout (*Plectropomus* sp.) making up the majority of the catch with 87.63 tonnes landed (Table 2). Between 2001 and 2004 catches of coral trout were relatively stable at around 147 tonnes each year however, in 2005 catches declined substantially (Fig. 13). The 2005 season catch of coral trout (87,633 kg) had an estimated value of \$1.31m.

*Table 2 — Logbook catch data from the Torres Strait Finfish (Reef Line) Fishery received during 2005.*

<i>Species</i>	<i>Catch (kg)</i>
Coral Trout	87,633
Red Emperor	3,970
Barramundi cod	2,913
Other	28,106
<b>Total</b>	<b>122,622</b>



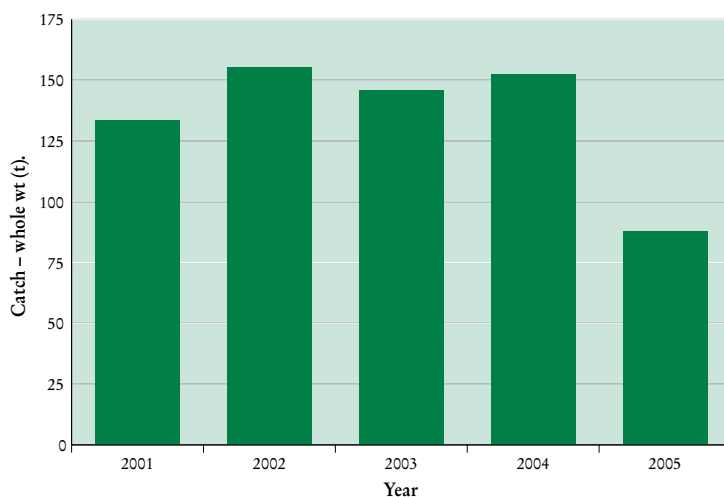


Fig. 13 — Catches of Coral Trout (*Plectropomus* sp.) in the Torres Strait Reef Line Fishery (2001–2005).

With respect to barramundi, it is not known how many are harvested in a season from the swamps on Boigu and Saibai, although the numbers are thought to have remained low in recent years. All harvested swamp barramundi are under legal commercial size limits and are eaten locally.

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

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

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

**Strategic Assessment:** The fishery underwent the strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late November 2005. This





designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions set by the Department of Environment and Heritage (DEH). DEH also provides a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. At the end of the three year period, the fishery will be reassessed.

## CRAB

**Description of the fishery:** The Torres Strait Crab Fishery primarily targets mud crab (*Scylla* spp.). Small quantities of blue swimmer crab (*Portunus pelagicus*) have been reported taken in the past. Mud crabs are generally captured by hand or using scoop nets. The level of participation in the commercial fishery is low and restricted mainly to Saibai and Boigu where there is a larger area of crab habitat. There was no commercial activity in the Torres Strait crab fishery in the 2005 season.

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

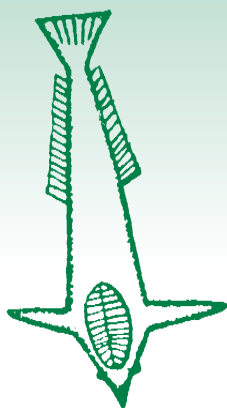
**Condition of the fishery:** The status of crab stocks in the TSPZ is uncertain.

No Queensland-licensed primary commercial fishing vessels satisfied the approved entry criteria for the Crab Fishery following the requirement to hold a PZJA endorsement after 1 April 1999. There were 108 Traditional Inhabitant vessels authorised to operate in the Crab Fishery at 30 June. Fishery participants are therefore comprised of Australian Traditional Inhabitants only.

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

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





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

## TROCHUS

**Description of the fishery:** The Torres Strait Trochus (*Trochus niloticus*) Fishery is a small, single-species commercial and traditional/subsistence fishery reserved for Australian Traditional Inhabitants. The fishery has been an important source of income for some Traditional Inhabitants, especially in the central and eastern Torres Strait communities and particularly between 1920 and 1950 and more recently during the 1980's. The level of participation in the fishery increased again during 2005–06 in response to a recovery in the price paid for the shell. There were 106 licensed dinghies in the fishery at 30 June 2006.

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

The catch in the fishery during 2005 was 81.9 tonnes cleaned weight, with an estimated value of \$311,395.

**Condition of the fishery:** The status of trochus stocks in the TSPZ is uncertain at present.

**Management objectives:** The objectives adopted for the Torres Strait Trochus Fishery during 2005–06 were:

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

**Strategic Assessment:** The fishery went through the strategic assessment process during 2005 and was declared a wildlife trade operation (WTO) in November 2005.

## BÊCHE-DE-MER (SEA CUCUMBER)

**Description of the fishery:** The Torres Strait Bêche-de-mer Fishery is an important commercial fishery to some Torres Strait Traditional Inhabitants. The fishery dates back to the 19th



century or earlier. During its history there have apparently been several booms and busts.

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

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

**Management objectives:** Objectives adopted for the Torres Strait Bêche-de-mer (sea cucumber) Fishery during 2005–06 were:

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

The catch in the fishery during 2005 was 7.1 tonnes whole weight, with an estimated value of \$20,126.

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

During the 1990s, the fishery was based primarily on sandfish (*Holothuria scabra*), a high-value species occurring in relatively shallow waters, and as a result is vulnerable to over-harvesting. Following concerns of serious resource depletion and overexploitation of sandfish stocks on Warrior Reef, five fishery-independent surveys were commissioned to assess the level of reduction in sandfish abundance in 1995–1996, 1998, 2000, 2002 and most recently 2004. Harvesting of this species has been prohibited since 1998 following CSIRO survey results that indicated the remaining stock on Warrior Reef was





approximately 80% less than three years earlier. The subsequent surveys did not record any substantial increase in stock. The 2004 survey indicated a decline in stock abundance that may be the result of illegal harvesting.

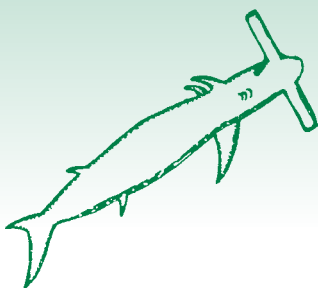
Since 1998 fishing switched to other high value species and until January 2003, fishing focused on surf redfish (*Actinopyga mauritiana*), black teatfish (*Holothuria whitmaei*), white teatfish (*Holothuria fuscogilva*) and to a lesser extent, some lower-value species. As a result of a 2002 survey undertaken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

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

The PZJA expects delivery of a comprehensive report from CSIRO in the next 12 months.

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

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





## 6 LICENSING

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

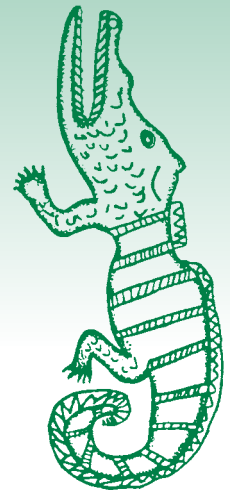
Traditional Inhabitant Fishing Boat Licences (TIBs) are exclusively for Australian Traditional Inhabitants, that is, Torres Strait Islanders, Aboriginal people from five Northern Peninsula Area communities (Bamaga, Injinoo, New Mapoon, Seisia, and Umagico), certain former Papua New Guineans who are now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

Transferable Vessel Holders' licenses (TVHs) can be owned by either Australian Traditional Inhabitants or non-traditional Australians. A Torres Strait Master Fisherman's Licence (TMJ) is required to operate a TVH licensed boat. The TMJ must be endorsed for the appropriate fishery/ies (Table 3).

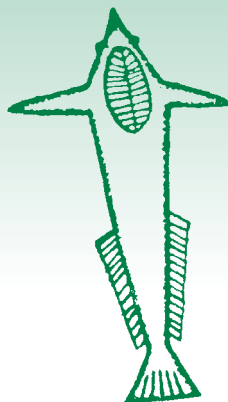
The numbers of licences issued or renewed by the PZJA during 2005–06 which were current as at 30 June 2006 are provided in Tables 4 and 5. Numbers provided for boat licences exclude those held in "No Boat" status.

In December 2005, Fisheries Management Notice No. 75 was gazetted resulting in the permanent closure of the finfish 'Net' fishery. Accordingly, all Net fishery endorsements were revoked from licences. The closure of the finfish Net fishery means that nets can no longer be used to take finfish for commercial purposes. Bait nets may still be used commercially to take bait if the boat licence is endorsed for the Spanish mackerel fishery. Consideration of a commercial net fishery for barramundi will occur in consultation with stakeholders in the future.

The number of fishing days in the prawn fishery was reduced by approximately 31 per cent (from 13,368 to 9,200 days) to ensure commercial effort in the fishery was consistent with scientific advice on the maximum sustainable yield for the tiger







prawn (*Penaeus esculentus*) stocks. These 9,200 fishing days must account for all effort by the commercial sectors that can operate in the Australian portion of the Torres Strait fishery (i.e. Australian TVH licences, and cross endorsed licences from Papua New Guinea). In addition, as part of the restructuring process in the prawn fishery, the Torres Strait Regional Authority (TSRA) and Island Coordinating Council (ICC) reached an agreement effective from 13 July 2005 with the Australian Government, which surrendered the three un-activated Islander licences from the fishery.

Under catch sharing arrangements set out in the Treaty, Papua New Guinea is entitled to 25 per cent of the fishing effort in the Australian area of the TSPZ. In order to meet its obligations to PNG the Australian Government invited Australian operators to submit tenders for voluntarily surrender of prawn licences, or reduction in allocated fishing days on prawn licences. The fishing days from these licences were then held in trust for allocation to cross endorsed PNG licences. The tender process successfully met the Australian Government's objectives, resulting in the surrender of 16 prawn licences whose allocated fishing days constituted 25 percent of the sustainable effort in the fishery.



Table 3 — Number of Master Fisherman’s licences (TMJ) by combinations of Torres Strait fisheries (current as at 30 June 2006).

Fishery	No. of TMJs
Bêche-de-mer	0
Tropical rock lobster	48
Tropical rock lobster, reef line and Spanish mackerel	0
Tropical rock lobster, reef line, Spanish mackerel, and pearl	5
Tropical rock lobster, reef line, and prawn	1
Tropical rock lobster, reef line, Spanish mackerel, pearl, and prawn	3
Tropical rock lobster and Spanish mackerel	1
Tropical rock lobster, Spanish mackerel, and pearl	63
Tropical rock lobster and pearl	10
Reef Line	9
Reef line and Spanish mackerel	22
Reef line and prawn	150
Reef line, Spanish mackerel, and prawn	5
Spanish mackerel	14
Pearl	6
Prawn	38
Torres Strait fisheries which are not covered by a Fisheries Management Notice <sup>1</sup>	0
<b>Total</b>	<b>375</b>

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





Table 4 — Number of Traditional Inhabitant Boat licences in each Torres Strait fishery (current as at 30 June 2006).

Fishery	Primary	Tenders	Total
Bêche-de-mer	104	0	104
Crab	108	0	108
Tropical Rock Lobster	364	0	364
Reef Line	199	0	199
Mackerel	228	0	228
Pearl Shell	61	0	61
Trochus	106	0	106

Table 5 — Number of Commercial Fishing Boat Licences (TVH) boat licences in each Torres Strait fishery (current as at 30 June 2006).

Fishery	Primary	Tenders	Total
Bêche-de-mer	0	0	0
Crab	0	0	0
Tropical Rock Lobster	24	60	84
Reef Line	9	24	33
Mackerel	16	31	47
Pearl Shell	20	35	55
Prawn	70	0	70
Torres Strait fisheries which are not covered by a Fisheries Management Notice <sup>1</sup>	8	25	33

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





## 7 SURVEILLANCE AND ENFORCEMENT

The purpose of the TSPZ surveillance and enforcement program for 2005–06 was as follows:

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

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

- 1 District Officer
- 3 Field Officers
- 2 Field Officers dedicated to the Foreign fishing program  
These positions ceased with the program in June 2006
- 1 Administrative Assistant

Others support the program in Brisbane, Cairns and Townsville.

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

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

### PROGRAM OUTCOMES

#### *Private charter vessel*

Queensland Boating & Fisheries Patrol secured a contract with a locally based private charter vessel. The vessel is used to conduct TSPZ patrols. The District aims to achieve approximately 8 days





at sea per month to target particular fisheries and to respond to complaints received.

A private charter boat was forecast for 78 at sea days during the program year. Due to Foreign fishing the District achieved 73 days at sea. These at sea days were largely spent patrolling the eastern areas of the TSPZ.

The charter boat was previously used to supplement the use of Australian Customs Vessels (ACV) and can patrol in areas of the TSPZ where ACVs activities are restricted. Charter vessels have become the major platform for TSPZ patrols.

Following a PZJA decision in July 2005 funds were made available for greater use of private vessel charter in 2005–06. This meant that there is less reliance on ACVs and TSPZ work should not be routinely impacted by FFV activity.

Whilst utilising a private charter to conduct patrols has been noticeably advantageous with achieving outcomes there is a downside. The Patrol does not have sole use of the charter vessel and therefore the Patrol must forecast patrols up to three months in advance. Taking this into account the Patrol may not be in the position to respond in real time as per the availability of the chartered platform.

As a contingency the District has a number of resources that may be used to accommodate response when the need arise. These platforms include other Government resources such as Thursday Island Water Police and Australian Navy and other private commercial vessels may be chartered if available.

Further, utilising the Charter vessel does present the District with the ability of patrols remaining covert; as the vessel is unmarked it assists Officers observing/detecting offences against relevant legislation.

### *Australian Navy*

The District has utilised the naval vessel Malu Baziam to conduct an additional five at sea days patrolling the TSPZ providing greater compliance services to industry and stakeholders while working within budgetary constraints.

The five patrol days forecast on board the Malu Baziam were cancelled due to response by the District to Foreign fishing incursions.



### *Locally based QB&FP vessels*

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

#### 1) Patrol Vessel ‘Pelagic’ 6.7 metre

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

#### 2) Patrol Vessel Sea Jay 4.3 metre

Sea Jay has a 2D survey. This vessel is used to respond to local complaints and patrol local areas of the District

### *Queensland Police*

The District has throughout the reporting period conducted joint patrols with Queensland Police Officers on board QB&FP’s patrol vessels and the Charter vessel. Due to recourses the District has not performed patrols onboard the Police vessel.

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

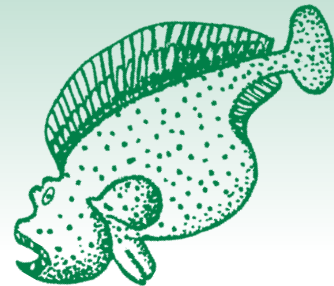
### **Domestic**

#### *Community Visits*

Whilst the District carries out inspections within the various fisheries the District also has a responsibility to perform extension services such as community visits. These visits are imperative to positive enforcement to achieve voluntary compliance.

The District to date has achieved visits to the following communities:

- Badu Is
- Coconut Is
- Darnley Is
- Dauan Is
- Kubin Is
- Mabuiag Is
- Siabia Is



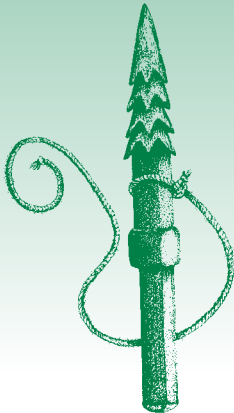


- St Pauls Is
- Stephens
- Sue Is
- Yam Is
- Yorke Is
- Murray Is
- Boigu Is

These visits are an important tool to gain intelligence that further enhances the quality of forecast TSPZ patrols. The visits allow industry and stakeholders to liaise with Officers and access information on issues pertaining to commercial, traditional and recreational fishing as well as boating safety issues.

Issues arising from visits to communities include:

- Stake holders are concerned with licensing procedures. Currently an applicant who wishes to apply for a commercial fishing licence (TIB) is required to sign the application in person. Current practice is that if the applicant is not on Thursday Island the District will send application via facsimile to the applicant. The applicant then can sign and return by post directly to licensing.
  - When Officers have liaised with industry while conducting community visits, Officers have reported that vessels are not currently licensed as a Traditional Inhabitant Boat. Throughout the inspection process Officers have issued Marine Infringement notices to the master's or owners of vessels as the vessels were found not being used as a commercial fishing vessel when inspected.
  - Further, while vessels have been identified as being unregistered, due to time restraints Officers have not been able to locate the vessels owners while visiting the community.
  - Officers are more likely to inspect the vessel when either the vessel is engaged in fishing activities or when transiting to Thursday Island in the calmer months.
  - Further to these inspections Officers have reported that a Marine Infringement Notice has been issued as the vessel is deemed to be engaged in recreational activities.





- Officers continue to inform stakeholders of the definition of traditional fishing and legislation pertaining to this type of fishing activity. A lack of understanding is present throughout the TSPZ of licensing requirements when traditional persons wish to exercise their traditional rights in regards to traditional fishing. It is showcased when a traditional person applies for a TIB without the intention to commercially fish.
  - This can lead to incorrect data when establishing the impact on the fishery with regard to the number of active licences.

Patrols have focused on the following fisheries:

- Prawn
- TRL
- BDM
- Dugong
- Reef Line
- Trochus

A number of fishery issues have been observed:

#### *Prawn*

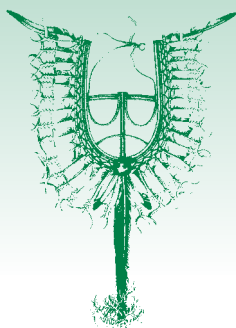
- Production of documentation (operators fail to have the vessels fishing and safety manuals including manning certificates and the vessels fishing authority)
- Carriage of safety equipment in accordance with registration requirements

#### *Tropical Rock Lobster*

- Primary vessels continue to use tenders that may have been suspended under the 30% reduction
- No Torres Strait Master fishermen Licence
- Production of documentation (manning certificates)
- Towing/usage of extra tenders
- Failing to comply with conditions of a licence
- Carriage of safety equipment in accordance with registration requirements
- Knowledge of relevant licensing conditions







### *BDM*

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

### *Reef line*

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

### *Dugong*

- Knowledge of the fishery sanctuary
- Carriage of safety equipment in accordance with registration requirements

### *Trochus*

- Knowledge of legislation pertaining to the fishery with particular note to size limits

### *Legislative Requirements*

With recent fishery management decisions made by the Protected Zone Joint Authority in 2005 concerning the TRL and Reef Line fisheries the District may be required to adjust District operations.

There are currently detailed discussions occurring about quota and reef line issues which have serious compliance implications. The absence of a dedicated patrol vessel will make enforcement of exclusion zones around home Islands extremely difficult to enforce and proposed quota arrangements also present a range of compliance challenges.

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

### *Quota*

With the introduction of quota for the TRL fishery the District will adjust compliance activities to undertake more land based inspections. These inspections will be within the TSPZ as well as at ports external to the TSPZ such as Cairns. Although this type of fishery management has been successful on mainland



Australia, the geographical layout of the TSPZ will make compliance more labour intensive and require more travel.

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

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

#### *Reef Line*

Management arrangements have seen the recent decision to include a 10 nautical mile exclusion zone to commercial fishing around nominated Islands within the TSPZ. As a result it is anticipated that the District will receive a greater number of complaints concerning incursions of these zones.

The unavailability of a dedicated patrol vessel makes it very difficult for the District to respond to these anticipated incursions. Tools such as Vessel Monitoring Systems will be a useful means to gauge if an offence has been committed and to allow the District to perform a risk assessment to mount a response.

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

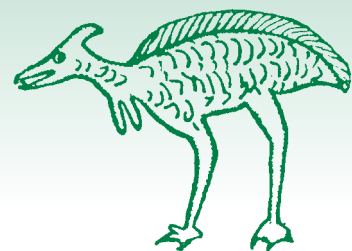
- A primary vessel may anchor within this exclusion zone
- The primary vessels tenders may fish outside the zone

#### **Foreign**

From the 1st of June 2006 the District has had no responsibility for the foreign compliance program. Officers over this period have not been diverted from TSPZ issues and for the first time in many years FFV's have not impacted on District performance.

Other comments:

The availability of an on the spot fine system would greatly streamline QB&FPs capacity to deal with less significant offences.





Over all achieved TSPZ patrol days,

- Private charter 72
- Navy 5, cancelled due to FFV
- QBFP patrol vessel *Pelagic* 67

## OVERALL PROGRAM OUTCOMES

### *District Response*

Whilst the district conducts forecast patrols of the TSPZ it is the intent of the district to respond to as many complaints as possible. However due to reliance of external agencies and private charter vessels it is challenging to obtain a platform at short notice to mount a response. Therefore alternative response mechanisms such as the use of aircraft have been utilised in some situations with good results.

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

A total of 73 days of the programmed 96 at sea days were achieved on TSPZ duties during the period (FY2005–06).

A further 67 days, have been achieved utilising PV *Pelagic* to conduct patrols.

### *District Operational Constraints*

With regards to the programs achievements the following should be considered.

- Staffing Arrangements: Due to administrative and HR responsibilities the District Officer is often not available for some field duties although every effort is made to assist where practicable. Therefore, TSPZ field duties relied heavily on the three authorised Officers during 2005–06.
- Charter vessels have proven to be advantageous to the program however throughout the reporting period these vessels have been chartered ad hoc, as formal arrangements were not yet in place with charter operators. This sometimes meant that vessels were not available. Therefore some TSPZ patrols were not able to be conducted when forecasted.



- The District is responsible for the assessment and issuing of Recreation Marine Drivers Licences on behalf of Marine Safety Queensland. The process, when conducting the assessment and associated administrative tasks, can be exhaustive and time consuming and further impacts on availability of Officers to perform TSPZ priorities.

### *District Compliance Priorities*

Key priorities in the TSPZ have been determined in a Risk Assessment process (Tabl 6).

*Table 6 — Key priorities in the TSPZ.*

Fishery	Risk	Targeted Days	Achieved days	Strategy
Tropical Rock Lobster	Unlicensed Tenders Size restriction Closures	77	85.75	@ Sea in port Aircraft
Prawn	VMS BRD/TED Gear restriction Shark fining By catch (TRL)	26	30.75	@ Sea in port Aircraft
Reef line	Unlicensed Excess tenders	10	6.5	@ Sea in port Aircraft
Pearl Shell	Unlicensed	2	Nil	@ Sea in port Aircraft
Bêche-de-mer	Unlicensed (PNG nationals taking BDM within TSPZ) Take of closed species	4	2.5	@ Sea in port Aircraft
Crab	Unlicensed Gender & size	1	1	@ Sea in port Aircraft

The above table of compliance priorities identifies that not all targeted days in each fishery have been met. As previously stated the major shortfall was platform availability and staffing arrangements.



The following table depicts offences detected for the period (Table 7).

*Table 7 — Apprehensions between 1 July 2005 and 30 June 2006.*

<b>Number of offences</b>	<b>Description of offence</b>
1	Contravene or fail to comply with a condition of a licence
10	Unregistered Commercial Fishing ship Marine Infringement Notices under the Transport Operations Act 1994 were issued for these offences. Due to the nature of the offence and that currently there is no provision under the Torres Strait Fisheries Act 1984 to issue an infringement notice.
40	FFV fishing in Australian waters, apprehensions
2	Papua New Guinea persons commercially fishing in Australian waters
<b>53</b>	<b>Total offences reported</b>

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



## 8 RESEARCH PROGRAMS

The Cooperative Research Centre (CRC) Torres Strait undertakes research with regard to the Torres Strait fisheries.

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

CRC Torres Strait is supported by Community, Commonwealth, State and Industry groups. Together these groups help steer the research to reach the aims of the Program, which are to:

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

Details of CRC Torres Strait research programs for 2005–06 are shown in Table 8.





Table 8 — CRC Torres Strait research programs for 2005–06.

<b>Theme 1. Sustaining the harvest of marine resources</b>	
<i>Research program</i>	Principal Investigator
T1.1 – Evaluation of the Eastern Torres Strait Reef Line Fishery	Ashley WILLIAMS
T1.2 – Status Assessment of the Eastern Torres Strait Spanish Mackerel Fishery	Dr Gavin BEGG
T1.3 – Sustainability Assessment of the Torres Strait Rock Lobster Fishery	Dr Yimin YE
T1.4 – Sustainability Assessment of the Torres Strait Sea Cucumber Fishery	Tim SKEWES
T1.5 – Towards Ecologically Sustainable Management of the Torres Strait Prawn Fishery	Clive TURNBULL
T1.7 – Indigenous Aquaculture – Extension And Community Development	Chris ROBERTSON
T1.8 – Modelling The Impact of Multiple Harvest Strategies in the Eastern Torres Strait (ETS) Reef Line Fishery	Sara BUSILACCHI
T1.11 – Information To Assist Torres Strait Traditional Inhabitants manage their Traditional Fisheries for Green Turtles and Dugongs in a Sustainable Manner	Jillian GRAYSON
<b>Theme 2. Understanding ecosystem processes</b>	
T2.1 – Mapping and Characterisation of Key Biotic & Physical Attributes of the Torres Strait Ecosystem	Dr Roland PITCHER
T2.2 – Biophysical Processes in the Torres Strait Marine Ecosystem	Dr Peter HARRIS
T2.3 – Distribution and Abundance of Seagrass in the Torres Strait	Dr Rob COLES




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**Theme 3. Evaluating Management Strategies and Risk**

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T3.1 – Cultural Indicators for Traditionally-important Marine Resources in Torres Strait	Vacant
T3.2 – Management of Introduced Marine Species Risks in the Torres Strait	Dr Kerry NEIL
T3.3 – Integrated Ecosystem Modelling for Evaluating Multiple-use Management Strategies	Dr Francis PANTUS
T3.4 – Identification and Mapping of Critical Habitats Adjacent to Shipping Lanes and Ports in the Torres Strait	Dr Michael RASHEED

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**Theme 4. Education**

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T4.1 – Education Opportunities for Indigenous Involvement in Marine Ecosystem Monitoring	Dr Stuart CAMPBELL
T4.1a – Implementation & Support (T4.1 – Education Opportunities for Indigenous Involvement in Marine Ecosystem Monitoring)	Jane MELLORS
T4.2 – Engaging Torres Strait Traditional Inhabitants in Dugong and Turtle Research	Ivan LAWLER

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**Theme 5. Education**

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T5.1 – Guidelines for Ethical and Effective Communication for Researchers Working in the Torres Strait	Dr Annabel JONES
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## 9 FINANCIAL ARRANGEMENTS

### COST SHARING

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

The new Agreement states that:

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

### CAPITAL ITEMS

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

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

The acquisition costs of replacement capital items purchased since then are shared equally between the State and Commonwealth. During 2005–06 there were no additional capital costs incurred.





## RECURRENT COSTS

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

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

*Table 9— Recurrent costs incurred in managing Torres Strait fisheries during the 2005–06 financial year.*

Government	Costs
Commonwealth	\$1,738,040
Queensland	\$1,856,492
<b>Total Recurrent Costs</b>	<b>\$ 3,594,532</b>

## RESEARCH COSTS

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

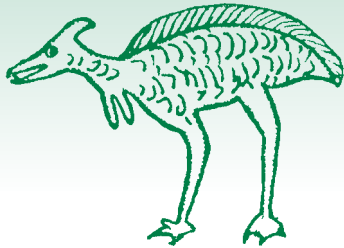




Table 10 — Research costs incurred during 2005–06.

<b>Government</b>	<b>Costs</b>
<b>Commonwealth</b>	
CRC Torres Strait	\$450,000
Reduce effort in TSP fishery	\$ 23,701
Sustainability assessment of the Tropical Rock Lobster	\$195,118
<b>Queensland</b>	
Prawn monitoring and sustainability assessment	\$ 102,000
<b>Total Torres Strait Research</b>	<b>\$770,819</b>

The total expenditure as part of the cost sharing agreement in the 2005–06 financial year was \$4,365,351 (capital, recurrent and research costs).





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

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

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

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

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

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

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

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





## ANNEX A PZJA DECISIONS 2005–06

*The following decisions of the PZJA were agreed at PZJA 18, held on 5–6 July, 2005.*

### RESOURCE ALLOCATION IN TORRES STRAIT FISHERIES

The PZJA, having considered the overall aims of the Torres Strait Treaty and the *Torres Strait Fisheries Act 1984* (including the obligations under Article 26 of the Treaty to have regard to the desirability of promoting economic development in the Torres Strait area and employment for the traditional inhabitants and to share with PNG the allowable catch of the Protected Zone commercial fisheries listed under Article 22 of the Treaty), *have agreed* that in respect of the Australian share of the fisheries in the Torres Strait Protected Zone and the fisheries in the outside but near area:

1. For the Tropical Rock Lobster fishery to transition towards greater traditional inhabitant allocation on the following basis:
  - a) as soon as practically achievable a 50:50<sup>1</sup> resource allocation with adjustment to be achieved through the purchase of non-islander licences in the Australian share of the fishery by an open tender process. Funding to be provided in equal shares by the three PZJA members subject to relevant Treasury and Finance approvals; and
  - b) in the longer-term a target of 70:30<sup>2</sup> through an open market and self funded process. Trading rules to facilitate the transfer from the non-traditional inhabitant sector to the traditional inhabitant sector will be developed and considered by PZJA in mid 2006.
2. For the Reefline and Spanish mackerel fisheries to greater traditional inhabitant allocation:
  - a) as soon as practically achievable a 50:50<sup>3</sup> resource allocation with adjustment to be achieved through an open tender process. Funding subject to Commonwealth Finance approvals;

<sup>1,2,3</sup> traditional inhabitant : non-traditional inhabitant





- b) in the longer-term a target of 70:30<sup>4</sup> through an open market and self funded process. Trading rules to facilitate the transfer from the non-traditional inhabitant sector to the traditional inhabitant sector will be developed and considered by PZJA in mid 2006;
- c) implement a 10 nm exclusion zone<sup>5</sup> for non-traditional inhabitant fishers in the area around Murray (Mer), Darnley (Erub), Yorke (Masig) and Stephen (Ugar) Islands;
- d) to develop and implement arrangements to cost effectively control the commercial take of fish (consistent with PZJA 18 decision 3(b) on effort and catch controls in Finfish Fishery) by end of 2006 to be recommended by the FWG; and
- e) a decision to revisit the issue of a live fish fishery in the Torres Strait, subject to achievement of 2(d), at PZJA 20.

#### **Actions arising from PZJA 17**

1. The PZJA NOTED the progress of action items arising from PZJA 17.

### **FINFISH FISHERY WORKING GROUP AND TSFMAC RECOMMENDATIONS**

#### **1. *Finfish Fishery management objectives***

- a. The PZJA NOTED that the Finfish Working Group has been unable to further develop the draft management objectives for the fishery as requested by TSFMAC 3 (July 2004) but will endeavor to progress this matter at the next Finfish Working Group meeting.



<sup>4</sup> traditional inhabitant : non-traditional inhabitant

<sup>5</sup> The exclusion zone to be a closure with a radius of 10nm from the midpoint of the islands; the centre point to be described in degrees and decimal minutes in accordance with the WGS84 datum



## 2. *Strategic assessment report & Bycatch Action Plan update*

The PZJA **NOTED**:

- a. the progress of the draft Finfish Fishery Bycatch Action Plan;
- b. that the Finfish Working Group and TSFMAC have endorsed the draft Strategic Assessment Report; and
- c. the strategic assessment report will be sent to the PZJA out of session for approval to submit to DEH by September 2005.

## 3. *Effort or Catch control*

The PZJA:

- a. **NOTED** that ITQs were recommended by the Finfish Working Group as the preferred option but that Industry has since raised concerns with this option at the TSFMAC;
- b. **AGREED** to refer the issue of identifying an appropriate catch or effort control mechanism back to the Working Group to explore the merits of ITQs and ITEs; and
- c. **AGREED** that the Working Group develop a detailed implementation plan and costing of their preferred mechanism for consideration at PZJA 19 with a view to implementing them as per the PZJA decision on 2(d) on resource allocation. The implementation plan will include:
  - i. Ensuring the system is appropriate to the scale and status of the fishery;
  - ii. Ensuring capacity for effective enforcement;
  - iii. Assessing implications for stocks and fishers in adjacent jurisdictions;
  - iv. Conducting research to support setting of a Total Allowable Commercial Catch (TACC) or Total Allowable Commercial Effort (TACE); and
  - v. Identifying legislative changes required.

## 4. *Maori wrasse*

- a. The PZJA **AGREED** to make Maori wrasse a no take species as recommended by the MAC.





5. *Red bass*

The PZJA:

- a. **NOTED** that the Working Group has reconsidered red bass being a no take species as requested at PZJA 17 and
- b. **AGREED** to allow the take of Red Bass and set the minimum legal length for Red Bass at 450mm and the maximum legal length at 550mm.

6. *Barramundi cod*

The PZJA:

- a. **REAFFIRMED** its decision to maintain a minimum size limit of 450mm until new biological advice becomes available when a review of this arrangement can be undertaken; and
- b. **AGREED** that further research on this species is a high priority.
- c. **NOTED** that CRC Torres Strait has approved funding for this study.

7. *Spanish mackerel Bramble Cay day time closure and troll only area*

- a. The PZJA **AGREED** to formalise long standing practices in waters surrounding Bramble Cay and Black Rocks by implementing:
  - i. a daily fishing closure between the hours of 0930 hrs and 1500 hrs during the months of August to December;
  - ii. a restriction on the fishing method to trolling only; and
  - iii. that for these arrangements to apply only to TVH licences and only whilst they are fishing for Spanish mackerel.

8. *Spanish mackerel Bramble Cay long term monitoring program*

The PZJA **NOTED**:

- a. that the Queensland long-term monitoring program for Spanish Mackerel in the Torres Strait ceased in 2003 and that a voluntary program was put in place for 2004 with three commercial fishers participating;







- b. that the Finfish Working Group considered the voluntary sampling as commendable but that additional sampling must be undertaken to support a stock assessment for the fishery; and
- c. that an interim monitoring program will be implemented for the 2005 season whilst a more comprehensive program is developed for the longer term.

#### 9. *Barramundi Fishery*

The PZJA NOTED:

- a. that the Finfish Working Group supported the Boigu Island proposal in-principle provided the issues of fishing capacity and bycatch are addressed; and
- b. that the Finfish Working Group encourages the completion of the report on the proposed net fishery and that this report be used as a guide in the development of the fishery.

#### 10. *Prohibition on shark finning and restriction on take*

The PZJA:

- a. **NOTED** the release in May 2004 the National Plan of Action for the Conservation and Management of Sharks;
- b. **NOTED** that the National Plan of Action has implications for the Torres Strait Finfish Fishery;
- c. **NOTED** that Traditional Inhabitants requested additional time to undertake further consultation on the proposal to prohibit the take tiger, grey nurse and hammerhead sharks and all other sharks over two metres;
- d. **NOTED** that the outcomes of this consultation will be reported on at PZJA 18;
- e. **AGREED** to prohibit the practice of 'shark finning' as defined in the National Plan of Action (the practice of removing the fins from a shark and discarding the torso to the sea);
- f. **NOTED** fisheries managers advised that grey nurse sharks are protected in NSW and Queensland and are listed as critically endangered under the Environment



- Protection and Biodiversity Conservation Act 1999 and they should be a no-take species;
- g. **AGREED** to prohibit the take of:
    - i. sharks greater than two metres in length;
    - ii. Hammerhead sharks
    - iii. Grey nurse sharks;
    - iv. Tiger sharks; and
  - h. **NOTED** that the working group wish to refer these recommendations to the prawn working group but given that shark finning is already banned in the prawn fishery, there is no need for this reference.

## TROPICAL ROCK LOBSTER FISHERY QUOTA MANAGEMENT

1. The PZJA **NOTED** the following advice from fisheries managers:
  - a. the advice of the independent consultants is that the biological characteristics and the method of harvest make quota management suitable and feasible in this fishery. This is supported by fisheries managers;
  - b. that there will need to be amendments to the *Torres Strait Fisheries Act 1984* (Commonwealth) and *Fisheries Act 1994* (Queensland) before a QMS can be effectively implemented and that this cannot be done in time for the 2006 fishing season; and
  - c. that early advice from CSIRO is that recruitment will be weaker for 2006 and therefore additional controls are needed to ensure sustainability.
2. That the PZJA **AGREED** to implement a full quota management system in TRL Fishery for 2007 onwards.
3. That the PZJA **AGREED** that fisheries managers consult with the TRL Working Group members to develop:
  - d. a detailed implementation plan and costing for PZJA 19 consideration including:
    - i. ensuring the system is appropriate to the scale and status of the fishery;
    - ii. capacity for effective enforcement;
    - iii. implications for stocks and fishers in adjacent jurisdictions;





- iv. research to support setting of a TACC; and
  - v. legislative changes required.
  - e. Following the development of a detailed implementation plan and costing, officials are to report back to PZJA out-of-session for a decision on those aspects of a QMS that can be introduced and funded for the 2006 season.
4. The PZJA **AGREED**:
- a. that \$265,0000 in funding should be provided for a “pre-season” survey of 145 stations to be undertaken in November/December 2005 by the CSIRO (Yimin Ye), of which CSIRO is to contribute 35% of funding;
  - b. that the PZJA requests the TRL Resource Assessment Group to convene for the first time to provide advice on a sustainable catch limit for 2006 as soon as possible after the pre-season survey; and
  - c. that PZJA issues an investment warning for this fishery:
    - i. announcing that the basis for future allocation decisions have not been decided; and that
    - ii. should future allocation decision be based on catch history, it will be based on catches prior to February 2002 being the date of the previous investment warning.

## TROPICAL ROCK LOBSTER FISHERY WORKING GROUP REPORT

1. Terms of Reference, reporting arrangements and operational guidelines for TRL Resource Assessment Group (RAG)
  - a. The PZJA **AGREED** to the draft terms of reference, reporting arrangements and operational guidelines for a TRL RAG (Torres Strait Fisheries Administration Paper 2. Fisheries Assessment Groups – Roles, Responsibilities and Relationships with Torres Strait Fisheries Working Groups, the Torres Strait Fisheries Management Committee, and the Torres Strati Scientific Advisory Committee. AFMA 2005); and



- b. The PZJA **AGREED** for the Chair to write to Papua New Guinea and Queensland to formally invite them to participate in the RAG process with the ultimate aim of assessing the three jurisdictions jointly.
2. **Management Objectives**
- c. The PZJA **NOTED** that the TRL Working Group was not able to complete its work on management objectives but agreed to establish a subgroup to develop these and report back to the next meeting with an aim of completing the work, for decision at PZJA 19; and
  - d. The PZJA **AGREED** that by PZJA 19 the TRL Resource Assessment Group develop comprehensive suite of reference points for the fishery consistent with the *Torres Strait Fisheries Act 1984* and the Treaty as well as *Environment Protection and Biodiversity Conservation Act 1999* requirements for strategic assessment.
3. **Hookah Register**
- e. The PZJA **AGREED** not to create a hookah register for the 2006 fishing season, but encourages all fishers to fill out the docket books in full.
4. **Prohibition on night diving**
- f. The PZJA **AGREED** to the TSFMAC recommendations on secure stowage of diving equipment in a sealed bag between 1900 hrs and 0600 hrs each day.



## BECHE-DE-MER FISHERY ESTABLISHMENT OF A HAND COLLECTIBLES WORKING GROUP

The PZJA **AGREED** to:

- 1. Establish a *Hand Collectables Working Group* (HCWG) to include the beche-de-mer, trochus and pearl shell fisheries to provide the PZJA advice on issues relating to these fisheries, subject to funding being available.



## BECHE-DE-MER FISHERY STRATEGIC ASSESSMENT

The PZJA **AGREED** to endorse the:

1. draft ‘*Statement of Management Arrangements*’ for the Torres Strait Bêche-de-mer Fishery.
2. draft recommendations for the Bêche-de-mer Fishery; and the
3. WTO conditions for the Beche-de-mer Fishery.

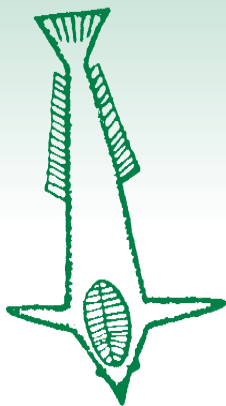
## TURTLE AND DUGONG FISHERY – EXPLANATORY NOTE ON WHY T & D IS A FISHERY

1. The PZJA **NOTED** that the Torres Strait Turtle and Dugong Fisheries in the Australian jurisdiction of the Torres Strait Protected Zone (TSPZ) are *fisheries* under the *Torres Strait Fisheries Act 1984* (TSF Act) and are accordingly the responsibility of the PZJA.

## TURTLE AND DUGONG FISHERY – NHT UPDATE

The PZJA **NOTED**:

1. that the TSRA has contracted CRC Torres Strait to develop a Regional Action Plan for the Torres Strait component of the cross-regional Dugong and Turtle Project being administered by NAILSMA (North Australian Indigenous Land & Sea Management Alliance);
2. the draft Regional Action Plan was developed on the basis of the original TSRA proposal, which is consolidated through further consultative meetings and input from Community Fisher Group representatives, traditional hunters and the TSRA Executive. The Regional Action Plan was endorsed in principle by the TSRA Board at its recent meeting on 9 June, and has been submitted to NAILSMA in time for the budget allocation process amongst all participating regions to occur;
3. in anticipation of a possible shortfall in funding for the Torres Strait component of the cross-regional project, the TSRA is in the process of seeking supplementary funding through the Department, including additional NHT funds;





4. it is unlikely that any additional funds to support the Torres Strait component of the project will be available prior to the NAILSMA budget allocation process for all participating regions in late July 2005, after which further funding opportunities to supplement the Torres Strait component of the project will be explored;
5. the fully costed Regional Action Plan based on the components identified in the original TSRA proposal brings the anticipated budget for this project to a maximum of \$1.6 million; and
6. TSRA is concerned to ensure that the outcomes under this project are not compromised by the insufficiency of funding to adequately support communities in their efforts to sustainably manage dugong and turtle in the region.

## TURTLE AND DUGONG FISHERY STRATEGIC ASSESSMENT

1. The PZJA **NOTED** the progress on the strategic assessment of the Torres Strait Turtle and Dugong Fishery.

## TORRES STRAIT PRAWN FISHERY – PROGRESS ON NEGOTIATIONS WITH TSI AND PNG

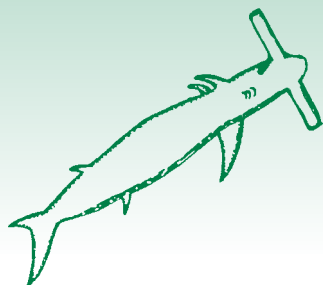
1. The PZJA **NOTED** that the Commonwealth would make a public announcement when it is in a position to do so.

## TORRES STRAIT PRAWN FISHERY – PROCESS FOR SETTING 2006 EFFORT LEVELS

The PZJA **NOTED**:

1. that the prawn alternative management workshop is scheduled to be held in Cairns on 26–28 July 2006 followed by a meeting of the Prawn Working Group to formulate some advice for the PZJA, and that participants had been properly notified of these meetings and that the results of the meeting will form the basis for the future management of the fishery; and
2. the proposed process for bringing forward recommendations for the 2006 fishing season for the TS Prawn Fishery.





## COMPLIANCE – SEPARATION OF FFV AND DOMESTIC COMPLIANCE PROGRAM

The PZJA **NOTED**:

1. that recent initiatives have been implemented to minimise Foreign Fishing Vessel (FFV) impacts on the PZJA compliance program and these appear to be working, albeit during a period of less demand from the FFV program on Thursday Island;
2. the initiatives referred above include the provision of funding to QBFP to employ 2 additional staff on Thursday Island to deliver FFV compliance services. In future, the Commonwealth will deliver FFV compliance services by directly employing officers, rather than funding state/territory staff. Thus, there should be no opportunity for PZJA compliance resources to be diverted to FFV work; and
3. that the Commonwealth proposal to directly deliver FFV services should prevent any impacts on the PZJA compliance program in the longer term.

## COMPLIANCE – OPTIONS FOR IMPROVING DOMESTIC COMPLIANCE PROGRAM

The PZJA:

1. **NOTED** the Report, in particular the options for enhancing the domestic compliance capabilities in the Torres Strait;
2. **AGREED** that a trial be undertaken using private charter vessels for 100 days per year for fisheries compliance purposes (noting the need for additional funding of approximately \$210,000 per year and the need to review the program after a period of time to determine its effectiveness);
3. **AGREED** to a review of those legislative provisions which currently hinder compliance efforts in the Torres Strait as part of a broader review of the *Torres Strait Fisheries Act 1984*, including the feasibility of introducing penalty infringement notices;
4. **NOTED** that a report will be provided by DPI&F,



AFMA, TSRA and managers to the next meeting of the PZJA, outlining the current process for determining a person's eligibility for a commercial fishing licence, including options for improving the current process;

5. **NOTED** that a report will be provided by DPI&F to the next meeting of the PZJA, outlining a proposal to introduce a customised registration sticker system which will improve compliance by allowing easy identification of TIB vessels; and
6. **NOTED** that the Department of Agriculture Fisheries and Forestry (DAFF) has made a submission to the RAN, seeking the urgent charting of various Torres Strait waters as part of the RAN 'HydroScheme' programme.

## FINANCES – COST RECOVERY POLICY AND IMPLEMENTATION

The PZJA **AGREED** to:

1. implement cost recovery based on the principles in the current AFMA Cost Recovery Impact Statement (CRIS) as it applies to other Commonwealth fisheries, but noting that the PZJA may choose to depart from the percentages used in the CRIS.
2. release the draft policy on the application of cost recovery to different licence types for consultation through the PZJA consultative structure;
3. the development of a discussion paper detailing options and mechanisms to implement cost recovery in the Torres Strait Tropical Rock Lobster, Finfish (reef line and Spanish mackerel fisheries), and Pearl Shell fisheries for consultation through the PZJA consultative structure. The discussion paper will include;
  - a. phased in cost recovery over 3 years at 40 per cent, 70 per cent and 100 per cent respectively; and
  - b. consideration of options for allocating the cost per licence.



## FINANCES – PZJA BUDGET

The PZJA **NOTED** the budget tabled by the Commonwealth for consideration out of session by members.





## FISHERIES CONSULTATIVE STRUCTURE

The PZJA:

1. **AGREED** to the policy for the operation and administration of TSFMAC and Working Groups with a change to allow nomination of non-Islander members by industry associations;
2. **DETERMINED** the peak industry bodies that best represent the non-Indigenous commercial fishing sector and how many places are available to each for future meetings of the PZJA (QSIA 4, TSPEHA 2, QRLA 2); and
3. **AGREED** that those industry peak body/bodies be responsible for nominating non-Indigenous industry representatives for future stakeholder forums to take effect for PZJA 19 and beyond.

## LEGISLATION

The PZJA NOTED:

1. that the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005 (the Bill) has now passed through the House of Representatives and is due to be introduced into the Senate in the winter 2005 parliamentary sitting.
2. the progress made on amending the term 'fishing' in the *Torres Strait Fisheries Act 1984* for the purposes of better controlling fishing effort;
3. the declaration of a sponge fishery is being progressed, and will be complete by the end of 2005; and
4. the progress of the National Oceans Office 'Torres Strait Treaty Natural Resource Management Governance Review' project as the basis for a review of the *Torres Strait Fisheries Act 1984*.

## PZJA ANNUAL REPORT 2003–04

1. The PZJA **AGREED** to endorse and sign out of session the Torres Strait Protected Zone Joint Authority Annual Report 2003-04.





## PZJA OUT-OF-SESSION DECISIONS

The PZJA **CONFIRMED** the out-of-session:

1. endorsement of the Torres Strait Beche-de-mer Fishery strategic assessment report for submission to the Australian Government Department of the Environment and Heritage (DEH), as a decision of the PZJA; and
2. decision to the change in format of future PZJA meetings to a stakeholder meeting on day one and the Authority meeting on day two, as a decision of the PZJA.





*The following decisions were made by the PZJA by correspondence on 23 December 2005:*

With respect to the Torres Strait Tropical Rock Lobster (TRL) Fishery,

1.1 the PZJA **AGREED** to:

- a. carry over the 30% reduction in the TVH sector as it was implemented in 2005;
- b. maintain a cap on Traditional Inhabitant Boat (TIB) licences greater than six metres with a CR endorsement, that is, to not grant new licences for TIB licensed lobster boats of greater than six metres in length; and
- c. prohibit the use of hookah to take rock lobsters for a period of approximately seven days each month corresponding with the strongest spring tides from February to September, inclusive.

1.2 the PZJA **CONFIRMED** its intentions to implement long-term management arrangements in the Tropical Rock Lobster fishery according to the Project Plan with a view to introducing a quota management system at an appropriate time in 2007.

1.3 The PZJA **NOTED**:

- a. the non-community commercial sector has renewed its interest in allowing the trading of tenders between licence packages which is prevented by PZJA policy; and
- b. Management's advice is to consider this issue in the context of the management plan for the fishery which will take effect in 2007.

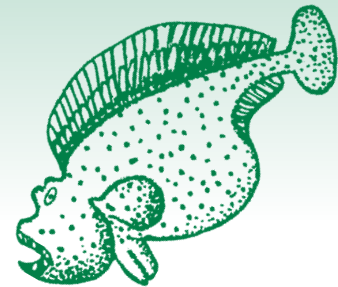


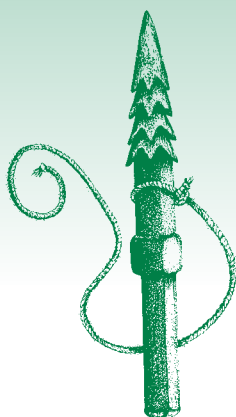


*The following decisions of the PZJA were agreed at PZJA 19, held on 27-28 April, 2006*

## RESOURCE ALLOCATION IN THE TORRES STRAIT FISHERIES

- 1.1 The PZJA **NOTED** that a number of sectors affected by the PZJA 18 resource allocation decisions have raised concerns about the scope and content of the decisions, including:
- a. concerns from the Community Fisher Group that the Islander sector should be provided with a greater share of the allocation to account for the inclusion within their share of the former Papua New Guinean nationals, their children and Aboriginals from the north of Cape York as persons who are eligible to hold a Traditional Inhabitant Boat licence under existing PZJA policy decisions from 1989 and 1999;
  - b. concerns from the Community Fisher Group that 10 nautical mile area closures to non-Islander commercial fishers should be created around all islands under native title claim and in respect of all species of fish;
  - c. concerns from the non-Islander commercial Finfish sector that they will be left unviable following the implementation of the decisions;
  - d. a request for a compulsory buyout of non-Islander interests in the Finfish Fishery; and
  - e. concerns from the non-Islander commercial sector that the decision about creating 10 nautical mile zones will prejudice their interests in the Torres Strait native title sea claim litigation.
- 1.2 The PZJA **AGREED** that:
- a. the previous PZJA policy decisions extending eligibility to hold Community fishing licences still apply and that such persons are to be included in the allocation to the Islander sector when implementing the PZJA 18 resource allocation decisions;
  - b. the PZJA 18 decision on the 10 nautical mile area closures applies only to the Finfish fishery, has not yet been implemented in law, provides no legal support





for the native title claim and nor will it assist the claim to be made out over a larger area, or in more extensive terms, than would otherwise be the case;

- c. specific decisions were made by the PZJA in relation to a new resource allocation for the Tropical Rock Lobster and Prawn fisheries that do not include further area closures to non-Islander commercial fishers;
- d. within the scope of the PZJA 18 resource allocation decisions the PZJA agreed that any further changes in resource allocation in the Tropical Rock Lobster and Finfish fisheries would be through an open market and self funded process; and
- e. further consideration be given to the proposed Finfish Fishery 10 nautical mile area closures once the tender process for the non-Islander sector of the Finfish Fishery is complete and the legal advice provided to the Australian Government about those closures is fully considered together with other issues, including any unforeseen consequences.

## ALLOCATION POLICY AND ADVICE

Policy for formation of allocation advisory panels

2A. The PZJA **AGREED** to endorse as PZJA policy PZJA *Fisheries Management Paper No. 2* outlining PZJA policy and guidelines for the formation of allocation advisory panels for the allocation of fishing concessions in PZJA Fisheries where fisheries management arrangements change.

Advice on current catch sharing ratio between commercial fishing sectors in Tropical Rock Lobster, Spanish Mackerel and Reef Line fisheries

2B. The PZJA **AGREED** that:

- a. to maximise the resources available to PZJA agencies, an allocation advisory panel is not recommended for the provision of advice to the PZJA on determining the current catch sharing ratio between commercial fishing sectors in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries;



- b. the Australian Fisheries Management Authority (AFMA), with assistance as required from the other PZJA agencies, will prepare a report on the historical catch shares of the commercial fishing sectors in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries, to be provided to the PZJA at its next meeting;
- c. the period of time to be included in determining the historical catch shares shall be from 2002 to 2005 inclusive in the Tropical Rock Lobster Fishery and 2001 to 2005 inclusive in the Finfish Fishery, being the periods during which these shares have been most accurately recorded;
- d. PZJA agencies should ensure that there is no less consultation with industry and islanders than would be the case under an allocation advisory panel approach. PZJA agencies will present a draft report to stakeholders at public meetings in Cairns and in the Torres Strait and provide for a 28-day period of public comment on the draft report to identify any issues that may have been overlooked in the drafting of the report; and
- e. AFMA will provide licence holders and others with the opportunity to verify their personal records.

Allocation advisory panel to advise the PZJA on the appropriate basis for the allocation of fishing concession in the non-community commercial fishing sector

2C.1 The PZJA **AGREED** to:

- a. the creation of an allocation advisory panel under section 40(7) of the *Torres Strait Fisheries Act 1984* to advise the PZJA on the appropriate basis for the allocation of fishing concessions in the non-community commercial fishing sector;
- b. the terms of reference, process and indicative timetable for the allocation advisory panel as set out in Appendix 1 of this record;
- c. appoint the Hon Jeffrey Miles, Dr Sevaly Sen and Mr Brett McCallum to the panel, based on the recommendation of the PZJA Standing Committee





and on the qualifications and experience of short listed applicants outlined in Appendix 2 of this record;

- d. the financial implications of forming the allocation advisory panel and the budget outlined in Appendix 3 of this record; and
- e. the inclusion of a Traditional Inhabitant observer on the allocation advisory panel who will be nominated and funded by the TSRA.

2C.2 The PZJA **NOTED** that:

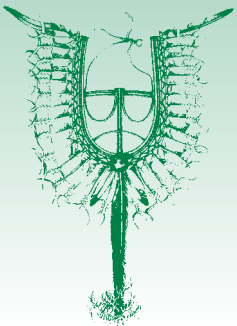
- a. the allocation advisory panel is not required to provide advice to the PZJA on the allocation of resources to the Traditional Inhabitant Community commercial fishing sector;
- b. the allocation advisory panel is currently only tasked to provide advice with respect to the Tropical Rock Lobster Fishery, but that further terms of reference for the Prawn and Finfish fisheries may be developed for the allocation advisory panel for consideration by the PZJA based on the outcomes of PZJA 19; and
- c. timeframes for the completion of written reports on any ensuing terms of reference regarding the Prawn and Finfish fisheries will be established at the time the terms of reference are distributed to the allocation advisory panel.

Arrangements for the allocation of fishing concessions in the Community commercial fishing sector

2D.1 The PZJA **NOTED** that the TSRA is liaising with Community fishers and will report to the next meeting of the PZJA to ensure Traditional Inhabitant views are taken into consideration when developing the mechanisms for distribution and utilisation of resource shares made available in the PZJA 18 resource allocation decisions.

2D.2 The PZJA **REQUESTED** that the PZJA agencies prepare background material and proposals highlighting preferred administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to Community fishers. This should include:

- a. advice from the TSRA on eligibility rules for holding a Traditional Inhabitant Boat licence and who should be entitled to do so in the future;



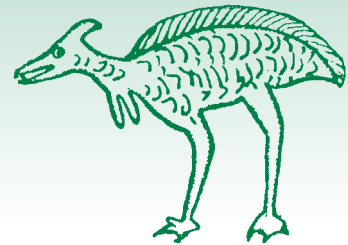


- b. an audit conducted jointly by the PZJA agencies of who currently holds Traditional Inhabitant Boat licences, who has fished where, the different levels of participation (full-time and part-time) and the potential impact of the inclusion of a further category of eligible persons (Papua New Guineans who have obtained Australian residency or citizenship after the 1978/79 amnesty); and
- c. a revised process for assessing and ensuring that future Traditional Inhabitant Boat licence applicants are valid.

## LEGISLATIVE AMENDMENTS

### Amendment Bill principles

- 3.1 The PZJA AGREED that amendments to the *Torres Strait Fisheries Act 1984* (the Act) are required in order to implement new management arrangements in the Torres Strait fisheries.
- 3.2 The PZJA REQUESTED the Australian Government Department of Agriculture Fisheries and Forestry to prepare drafting instructions (consistent with principles outlined in Drafting Principles section of the agenda paper) to:
  - a. ensure that Torres Strait fisheries can be managed sustainably under appropriate output controls;
  - b. improve operational and administrative efficiency of Torres Strait fishery management arrangements; and
  - c. seek consistency with the *Fisheries Management Act 1991* (Cth) and the *Fisheries Act 1994* (Qld), except as required by the Torres Strait Treaty or established operational and policy practices.



## FINFISH FISHERY

### Working Group and Torres Strait Fisheries Management Advisory Committee (TSFMAC) recommendations

- 4.1 The PZJA NOTED:
  - a. that the industry representatives for the Finfish Fishery were not available to provide their perspective on the TSFMAC recommendations;





- b. the community's concerns with the increasing numbers of foreign fishing vessel sightings in the Torres Strait and the increasing and ongoing practice of burning seized boats at sea; and
  - c. that TSFMAC has requested that the TSRA and the DFAT Treaty Liaison Officer work together to approach Customs and Coastwatch to discuss protocols and mechanisms for ensuring that the disposal of foreign fishing vessels in the Protected Zone occurs in a manner consistent with Articles 13 and 14 of the Torres Strait Treaty.
- 4.2 The PZJA **AGREED** to the following principles for the development of a Finfish Fishery management plan:
- a. the same management system should apply to both the Reef Line and the Spanish Mackerel fisheries;
  - b. subject to further consultation, that an overall total allowable commercial catch be identified for the Reef Line and the Spanish Mackerel fisheries under which:
    - i. the Community fishing sector (currently Traditional Inhabitant Boat licences) would be managed through a competitive total allowable commercial catch (non-species specific) with appropriate performance indicators and decision rules, including reference and trigger points to ensure the sector is kept within its total allowable commercial catch;
    - ii. the non-community commercial fishing sector (currently Transferable Vessel Holder licences) would be allocated individual transferable effort (ITE) units commensurate with the sector's share of the total allowable commercial catch, the units being based on days, with appropriate monitoring of the relationship between effort and catch under performance indicators and decision rules including reference and trigger points to ensure the total sectoral effort is consistent with their share of the total allowable commercial catch;
    - iii. an appropriate allowance and priority has been made for Traditional Fishing in accordance with the Torres Strait Treaty and the *Torres Strait Fisheries Act 1984*; and



- a. the monitoring of effort units for the commercial fishing sector be by Vessel Monitoring System (VMS) and be based on a binary decision rule of the vessel being either in or out of the area of the fishery. Included in this system would be the identification of safe havens (York, Aureed, and Dugong) where anchorage and unloading could occur without deduction of effort units.
- 4.3 The PZJA **AGREED** to consider the merits of establishing a Finfish Fishery Resource Assessment Group after the tender process for this fishery is complete and that in the absence of a stock assessment that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the total allowable commercial catch.
- 4.4 The PZJA **REQUESTED** that priority consideration be given to:
- a. the development of fishery objectives;
  - b. clarification of specific aspects of the catch/effort management system (including how to monitor the deduction of effort units for concession holders with endorsement to fish in both the Reef Line and Spanish Mackerel fisheries); and
  - c. trading arrangements within and between sectors (including temporary trading and/or leasing).
- 4.5 The PZJA **AGREED** to endorse the Statement of Management Arrangements for the Torres Strait Finfish Fishery.



## TROPICAL ROCK LOBSTER FISHERY

### Management objectives

- 5A.1 The PZJA **AGREED** to the following revised objectives for the Tropical Rock Lobster fishery, as endorsed by the Tropical Rock Lobster Working Group and the TSFMAC:
- a. to maintain the fishing mortality at a level below that which produces the Maximum Sustainable Yield ( $F_{MSY}$ ) (accounting for all sources of fishing mortality). The actual level will be determined following consideration of the recommendations of the Tropical Rock Lobster



Resource Assessment Group, noting that the PZJA is currently considering a level at least 10% below  $F_{MSY}$ ;

- b. in accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of Traditional Inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
- c. to provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea;
- d. to monitor interactions between the prawn and lobster fisheries;
- e. to maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
- f. to promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for Traditional Inhabitants and to ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community; and
- g. optimise the value of the fishery.

5A.2 The PZJA **NOTED** that:

- a. the objectives will be included in the proposed Tropical Rock Lobster management plan subject to changes required for consistency with the amendments to the Torres Strait Fisheries Act 1984 and as required in the drafting of the management plan; and
- b. the strategies and reference points and decision rules to measure these objectives are yet to be developed.

Management plan and quota system

5B.1 The PZJA **AGREED** that the quota management system for the Tropical Rock Lobster Fishery should include specific elements as endorsed by the Tropical Rock Lobster Working Group and the TSFMAC, as follows, and that these elements will be incorporated in the management plan.



- a. a prior catch reporting system be introduced for all vessels currently designated Transferable Vessel Holder (TVH) licences and other boats over 7m in length;
- b. a paper based monitoring system using a modified docket book system be implemented to capture catch landings information;
- c. sales and transfer documentation be introduced to track the movement of product after its initial sale and for fishers transshipping product out of the Torres Strait before it is sold;
- d. a monitoring program be established to capture information from Papua New Guinea cross-endorsed vessels, probably under conditions of endorsed licences;
- e. product be landed only to defined landing points; and
- f. a register of live holding enclosures be kept that is consistent with the fishing boat symbols at no cost to licence holders.

5B.2 The PZJA **NOTED** the TSFMAC recommendation that administrative penalties, including infringement notices, be a preferred form of enforcement of the management plan.

Improved data system

5C. The PZJA **AGREED**:

- a. to explore whether one agency should take responsibility for licensing, data collection and quota monitoring in the Torres Strait fisheries and that AFMA and QDPI&F should jointly develop an options paper for consideration at the next meeting of the PZJA that assesses the relative merits of that responsibility sitting with either AFMA or QDPI&F;
- b. to direct AFMA to rapidly undertake work to improve the current fisheries data collection system in the Torres Strait Tropical Rock Lobster fishery, in light of the introduction of a quota management system for 2007 in line with the recommendations from the TSFMAC; and
- c. to direct PZJA agencies to ensure a data management system which will allow effective quota management





for Torres Strait fisheries is operational prior to the implementation of quota management.

Tropical Rock Lobster Resource Assessment Group outcomes

5D.1 The PZJA **NOTED** the preliminary indications from the first meeting of the Tropical Rock Lobster Resource Assessment Group that:

- a. the function of the Tropical Rock Lobster Resource Assessment Group is to provide advice to the PZJA on the status of the stocks, research priorities for the fishery and recommending a total allowable catch;
- b. the tropical Rock Lobster Resource Assessment Group found that there are still problems with catch and effort data from all jurisdictions of the fishery and resolved that members would provide final figures to the next meeting of the Resource Assessment Group in August 2006;
- c. the most current Tropical Rock Lobster stock assessment was published in 2004 and included data only up to the 2000 season and was not updated in time for the Tropical Rock Lobster Resource Assessment Group to consider;
- d. the pre-season survey results are not yet in a form that can be used to recommend a total allowable catch for the 2006 season; and
- e. although it is now doubtful that a total allowable catch can be recommended to the PZJA within an acceptable timeframe for 2006, the tropical Rock Lobster Resource Assessment Group process has been a useful exercise that has highlighted a number of issues which must be resolved before 2007 when the new management arrangements are due to commence.

Licensing matters

5E.1 The PZJA **NOTED**:

- a. that the issue of Master Fisherman's Licences was discussed by the Tropical Rock Lobster Working Group and that the Queensland Rock Lobster Association would investigate the creation of an appropriate register with job network providers to facilitate the employment of Traditional Inhabitants throughout the Torres Strait region as a whole;



- b. that the Tropical Rock Lobster Working Group and the Queensland Rock Lobster Association will develop standardised workplace agreements to deal with workplace health and safety and other issues relating to the employment of Master Fisherman’s Licence holders; and
- c. that the issue of tender trading will be considered in the context of the management plan for the fishery, which will take effect in 2007.

5E.2 The PZJA **AGREED** that the following licence condition should be included on all Tropical Rock Lobster licences on boats less than seven (7) metres: “During the seven-day period around the spring tides (as specified in Table 1) the holder of this fishing licence must ensure that no hookah hoses (air hoses) are carried on board this vessel”.

## PRAWN FISHERY

Establishment of a Prawn Fishery management advisory committee

6A.1 The PZJA **NOTED** that the TSFMAC made the following recommendations:

- a. that the PZJA **AGREES**, subject to the agreement of the industry representatives on the Prawn Working Group to:
  - i. elevate the existing Prawn Working Group to a Torres Strait Prawn Fishery Management Advisory Committee;
  - ii. that the membership of a Torres Strait Prawn Fishery Management Advisory Committee comprise four industry representatives, three Traditional Inhabitant Boat licence sector representatives, the TSRA Fisheries Coordinator, one AFMA member, one QDPI&F member, one Australian Government Department of Environment and Heritage observer, one Papua New Guinea observer and observer status for the DFAT Treaty Liaison Officer; and
  - iii. initially, the current Chair of the Prawn Working Group will Chair the Torres Strait Prawn Fishery





Management Advisory Committee. The Chair may change from time to time as decided by the PZJA. The Chair will report on the Torres Strait Prawn Fishery Management Advisory Committee meetings to the PZJA and interface with the TSFMAC.

- a. that there has been support from the Industry members of the Prawn Working Group for the creation of the Torres Strait Prawn Fishery Management Advisory Committee; and
- b. Industry's comment on the paper discussed at the TSFMAC was that it wishes to add an additional processor member to the proposed Torres Strait Prawn Fishery Management Advisory Committee.

6A.2 The PZJA **AGREED** to:

- a. elevate the status of the current prawn working group to the Torres Strait Prawn Fishery Management Advisory Committee;
- b. appoint existing prawn working group members as detailed in Table 1 of this record to the Torres Strait Prawn Fishery Management Advisory Committee in accordance with selection and appointment procedures specified in PZJA *Fisheries Management Paper No. 1*;
- c. call for nominees for the vacant positions on the Torres Strait Prawn Fishery Management Advisory Committee in accordance with PZJA *Fisheries Management Paper No. 1*;
- d. the amendment of PZJA *Fisheries Management Paper No. 1* to account for the change in status of the current Prawn Working Group to the Torres Strait Prawn Fishery Management Advisory Committee; and
- e. to seek advice from the Department of Foreign Affairs and Trade Torres Strait Treaty Liaison Officer about elevating Papua New Guinea observer status on the Torres Strait Prawn Fishery Management Advisory Committee to full member status.



Table 1 — Proposed structure of the Torres Strait Prawn Fishery Management Advisory Committee (TSPMAC).

Representation	Member
<i>Prawn Working Group</i>	
Chair	Mr Jim Gillespie (QDPI&F)
CFG – Darnley Island	Mr Ken Bedford
CFG – Yam Island	Mr Charles David
CFG – Yorke Island	Mr Lota Warri
Prawn – non-traditional inhabitant	Mr Barry Wilson
Prawn – non-traditional inhabitant	Mr Mark Millward
Prawn – non-traditional inhabitant	Nominee (Mr Rob Giddens)
Prawn – non-traditional inhabitant	Nominee (Ms Rosemary Millward)
Prawn – non-traditional inhabitant (processor)	Mr Bob Robbins
QDPI&F	Senior Fisheries Management Officer (Torres Strait)
AFMA	Manager – Torres Strait Fisheries
AFMA	Senior Manager – Northern Fisheries
TSRA	TSRA Board Fisheries portfolio member
TSRA	Fisheries Co-ordinator
Research Member	Mr Clive Turnbull (QDPI&F)
Compliance Member	District Officer – QBFP Thursday Island
Executive Officer	AFMA
Papua New Guinea **	To be advised
DFAT treaty Liaison Officer **	Ms Suzy Wilson

\*\* Denotes Permanent Observer Status







#### Turtle excluder device (TED) certification and fisheries strategic assessment

- 6B.1 The PZJA **NOTED** the outcomes of the April 2006 visit by the United States accreditation team to the Torres Strait Prawn fishery.
- 6B.2 The PZJA **AGREED**, subject to further consultation with industry following the visit by the United States accreditation team, to adopt Fisheries Management Notice No. 78 to modify the specifications for turtle excluder devices in the fishery to comply with the United States requirements for export approval.
- 6B.3 The PZJA **AGREED** to endorse the Statement of Management Arrangements for the Torres Strait Prawn Fishery.

#### Trading allocated fishing days

- 6C. The PZJA **AGREED** to amend its previous decision of 9 February 1994 regarding trading of allocated fishing days in the prawn fishery to remove the requirement that prawn licence holders can only transfer allocated fishing days in “blocks” of 10 days, allowing them to trade in any quantity of whole days, with a view to this issue being resolved in the longer term through the development of the management plan.

#### Administration of surrendered entitlements

- 6D.1 The PZJA **NOTED**:
- a. that the Australian Government Department of Agriculture Fisheries and Forestry on behalf of the Australian Government, recently conducted a tender to fund payments to eligible licence holders for the voluntary surrender of fishing concessions in the Torres Strait Prawn Fishery;
  - b. the tender resulted in the surrender of 2333 allocated fishing days from the prawn fishery and the removal of 16 commercial licences from the fishery; and
  - c. in accordance with the out-of-session decisions of the PZJA, an overall cap of 9200 fishing days are available in this fishery for the 2006 season.



## 6D.2 The PZJA AGREED:

- a. that as an interim policy, allocated fishing days in the fishery beyond the 6867 allocated fishing days currently issued to Australian operators, (whilst not exceeding the overall cap) will only be attached to licences or treaty endorsements following consideration of written advice from the Australian Government Department of Agriculture Fisheries and Forestry and in consultation with the Government of Papua New Guinea; and
- b. that the Australian Government will continue to consult and cooperate with the Government of Papua New Guinea on the development of further policy on the utilisation of fishing capacity surrendered in the tender to ensure that it is utilised in a manner that is consistent with the obligations conferred on Australia by the Torres Strait Treaty.

## TROCHUS FISHERY

### Fisheries strategic assessment recommendations

#### 7A. The PZJA AGREED to:

- a. submit the Strategic Assessment Report for the Torres Strait Trochus Fishery to the Minister for the Environment and Heritage for assessment under the *Environment Protection and Biodiversity Conservation Act 1999*;
- b. accept the recommendations from the Minister for the Environment and Heritage in relation to the Trochus Fishery; and
- c. endorse the Statement of Management Arrangements for the Torres Strait Trochus Fishery.

## BECHE-DE-MER FISHERY

### Implementation of new species-based quotas

- 7B. The PZJA AGREED to implement new precautionary species-based total allowable catch limits for white teatfish and prickly redfish of 15 tonnes and 20 tonnes, respectively.





## TURTLE AND DUGONG FISHERIES

Update on the community based management North Australian Indigenous Land and Sea Management Alliance (NAILSMA) project

### 7C.1 The PZJA AGREED:

- a. that the Australian Government Department of Agriculture Fisheries and Forestry and AFMA continue to assist TSRA to identify the appropriate legislative framework for the implementation of community management plans, with input from Torres Strait Islanders during this process;
- b. to ensure Torres Strait Islanders are appropriately represented during negotiations regarding dugong and turtle management arrangements in the Torres Strait region;
- c. that the TSFMAC continue to be utilised as a forum to discuss and negotiate dugong and turtle management arrangements, but ensure that adequate time is given to consultation and decision making;
- d. that TSRA be briefed in a timely fashion regarding any recommendations to be included in the Strategic Assessment for the Torres Strait Turtle and Dugong fisheries; and
- e. that AFMA prior to the release of draft recommendations conducts community consultation to inform Torres Strait Islanders of proposed actions that arise from the Strategic Assessment for the Torres Strait Turtle and Dugong fisheries.

Fisheries strategic assessment

### 7C.2 The PZJA NOTED that:

- a. the final Terms of Reference for the Strategic Assessment of the Torres Strait Turtle and Dugong fisheries will need to be agreed upon by the Minister for Fisheries, Forestry and Conservation and the Minister for the Environment and Heritage (and if possible also agreed by the PZJA on an out-of-session basis beforehand) before the Draft Strategic Assessment Report is released for public comment; and



- b. it is highly likely that the Turtle and Dugong fisheries will not be accredited and that the Minister for the Environment and Heritage will require the PZJA to rectify deficiencies in the management of the fisheries.

#### 7C.3 The PZJA **AGREED**:

- a. to release the draft Strategic Assessment Report for the Torres Strait Turtle and Dugong fisheries for public comment once the final Terms of Reference are agreed; and
- b. that the Minister for Fisheries, Forestry and Conservation should ask that the recommendations made by the Minister for the Environment and Heritage in response to the Strategic Assessment take into consideration socio-economic and cultural issues which will affect the acceptance, implementation and enforceability of measures to address the recommendations.

## COMPLIANCE

### Commercial Fishing Boat Identification

8A.1 The PZJA **AGREED** to the development of a boat registration sticker system, managed through QDPI&F Licensing in Brisbane, that requires licence holders to display registration stickers on Traditional Inhabitant Boat and Transferable Vessel Holder licensed boats to provide enforcement officers with a means of visually identifying whether the boat is the one authorised to be used under the licence.

8A.2 The PZJA **REQUESTED** that the proposed amendments to the *Torres Strait Fisheries Regulations 1985* to give effect to the system are provided for consideration at the next meeting of the PZJA.

### Domestic and Foreign Compliance

8B. The PZJA **NOTED** the domestic and foreign compliance report for May 2005 to April 2006.





## PZJA CONSULTATIVE STRUCTURE

### Appointment of members

9A. The PZJA **AGREED** to endorse new members for relevant advisory committees and working groups in Tables 2 and 3 of this record established under the Torres Strait Fisheries Consultative Structure in accordance with selection and appointment procedures specified in PZJA *Fisheries Management Paper No.1*.

*Table 2 — Torres Strait Fisheries Management Advisory Committee (TSFMAC).*

Representation	Member
<i>Torres Strait Fisheries Management Advisory Committee</i>	
TSRA – Yam Island	Mr Charles David
TSRA – Badu Island	Mr Richard Bowie
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warria
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
TSRA – Murray Island	Mr Kila Odo
TSRA – Coconut Island	Mr Jack Billy
TSRA – Darnley Island	Mr Kenny Bedford
TSRA – Boigu Island	Mr Dimis Toby
TSRA – Dauan Island	Mr Phillip Biggie
TSRA – Kubin	Mr Richard Newie
TSRA – Saibai Island	Mr Jerry Babia
TSRA – Seisia	Mr Harold Townson
TSRA – St Pauls	Mr John Wigness
TSRA – TRAWQ	Mr Railey Gibia
TSRA – Hammond Island	Mr Seriako Dorante
TSRA – Stephens Island	Mr Bert Matysek
TSRA – Bamaga	Mr Hodrick Mudu
TSRA – Umagico	Mr Connie Young



TSRA – Horn	Mr Willy Wigness
TSRA – Injinoo	Mr Mac Blarry
TSRA – New Mapoon	Mr Trevor Lifu
TSRA Fisheries Co-ordinator – supporting	TSRA Fisheries Co-ordinator
Prawn Fishery – non-traditional inhabitant	Mr Mark Millward
Tropical Rock Lobster –	Dr Ray Moore
Finfish (Reef Line) – non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) – non-traditional inhabitant	Mr Shaun Hansen
Non-traditional inhabitant	Vacant
QDPI&F	General Manager – Fisheries Resource Management (QDPI&F)
QDPI&F	QDPI&F Senior Fisheries Management Officer (Torres Strait)
AFMA	Manager – Torres Strait Fisheries
AFMA	Senior Manager – Northern Fisheries
Research Member (TSSAC Chair)	Vacant
Chair	Professor Russell Reichelt
DEH	DEH Sustainable Fisheries **
TSRA	Fisheries Portfolio Board Member **
Executive Officers	AFMA/ QDPI&F



\*\* Denotes Permanent Observer Status



Table 3 — Torres Strait Fisheries Specific Working Groups.

Representation	Member
<i>Tropical Rock Lobster Working Group</i>	
Chair	Chair – AFMA Senior Management Officer
TSRA – Badu Island	Mr Richard Bowie
TSRA – Yam Island	Mr Charles David
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warria
TSRA – Mabuig Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
Tropical Rock Lobster – non-traditional inhabitant	Dr Ray Moore
Tropical Rock Lobster – non-traditional inhabitant	Vacant
Tropical Rock Lobster – non-traditional inhabitant	Vacant
QDPI&F	Senior Fisheries Management Officer (Torres Strait)
AFMA	Manager – Torres Strait Fisheries (AFMA)
TSRA	TSRA Fisheries Co-ordinator
Research Member	Dr Yimin Ye (CSIRO)
Compliance Member	District Officer – QBFP Thursday Island
Executive Officer	AFMA



*Finfish Working Group (including Spanish mackerel and reef-line)*

Chair – AFMA	Manager – Torres Strait Fisheries
TSRA –Murray Island	Mr Kila Odo
TSRA – Yorke Island	Mr Lota Warria
TSRA – Warraber Island	Mr Samuel Tamu
TSRA – Darnley Island	Mr Ken Bedford
TSRA – Coconut Island	Mr Jack Billy
TSRA – Stephens Island	Mr Bert Matysek
Finfish (Reef Line) – non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) – non-traditional inhabitant	Mr Shaun Hansen
Finfish non-traditional inhabitant	Vacant
QDPI&F	Senior Fisheries Management Officer (Torres Strait)
AFMA	Senior Management Officer
TSRA	Fisheries Co-ordinator
Research Member	Vacant
Compliance Member	District Officer – QBFP Thursday Island
Executive Officer	QDPI&F



FUTURE ROLE OF THE TORRES STRAIT SCIENTIFIC ADVISORY COMMITTEE (TSSAC)

9B. The PZJA **NOTED** the:

- a. conclusion of the Co-operative Research Centre (CRC) Torres Strait Ltd between June and December 2006;
- b. end of the Torres Strait Scientific Advisory Committee role of advising the Board of the CRC by the end of 2006;





- c. ongoing need for research planning for Torres Strait fisheries and the future role of the Torres Strait Scientific Advisory Committee; and
- d. recent discussions with officials of the Papua New Guinea National Fisheries Authority about closer aligning of research by the two countries facilitated through Papua New Guinea membership on the Torres Strait Scientific Advisory Committee.

#### Appointments to the Tropical Rock Lobster Working Group

- 9C.1 The PZJA **AGREED** with the appointment of Brett Arlidge from MG Kailis to one of the two vacant industry positions on the Tropical Rock Lobster Working Group; and
- 9C.2 The PZJA **NOTED** that due to the second successful applicant no longer being available to take up a position on the Tropical Rock Lobster Working Group, a second selection process will need to be undertaken.

#### PROVISION OF FUTURE RESEARCH

10. The PZJA **NOTED**:
- a. the new funding circumstances for fisheries research in the Torres Strait;
  - b. the need to develop and refine the strategic research plan for Torres Strait fisheries produced by the Torres Strait Scientific Advisory Committee to guide future research investment; and
  - c. that a strategy paper will be developed for the funding of future research of Torres Strait fisheries for the next meeting of the PZJA.

#### OPERATIONAL MATTERS

##### Project Plan

- 11A.1 The PZJA **NOTED** that:
- a. stages one to three of the Project Plan are now complete;
  - b. there are a number of processes in stage four of the Project Plan that could result in significant delays to the Project Plan, specifically in the development



- of management systems for the fisheries, legislative amendments and data requirements for the allocation advisory panel process; and
- c. the Management Arrangements Team has identified likely points of delay in the next stage of the Project Plan and has developed strategies to minimise delays in the delivery of the Project Plan outcomes.

11A.2 The PZJA **AGREED** to:

- a. endorse the revised Project Plan dated April 2006, noting the inclusion of the Regulatory Impact Statement process in the development of management plans and legislative amendments; and
- b. encourage all stakeholders to actively participate in implementing stage four of the Project Plan, especially with regard to consultation and development of management mechanisms for the fisheries.

Infrastructure, capacity and budget implications of Project Plan

11B. The PZJA **NOTED**:

- a. the infrastructure and operational capacity for the PZJA Agencies that have arisen from decisions of the PZJA in 2005 and from implementation of the Project Plan; and
- b. the implications for the PZJA Agencies in implementing the Project Plan.



**PZJA BUDGET 2006–07**

12. The PZJA **AGREED**:

- a. to the cost sharing budget in Table 4 of this record for the Torres Strait fisheries for the 2006–07 financial year; and
- b. to the overall indicative PZJA Agencies budget in Table 5 of this record for the 2006–07 financial year (noting there will be a need to significantly vary the budget in accordance with additional projects that may arise from PZJA decisions during the 2006–07 financial year).



Table 4 — 2006-07 draft cost sharing budget.

**Protected Zone Joint Authority  
Budget Estimates 2006-07**

Description	AFMA	QDPI&F	TOTAL
<b>Direct Costs</b>			
Salaries & On-costs	\$ 728,128	\$ 730,133	\$ 1,458,261
Consultants & Contractors	\$ 243,900		\$ 243,900
Travel & Subsistence	\$ 146,154	\$ 77,000	\$ 223,154
Other Administrative Costs	\$ 565,950	\$ 371,000	\$ 936,950
<b>Total Direct Costs</b>	<b>\$ 1,684,132</b>	<b>\$ 1,178,133</b>	<b>\$ 2,862,265</b>
<b>Overheads</b>	<b>\$ 584,220</b>	<b>\$ 640,057</b>	<b>\$ 1,224,277</b>
<b>Indirect Costs</b>			
Logbook program		\$ 96,917	\$ 96,917
Data Management		\$ 72,172	\$ 72,172
Compliance	\$ 175,221	\$ 244,000	\$ 419,221
Observers		\$ 128,056	\$ 128,056
<b>Total Indirect Costs</b>	<b>\$ 472,366</b>	<b>\$ 244,000</b>	<b>\$ 716,366</b>
<b>Total Costs</b>	<b>\$ 2,740,718</b>	<b>\$ 2,062,190</b>	<b>\$ 4,802,908</b>

Table 5 — 2006–07 draft overall PZJA budget.

Protected Zone Joint Authority  
Budget Estimates 2006/2007

Description	AFMA	QDPI&F	DAFF	TSRA	TOTAL
<b>Direct Costs</b>					
Salaries & On-costs	\$ 728,128	\$ 730,133	\$ 458,273	\$ 181,000	\$ 1,916,534
Consultants & Contractors	\$ 243,900		\$ 75,000	\$ 30,000	\$ 318,900
Travel & Subsistence	\$ 146,154	\$ 77,000	\$ 50,000	\$ 20,000	\$ 273,154
Other Administrative Costs	\$ 565,950	\$ 371,000	\$ 58,500	\$ 170,000	\$ 995,450
<b>Total Direct Costs</b>	<b>\$ 1,684,132</b>	<b>\$ 1,178,133</b>	<b>\$ 641,773</b>	<b>\$ 401,000</b>	<b>\$ 3,504,038</b>
<b>Overheads</b>	<b>\$ 584,220</b>	<b>\$ 640,057</b>	<b>\$ 27,929</b>		<b>\$ 1,252,206</b>
<b>Research</b>	<b>\$ 700,000</b>				<b>\$ 700,000</b>
<b>Research Administration</b>	<b>\$ 26,501</b>				<b>\$ 26,501</b>
<b>Indirect Costs</b>					
Logbook program	\$ 96,917				\$ 96,917
Data Management	\$ 72,172				\$ 72,172
Compliance	\$ 175,221	\$ 244,000			\$ 419,221
Observers	\$ 128,056				\$ 128,056
<b>Total Indirect Costs</b>	<b>\$ 472,366</b>	<b>\$ 244,000</b>			<b>\$ 716,366</b>
<b>Total Costs</b>	<b>\$ 3,467,219</b>	<b>\$ 2,062,190</b>	<b>\$ 669,702</b>	<b>\$ 401,000</b>	<b>\$ 6,600,111</b>



## PZJA ANNUAL REPORTS

13. The PZJA **AGREED** to:
- a. sign the Torres Strait Protected Zone Joint Authority Annual Report 2003-04; and
  - b. endorse and sign the Torres Strait Protected Zone Joint Authority Annual Report 2004- 05.

## STRATEGIC PLANNING

Links between fisheries management and aquaculture development

### 14A.1 The PZJA **NOTED**:

- a. the information set out in the agenda paper regarding the links and potential conflicts between current fisheries management and future aquaculture development in the Torres Strait; and
- b. that QDPI&F will provide a presentation on a strategic approach to aquaculture to the next meeting of the TSFMAC.

Links between Torres Strait fisheries management and Commonwealth Harvest Strategy policy

### 14A.2 The PZJA **NOTED**:

- a. that a Commonwealth Harvest Strategy Policy is currently being developed to apply to all Commonwealth fisheries; and
- b. that it will be provided with advice at the next meeting of the PZJA on the applicability and utility of the Commonwealth Harvest Strategy Policy for the management systems and plans in the Torres Strait fisheries.

Next Meeting of the PZJA

- 14 B. The PZJA **AGREED** to hold the next meeting of the PZJA on 25–26 October 2006.





## CONFIRMATION OF OUT-OF-SESSION DECISIONS

15. The PZJA **CONFIRMED** the following out-of-session decisions as decisions of the PZJA:

Decisions made by correspondence on 12 July 2005 and 15 November 2005

- 15.1 With respect to fisheries strategic assessments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

- a. The PZJA **ENDORSED** the Torres Strait Finfish Fishery strategic assessment report, Bycatch Action Plan and strategic assessment recommendations; and
- b. The PZJA **ENDORSED** the Torres Strait Prawn Fishery strategic assessment recommendations.

Decisions made by teleconference on 3 November 2005

- 15.2 On resource allocation funding arrangements:

- a. The PZJA **NOTED** its decision at PZJA 18 to seek funding approvals from respective governments for its resource allocation decision and that trading rules would be developed;
- b. in light of those funding approvals, and to provide a comprehensive, lasting and robust solution which addresses overfishing, deals with resource allocation, ensures Australia is able to fully meet its international obligations under the Torres Strait Treaty and provides greater economic opportunities for Islanders consistent with the Torres Strait Treaty the PZJA **NOTED** that a package of measures had been developed under which:
  - (i) the Australian Government has committed to funding payments to non-Islander commercial fishers in the Tropical Rock Lobster and Spanish Mackerel fisheries to ensure that the Australian Government is able to fully meet its obligation to Papua New Guinea under the Treaty without making further calls on fishing entitlements allocated to domestic operators;
  - (ii) the Queensland Government has committed to providing funding for the voluntary tender process





in the Tropical Rock Lobster Fishery for the initial 50/50 resource allocation of the Australian share of the fishery, as agreed at PZJA 18;

(iii) the TSRA has committed to providing funding for the voluntary tender process in the Finfish Fishery (composed of the Spanish Mackerel and the Reef Line fisheries) for the initial 50/50 resource allocation of the Australian share of the fishery, as agreed at PZJA 18 ; and

(iv) an agreed process, in line with the Treaty, will be undertaken to document and agree on the final numbers and percentages that will be used to give effect to these commitments.

15.3 The PZJA **AGREED** that the initial allocation of 50% of the Australian share to the Islanders for the Tropical Rock Lobster and Finfish fisheries would not be permitted to be traded to the non-Islander sector but may be leased.

15.4 In respect of the Torres Strait Prawn fishery, the PZJA:

- a. **AGREED** that, consistent with scientific advice, licences will be granted for the 2006 season with pro-rata reductions to an overall cap of 9197 days;
- b. **NOTED** that fishing effort in recent years has been significantly below this level;
- c. **AGREED** that the fishery will move to modern management arrangements including the adoption of a unitised system where effort levels in the fishery are adjusted in accordance with sustainable catches and that the system of unitisation will be developed over the course of 2006 to commence in 2007;
- d. **NOTED** that, in relation to a sustainable level of the fishery and as announced on 27 July 2005, the Australian Government will fund payments to non-Islander commercial fishers to ensure that the Australian Government is able to fully meet its obligation to Papua New Guinea under the Torres Strait Treaty without making further calls on fishing entitlements allocated to domestic operators; and
- e. **NOTED** that the Australian Government is scheduled to conduct a voluntary open tender process in the first



half of 2006 to fulfill this commitment.

- 15.5 On the public release of PZJA 18 and future decisions
- a. The PZJA **CONFIRMED** that the record of decisions from PZJA 18 (4-5 July 2005) will be made public on Monday 7 November 2005; and
  - b. The PZJA **AGREED** to the public release of decisions from this and future meetings of the PZJA within two weeks of the meeting, except where expenditure or public policy matters require confirmation from government.
- 15.6. On the Project Plan and indicative timetable for developing 2006 and 2007 management arrangements:
- a. The PZJA **NOTED** the PZJA Project Plan dated November 2005 outlines:
    - (i) an approach for seeking stakeholder agreement to 2006 management arrangements which recognises the limited time available for consultation before PZJA 19; and
    - (ii) an indicative timetable for developing 2007 management arrangements.
- 15.7 The PZJA **AGREED**:
- b. to release the attached PZJA Project Plan as indicative dates for the information of relevant stakeholders; and
  - c. to schedule future PZJA meetings in accordance with the indicative timetable, noting that these are time critical decision points required for timely delivery of the PZJA Project Plan.
- 15.8 On the outcome of prawn licence negotiations with Torres Strait Islanders and Papua New Guinea:
- a. The PZJA **NOTED** that the Australian Government made a decision on 9 August 2004 to explore the possibility of seeking the relinquishment of Torres Strait Islander and Papua New Guinea access to the Torres Strait Prawn Fishery through the non-issuance of licences in return for appropriate compensation;
  - b. The PZJA **NOTED** that the Torres Strait Regional Authority (TSRA) and the Island Coordinating Council (ICC) agreed to the Australian Government







proposal but that Papua New Guinea has indicated they do not wish to relinquish their rights in this fishery;

- c. The PZJA **NOTED** that to give effect to the agreement between the Australian Government, the TSRA and the ICC a decision is necessary from the PZJA that it will not issue the three prawn licences reserved for use by Torres Strait Islanders in May 1989; and
- d. PZJA **CONFIRMED** that the decision of the Chair to execute a Deed with effect from 13 July 2005 to provide the necessary agreement of the PZJA set out in recommendation (c) above is a decision of the PZJA.

#### 15.9 On the PZJA Budget for 2005–06

- a. The PZJA **NOTED** the impending pressures on future PZJA budgets; and
- b. The PZJA **APPROVED** the attached draft PZJA budget for 2005–06.

#### Decisions made by correspondence on 17 November 2005

15.10 The PZJA **AGREED** to a new delegation pursuant to sub-section 38(1) of the Torres Strait Fisheries Act 1984 being issued by the PZJA Chair on behalf of the PZJA.

#### Decisions made by correspondence on 23 December 2005

15.11 With respect to the Tropical Rock Lobster Fishery the PZJA **AGREED** to:

- a. carry over the 30% reduction in the TVH sector as it was implemented in 2005;
- b. maintain a cap on Traditional Inhabitant Boat (TIB) licences greater than six metres with a CR endorsement, that is, to not grant new licences for TIB licensed lobster boats of greater than six metres in length; and
- c. prohibit the use of hookah to take rock lobsters for a period of approximately seven days each month corresponding with the strongest spring tides from February to September, inclusive.

15.12 The PZJA **CONFIRMED** its intentions to implement long-term management arrangements in the tropical rock lobster fishery according to the Project Plan with a view to



introducing a quota management system at an appropriate time in 2007.

15.13 The PZJA **NOTED**:

- a. the non-community commercial sector has renewed its interest in allowing the trading of tenders between licence packages which is prevented by PZJA policy; and
- b. Management's advice is to consider this issue in the context of the management plan for the fishery which will take effect in 2007.

15.14 With respect to the Torres Strait Prawn Fishery:

- a. the PZJA **CONFIRMED** its previous decision that a total of 9,197 fishing days is considered the maximum amount of effort that should be allowed in the prawn fishery for sustainability reasons;
- b. the PZJA **AGREED** to direct agencies to implement that decision by ensuring that, when each licence is next renewed, the Allocated Fishing Days currently attached, or last attached, as a condition of that licence, be reduced on a pro rata basis such that, if all licences were renewed for the 2006 fishing season, the total allocated fishing days held on all licences would be as close to 9,197 as is possible; and
- c. the PZJA **NOTED** that allocated fishing days will have to be rounded after the application of the pro rata reductions and that this rounding will result in slightly more fishing days than 9,197.

Decisions made by correspondence on 24 February 2006

15.15 With respect to the Torres Strait Prawn Fishery the PZJA **AGREED**:

- a. to vary its policy that entitlement holders must hold a minimum of 50 days to operate in the fishery, to a minimum of 34 days during 2006 (commensurate with the pro-rata sustainability reduction) with a view to this issue being resolved in the longer term through the development of the management plan; and
- b. to the boat replacement and effort trading policies being suspended during 2006 in order to further assist





the industry to restructure itself, with a view to this issue being resolved in the longer term through the development of the management plan.

## OTHER BUSINESS

- 16.1 The PZJA **NOTED** the provision of a request by Mr Charles David to consider a proposal from the Yam Island community regarding the creation of a 10 nautical mile area closure to non-Islander fishers around Yam Island and that this proposal was addressed in resolutions 1.1 and 1.2.
- 16.2 The PZJA **REQUESTED** the PZJA agencies to provide advice at the next meeting of the PZJA on how future proposals should be provided to it for consideration in an orderly and timely fashion.





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

### PROTECTED ZONE JOINT AUTHORITY (PZJA)

- Senator the Hon Ian Macdonald, Commonwealth Minister for Fisheries, Forestry and Conservation (Chairman)
- Hon Henry Palaszczuk, MLA, Queensland Minister for Primary Industries and Rural Communities.
- Mr John T. Kris, Chair of the Torres Strait Regional Authority.

### MEMBERSHIP OF TORRES STRAIT CONSULTATIVE BODIES

#### *Torres Strait Fisheries Management Advisory Committee (TSFMAC):*

<b>Representation</b>	<b>Member</b>
TSRA (Yam Island)	Ms Charles David
TSRA (Badu Island)	Mr Richard Bowie
TSRA (Port Kennedy)	Mr Graham Hirakawa
TSRA (Yorke Island)	Mr Lota Warriia
TSRA (Mabuiag Island)	Mr Terrance Whap
TRSA (Waiben, Ngurapai and Muralag Islands)	Mr Yen Loban
TSRA (Prince of Wales Island)	Mr Yen Loban
TSRA (Murray Island)	Mr Kila Odo
TSRA (Coconut Island)	Mr Jack Billy
TSRA (Darnley Island)	Mr Kenny Bedford
TSRA (Boigu Island)	Mr Dimis Toby
TSRA (Dauan Island)	Mr Phillip Bigie
TSRA (Kubin)	Mr Richard Newie
TSRA (Saibai Island)	Mr Jerry Babia





TSRA (Seisia)	Mr Harold Townson
TSRA (St Pauls)	Mr John Wigness
TSRA (TRAWQ)	Mr Riley Gibia
TSRA (Stephens Island)	Mr Bert Matysek
TSRA (Bamaga – NPA)	Mr Hodrick Mudu
TSRA (Umagico – NPA)	Mr Connie Young
TSRA (Horn Island)	Mr Willy Wigness
TSRA (Injinoo Island)	Mr Mac Blarry
TSRA (New Mapoon – NPA)	Mr Trevor Lifu
TSRA (Fisheries Co-ordinator) – supporting	Mr Peter Yorkston
Industry – Prawn fishery	Mr Mark Millward
Industry – Tropical Rock Lobster	Dr Ray Moore
Industry – Finfish (Reefline)	Mr Carl D’Aguiar
Industry – Finfish (Spanish mackerel)	Mr Shaun Hansen
Vacant	Non-traditional inhabitant
General Manager – Fisheries Resource Management – QDPI&F	Mr Jim Gillespie
QDPI&F – Senior Fisheries Management Office (Torres Strait)	Mr Wez Norris
AFMA – Manager Torres Strait	Mr Jim Prescott
AFMA – Senior Manager – Northern Fisheries	
Research member – TSSAC	Vacant
CRC Reef	Prof Russell Reichelt
DEH – Sustainable Fisheries	Ms Celeste Shootingstar**
TSRA	Fisheries Portfolio Board Member**
QDPI&F – Executive Officer	Dr John Kung
AFMA – Executive Officer	Mr Mick George

\*\* Denotes permanent observer status



*Torres Strait Scientific Advisory Committee (TSSAC):*

<b>Representation</b>	<b>Member</b>
Chair	Prof Russell Reichelt
TSRA	Mr Richard Bowie
TSRA	Mr Don Mosby
TSRA	Mr Peter Yorkston (supporting)
QSIA	Mr Barry Ehrke
Industry	Mr Greg Anderson
CSIRO	Dr Roland Pitcher
JCU	Prof Helene Marsh
QDPI&F	Mr Wes Norris
QDPI&F	Dr Rob Coles
QDPI&F	Mr Clive Turnbull (secretary)
ANU	Mr William Arthur
AFMA	Mr Jim Prescott
AIMS	Dr Peter Doherty***
BA	Dr Peter Harris***

\*\* Denotes permanent observer status





***Torres Strait Prawn Management Advisory Committee (TSPMAC):***

<b>Representation</b>	<b>Member</b>
Chair	Mr Jim Gillespie (QDPI&F)
CFG – Darnley Island	Mr Ken Bedford
CFG – Yam Island	Mr Charles David
CFG – Yorke Island	Mr Lota Warriia
Industry - Prawn, non-traditional inhabitant	Mr Barry Wilson
Industry - Prawn, non-traditional inhabitant	Mr. Mark Millward
Industry - Prawn, non-traditional inhabitant	Nominee (Mr Rob Giddens)
Industry - Prawn, non-traditional inhabitant	Nominee (Mrs Rosemary Millward)
Industry - Prawn, non-traditional inhabitant (processor)	Mr. Bob Robins
QDPI&F – Senior Fisheries Management Officer (Torres Strait)	Mr Shane Gaddes
AFMA – Manager, Torres Strait	Mr Mick George
AFMA – Senior Manager, Northern Fisheries	Ms Dorothea Huber
TSRA – Board Fisheries Portfolio	Mr Toshi Nakata
TSRA – Fisheries Co-ordinator	Mr. Don Mosby
Research Member	Mr Clive Turnbull (QDPI&F)
Compliance Member	Mr Lyndon Peddell (QDPI&F)
NFA PNG**	Mr Lester Baule
NFA PNG**	Mr Phil Polon
DFAT treaty liaison officer**	Ms Suzy Wilson
DAFF**	Mr Stephen Colquitt
DEH**	Mr Robert Ferguson
ABARE**	Mr David Galeano



**Torres Strait Finfish Working Group (FWG):**

<b>Representation</b>	<b>Member</b>
Chair – AFMA	Dr. Jim Prescott
TSRA – Murray Island	Mr Kila Odo
TSRA – York Island	Mr Lota Warria
TSRA – Warraber Island	Mr Samuel Tamu
TSRA – Darnley Island	Mr Ken Bedford
TSRA – Coconut Island	Mr Jack Billy
TSRA – Stephens Island	Mr Bert Matysek
Finfish (Reef Line) – non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish mackerel) – non-traditional inhabitant	Mr Shaun Hansen
Finfish – non-traditional inhabitant	Mr Barry Ehrke – QSIA
QDPI&F – Senior Fisheries Management Officer (Torres Strait)	Mr Wez Norris
AFMA – Senior Management Officer	Mr John Marrington
TSRA	Fisheries Co-ordinator
Research Member	Vacant
Compliance Member	District Officer, QBFP Thursday Island
Executive Officer – QDPI&F	Dr John Kung







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

<b>Representation</b>	<b>Member</b>
Chair – AFMA Senior Management Officer	AFMA
TSRA – Badu Island	Mr Richard Bowie
TSRA – Yam Island	Mr Charles David
TSRA – Port Kennedy	Mr. Graham Hirakawa
TSRA – Yorke Island	Mr. Lota Warrie
TSRA – Mabuig Island	Mr. Terrance Whap
TSRA – Waiben, Ngurapai and Muralag Islands	Mr. Yen Loban
TRL – non-traditional inhabitant	Dr. Ray Moore
TRL – non-traditional inhabitant	Mr Garry Christopher
TRL – non-traditional inhabitant	Mr Barry Ehrke (QSIA)
QDPI&F – Senior Management Officer (Torres Strait)	Mr Wez Norris
AFMA – Manager, Torres Strait Fisheries	Mr Jim Prescott
TSRA – Fisheries Co-ordinator	Mr Peter Yorkston (supporting)
Research Member	Dr. Yimin Ye (CSIRO)
Compliance Member	Mr John Marrington
Executive Officer	AFMA



## MEETINGS

- **Protected Zone Joint Authority**  
*Meeting 18: 5–4 July 2005*  
*Meeting 19: 27–28 April 2006*
- **Torres Strait Fisheries Management Advisory Committee**  
*Meeting No. 6: 7 July 2005*  
*Meeting No. 7: 23–24 March 2006*
- **Torres Strait Scientific Advisory Committee**  
*Meeting No. 43: 6 September 2005 (Teleconference)*
- **Torres Strait Prawn Working Group**  
*28 July 2005*  
*10 November 2005*
- **Torres Strait Prawn Management Advisory Committee**  
*13 – 14 June 2006*
- **Torres Strait Finfish Working Group**  
*19 – 20 April 2005*
- **Torres Strait Tropical Rock Lobster Working Group**  
*28 February – 2 March 2006*  
*24–26 May 2006*





## ANNEX C: REPORTS RELATED TO TORRES STRAIT FISHERIES 2005–06

- Anon. 2005. Assessment of the Torres Strait Bêche-de-mer Fishery. Department of Environment and Heritage, Canberra Australia.
- Arthur, B. 2005. Torres Strait Islanders and fisheries: an analysis of economic development programs. Department of Environment and Heritage, Canberra.
- Begg, G.A. and Murchie, C.D. 2004. Collation and review of Islander commercial catch history (1988-2003) in the eastern Torres Strait reef line fishery. CRC Reef Research Centre Technical Report No. 57, CRC Reef Research Centre, Townsville.
- Jones, A. and Barnett, B. 2006. Guidelines for ethical and effective communication for researchers working in Torres Strait. Report to CRC Torres Strait. Townsville, Australia. 106pp.
- Kung, J.P., Turnbull, C., Murphy, R. and Taylor, S. 2006. *Torres Prawn Handbook 2006*, Australian Fisheries Management Authority, Canberra, Australia.
- O'Neill, M.F. and Turnbull, C.T. 2006. Stock Assessment of the Torres Strait Tiger Prawn Fishery (*Peneaus esculentus*). Department of Primary Industries and Fisheries, Queensland.
- Pollock, K.H., Marsh, H., Lawler, I.R. and Alldredge, M.W. 2004. Improving the accuracy of aerial surveys for dugongs. Final report. AFMA/JCU Final Report, Canberra, Australia.
- Skewes, T., Smith, L., Dennis, D., Rawlinson, N., Donovan, A. and Ellis, N. 2004. Conversion ratios for commercial beche-de-mer species in Torres Strait Final Report to AFMA Torres Strait Research Program, CSIRO Marine Research, Cleveland, Australia.



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

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



PROTECTED ZONE  
JOINT AUTHORITY

*Annual Report 2005-06*



