

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE

MEETING NO. 5 24 - 25 May 2005

Torres Strait Regional Authority Boardroom, Thursday Island (Daily start of 0830am)

MEETING AGENDA

A) *OPENING COMMENTS*

B) *APOLOGIES*

C) *ADOPTION OF AGENDA*

1. **Confirmation of the record of the previous TSFMAC meeting (02 – 03 November 2005)** FOR DECISION
2. **Outcomes of the meeting of the PZJA (01 – 02 February 2005)** FOR INFORMATION
3. **Turtle and Dugong Fishery** FOR INFORMATION/DECISION
 - 3.1 MACC Draft National Approach and Update on the NAILSMA Project
 - 3.2 Strategic Assessment: *Guidelines and Terms of Reference*
 - 3.3 Updated “*Dugong for our Children*” video
 - 3.4 Catch Monitoring Project: *An update*
 - 3.5 Turtle Tagging Project: *An update*
4. **Bêche-de-mer (sea cucumber) Fishery** FOR INFORMATION/DECISION
 - 4.1 CRC Torres Strait Sustainability workshops and fishery survey
 - 4.2 Strategic Assessment: *Recommendations from DEH*
 - 4.3 Establishment of bêche-de-mer working group
5. **Prawn Fishery** FOR INFORMATION/DECISION
 - 5.1 Observer program: *Brief report*
 - 5.2 Outcomes of negotiations with PNG and Torres Strait Islanders
 - 5.3 Planned alternative management workshop

6. Finfish Fishery

FOR INFORMATION/DECISION

6.1 Recommendations from the Finfish Working Group meeting (19 – 20 April 2005)

- *Introduction of Quota Management*
- *Hump Headed Maori Wrasse – CITIES Listing*
- *Barramundi cod size limits*
- *Red bass size limits*
- *Live fish fishery*
- *Daytime closure at Bramble Cay*
- *Long term monitoring program at Bramble Cay*
- *Barramundi fishery in Top Western Islands*
- *Strategic Assessment and BAP*
- *Prohibition on “shark finning” and take of some species*
- *Fishery Management Objectives*

7. Tropical Rock Lobster Fishery

FOR INFORMATION/DECISION

7.1 Recommendations from the TRL Working Group meeting (10 – 11 March 2005)

- *Tender trading and licence amalgamation*
- *Register of hookahs*
- *Hookah closed area*
- *Fishery management objectives*
- *Night diving prohibition*
- *Limit of one diver per hookah*

7.2 Action from previous TSFMAC: *Terms of Reference for RAG*

7.3 Recommendations for introduction of a Quota Management System: *Consultants report*

8. Data from Torres Strait Docket book

FOR INFORMATION

8.1 Docket book update and summary of information

9. Consultative Committee Guidelines

FOR INFORMATION

10. Cost Recovery

FOR INFORMATION/DECISION

11. Compliance Update

FOR INFORMATION

11.1 Domestic compliance

11.2 Foreign compliance: *Australian Government initiatives*

11.3 Impact of Foreign Fishing Vessels on PZJA compliance

12. Other Business

D) NEXT MEETING

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
MACC Draft National Approach and Update on the Cross-regional Dugong and Marine Turtle Project	Agenda Item No. 3.1

Purpose

To brief the TSFMAC on the Marine and Coastal Committee (MACC) *Draft National Approach* on the sustainable harvest of dugong and marine turtles, developments under the cross-jurisdictional *Dugong and Marine Turtle Management* project, and the commencement of the strategic assessments of the Torres Strait dugong and turtle fisheries.

Background

Dugong and marine turtles are considered to have a high conservation value throughout the world and are internationally recognised as being vulnerable to extinction. In Queensland, both dugong and marine turtles are protected species under the *Queensland Nature Conservation Act 1992* and the Australian Government *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), which bans the commercial sale of dugong and marine turtle products.

In the Torres Strait, dugong and marine turtles have been declared as an Article 22 traditional fishery under the *Torres Strait Treaty*, which is managed by the PZJA in the Australian jurisdiction of the Torres Strait Protected Zone. Dugong and marine turtles in the Torres Strait are taken for traditional and customary purposes only and are not for commercial sale.

Dugong and turtle management has emerged as a priority in the Torres Strait. In support of this, the Community Fisher Group, TSRA Board, TSFMAC and PZJA strongly support the need to manage dugong and marine turtles in an ecologically sustainable manner.

MACC Draft National Approach

A Marine and Coastal Committee (MACC) Taskforce has been established to develop a national approach on the sustainable harvest of dugong and marine turtles, engaging the State and Territory governments in this process. An intergovernmental draft report, *Sustainable and Legal Indigenous Harvest of Marine Turtles and Dugongs in Australia*, has recently been released. The report, amongst other things, recommends that the Commonwealth government seek legal clarification of the parameters of traditional hunting. The TSRA and AFMA are partners on the MACC Taskforce, and have been undertaking consultation with Torres Strait and NPA communities on the recommendations in the National Approach. A further consultative meeting has been agreed in principle and scheduled to be held on 26 May 2005, with all Community Fisher Group representatives, community hunters and the TSRA Executive participating.

Cross-Regional Dugong and Marine Turtle Project

Torres Strait will be one of five regions across northern Australia to participate in a cross-regional dugong and turtle project funded under the Natural Heritage Trust initiative. The

project will be coordinated by the North Australian Indigenous Land & Sea Management Alliance (NAILSMA), and administered in the Torres Strait through the TSRA.

To implement this project, the TSRA will be working closely with Torres Strait communities, researchers and fisheries management authorities to commence a program to monitor dugong harvest to determine exactly how many are being taken, as well as to develop community-based management plans.

The PZJA has noted that the TSRA proposes to co-manage the project with AFMA, and further recognized the need to involve PNG in the process.

The TSRA has contracted the CRC Torres Strait to assist in developing a Regional Action Plan to guide the approach to supporting community-based monitoring and management of dugong and turtle in the region.

At the consultative meeting scheduled in principle for 26 May 2005, attendees will be asked to help set priorities for the development of the Regional Action Plan. The TSRA Executive will then further refine and clarify the various components of the Regional Action Plan based on the outcomes from the meeting, before the draft Regional Action Plan is put to the TSRA Board for endorsement.

Strategic Assessments

The turtle and dugong fishery is subject to a strategic assessment of the sustainability of the fishery under the *Environment Protection & Biodiversity Conservation Act 1999* (Cwth), which commenced on 7 December 2004. The strategic assessment process is likely to expose the inadequacy of current controls over the annual harvest of dugong and turtle in Torres Strait. The Department of Environment and Heritage is coordinating the strategic assessment process in collaboration with AFMA, with the TSRA to participate as a key stakeholder in the consultative process.

The PZJA at its meeting in February agreed that PNG should also be engaged in the future management of the turtle and dugong fishery through the strategic assessment process, in recognition of the unique international dimension to these fisheries.

Recommendations

That the TSFMAC notes:

- i) the consultation undertaken by members of the Marine and Coastal Committee (MACC) Taskforce in Torres Strait on the draft national approach on the sustainable harvest of dugong and marine turtles;
- ii) the developments regarding the cross- jurisdictional Dugong and Marine Turtle Project and put forward any suggestions as to possible priority actions to enable effective community-based management of dugong and marine turtles; and
- iii) the commencement of the strategic assessment of the Torres Strait Dugong and Turtle fisheries, pursuant to the *Environment Protection and Biodiversity Conservation Act 1999*.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Turtle and Dugong Strategic Assessment: <i>Guidelines and Terms of Reference</i>	Agenda Item No. 3.2

Purpose

To inform the TSFMAC of progress on strategic assessment matters in the Turtle and Dugong Fishery.

Background

At its 17th meeting on 1-2 February 2005, the PZJA noted:

- that the Turtle and Dugong Fishery is subject to strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* and was commenced on 7 December 2004;
- the strategic assessment process is likely to highlight the inadequate controls over harvesting in the Torres Strait of turtle and dugong and the need to limit catches to a sustainable level;
- that policy issues may arise in the near future, committing the PZJA to a closer working relationship with PNG in the management of the shared turtle and dugong resources of the Torres Strait; and
- the scope and likely cost of the assessment and the possibility of employing a contractor to undertake the assessment.

The PZJA agreed that:

- PNG should be engaged in the future management of the Turtle and Dugong Fishery through the strategic assessment process;
- the strategic assessment submission for the Turtle and Dugong Fishery should be commenced as a priority over the other non-export fisheries; and
- the Chair of the PZJA be requested to seek the Minister for Environment and Heritage's agreement to appropriate criteria for this assessment reflecting the unique nature of these fisheries.

Progress

- AFMA and DEH officers have met to discuss and draft terms of reference to accommodate the PZJA's request.
- If agency level agreement can be reached on the draft terms of reference AFMA anticipates that a consultant will be engaged to complete the draft assessment report within the next two weeks.
- TSFMAC consideration and approval will be sought on the draft strategic assessment for public comment.

Recommendation

- i) That the TSFMAC note progress on the strategic assessment of the Torres Strait Turtle and Dugong Fishery.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Updated ‘<i>Dugong for our Children</i>’ Video Submitted by Professor Helene Marsh – James Cook University	Agenda Item No. 3.3

Purpose

To provide the TSFMAC an update on the revised version of the ‘*Dugong for our Children*’ video.

Background

The first edition of the ‘*Dugong for our Children*’ video was shown at the last meeting of the TSFMAC in November 2004. It has since been revised to incorporate strong messages about the need to conserve dugongs for the children of Torres Strait, so that hunting can continue sustainably into the future. These messages have been delivered by TSRA Chair, Mr Toshi Kris. In addition, the video has now incorporated some up-to-date scientific information about results from satellite tracking of dugong in the Torres Strait. It is hoped the dugong video will contribute to the new NAILSMA project administered through the TSRA which is primarily designed to empower Torres Strait Islanders to sustainably manage their dugong and turtle resources.

Recommendation

- i) That the TSFMAC notes the revised version of the ‘*Dugong for our Children*’ video.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Catch Monitoring Project – <i>An Update</i> Submitted by Jillian Grayson – James Cook University	Agenda Item No. 3.4

Purpose

To provide the TSFMAC an update on the CRC Torres Strait funded catch monitoring project which aims to develop methods to quantify the take of dugongs and turtles by communities within the Inner Island cluster.

Background

Traditional catch monitoring for both dugongs and marine turtles has only focused on communities within the Torres Strait Protected Zone. Concerns about the sustainability of catch rates in Torres Strait and over harvesting in neighbouring countries have established an urgent need to develop scientifically robust monitoring strategies for dugongs and marine turtles throughout the Torres Strait region including the Inner Islands.

Funded through CRC Torres Strait, this project will work directly with traditional inhabitants to develop methods to quantify the take of dugongs and turtles by communities within the Inner Island cluster. The project aims to provide a scientific basis for the sustainable management of traditional dugongs and turtle fisheries by -

1. Developing and implementing culturally appropriate and scientifically robust methods of community-based catch monitoring of dugongs and turtles.
2. Collecting ecological, social, economic and cultural information relevant to development of community-based management.
3. Employing and training Indigenous counterparts to monitor catches of dugongs and turtles and collect other relevant information in their community.
4. Raising awareness of the biology of dugongs and marine turtles by involving communities in catch-monitoring and collection of biological samples.

Currently, catch-monitoring of both dugongs and turtles utilising datasheets is being trialled at Hammond Island. Also, an Indigenous counterpart has also been employed and is currently being trained in catch-monitoring techniques and collection of biological samples.

Recommendations

- i) That the TSFMAC notes the update on the dugong and turtle catch monitoring project.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Turtle Tagging Project: <i>An Update</i> Submitted by Dr Mark Hamman– James Cook University	Agenda Item No. 3.5

Purpose

To provide the TSFMAC an update on the CRC Torres Strait funded marine turtle project which primarily aims to collect biological data on the marine turtle populations in Torres Strait.

Background

While there has been considerable focus on dugongs in Torres Strait by research and management agencies, very little work has been conducted of marine turtles. The nesting population of green turtles in northern Great Barrier Reef (GBR) and Torres Strait (mainly Raine Island) is genetically distinct from other Australian and overseas populations and is the largest population in the world. Close to 80% of the Torres Strait harvest is from this population. Although Queensland Parks and Wildlife Service have two decades of data on nesting trends for main green turtle rookeries in the northern GBR there is no clear picture regarding the status of the population. In order to develop a better understanding of the status of this Torres Strait/ northern GBR population it is essential that biological data be collected from the non-breeding turtles living in Torres Strait.

The overall goal of this CRC Torres Strait funded marine turtle project is to collect biological data on the marine turtle populations in Torres Strait. Specifically the project set out to collect data on (1) sex ratios of juvenile and adult turtles, (2) size at sexual maturity, (3) breeding rates of adult turtles and (4) population size and maturity structure (how many juveniles, pubescent turtles, adults etc). The purpose of collecting this information is to provide a biological framework from which management and monitoring objectives can be based.

To date one field trip (mid-April) to catch turtles has been conducted on the reefs of the Inner Islands of Torres Strait. While it is too early to draw strong conclusions, it is apparent that the density of turtles residing on the reefs is lower than in other areas of the GBR. Reasons for this, as well as assessments of turtle density, will be investigated in future trips. Members of the Hammond Island Community have been extremely supportive of the project and are undergoing training in data collection.

Recommendation

- i) That the TSFMAC notes the current progress on the CRC Torres Strait funded marine turtle project which primarily aims to collect biological data on the marine turtle populations in Torres Strait.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
CRC Torres Strait Sustainability Workshops and Fishery Survey	Agenda Item No. 4.1

Purpose

To update the TSFMAC on the CRC Torres Strait funded project entitled *Torres Strait Bêche-de-mer (sea cucumber) Sustainability Workshop 2005 – A Collaborative Approach* and the recent bêche-de-mer stock survey conducted in east Torres Strait waters.

Background

Education and Awareness

In January 2005, AFMA and CSIRO Division of Marine Research visited three key communities in eastern Torres Strait to conduct a bêche-de-mer sustainability workshop prior to the next scheduled bêche-de-mer stock survey in those waters.

In a major education and awareness initiative, Sascha Taylor from AFMA Torres Strait Fisheries and Tim Skewes from CSIRO Division of Marine Research conducted a series of two-day sustainability workshops in three communities in eastern Torres Strait. These included Masig (Yorke), Erub (Darnley) and Mer (Murray) Islands.

The workshop, funded by the Torres Strait Cooperative Research Centre (CRC), took place prior to the next scheduled bêche-de-mer survey in these waters. A range of stakeholders including Torres Strait Islander traditional and commercial fishers, seafood buyers/processors and council members attended the workshops. The main objectives were to -:

1. outline the current management arrangements in the fishery;
2. explain the principles of sustainable exploitation and illustrate sea cucumbers' susceptibility to overharvesting using examples from the Torres Strait sandfish and Queensland East coast black teatfish fisheries; and
3. explain and demonstrate the processes/methodologies (sample design, field sampling and calculating *Total Allowable Catches* - TACs) used to survey bêche-de-mer stocks and assess the status of the stocks.

The sessions provided the opportunity for Torres Strait Islanders and other key stakeholders to provide input to the current knowledge, research methodologies and future management strategies for the fishery. Conclusions from evaluation forms completed at the end of the workshops by participants, suggest that the workshop was a huge success (Table 1). This initiative alone improved the understanding by key stakeholders of the nature of research on sea cucumbers and the reasons for management advice that is offered to AFMA based on that research which in turn improve support for future management decisions in the fishery.

Table 1. Summary of responses from evaluation forms completed at the end of the workshops by participants.

QUESTION	RESPONSE
1.	All found the workshops informative, mostly very informative.
2.	Most found that there was too much information, with a small group (5) wanting more. Six respondents felt neutral.
3.	All found the information easy or fairly easy to understand. No-one recorded difficulty in understanding the information presented at the workshops.
4.	Half indicated they had an excellent knowledge of the research undertaken in the fishery and all but one had good/moderate knowledge. One had poor knowledge.
5.	All found the workshop helpful in understanding the research and reasons for management.
6.	All but one felt that research had assisted the fishery.
7.	All believe that research should incorporate traditional knowledge.
8.	All respondents felt that the workshop allowed for them to provide comments.
<i>Comments</i>	Very good workshop More research needs to be done on (all) marine produce caught commercially Need another workshop

Survey of the Fishery

Following the sustainability workshops, Tim Skewes and his CSIRO team, together with AFMA's Sascha Taylor, undertook a stock survey of the east Torres Strait fishery as part of CRC Torres Strait project to assess the sustainability of the Torres Strait Bêche-de-mer (sea cucumber) fishery.

The east Torres Strait survey was designed to assess the status of all commercial sea cucumber species, but with particular interest in the two currently closed species, black teatfish and surf redfish. During the surveys, they collected more information on the fishery ecology of sea cucumbers, and collected habitat data for comparison with previous years.

A preliminary report containing an analysis of the east Torres Strait survey data collected during the survey will be forwarded to AFMA in August 2005. The report will include an assessment of the stock recovery of black teatfish and surf redfish on east Torres Strait reefs and management recommendations for the east Torres Strait Bêche-de-mer (sea cucumber) fishery.

Recommendations

That the TSFMAC note:

- i) the success of the CRC Torres Strait funded project entitled *Torres Strait Bêche-de-mer (sea cucumber) Sustainability Workshop 2005 – A Collaborative Approach*; and
- ii) the recent completion of the east Torres Strait bêche-de-mer stock survey undertaken by CSIRO.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
TSBDMF Strategic Assessment – <i>Draft Recommendations from DEH</i>	Agenda Item No. 4.2

Purpose

To seek TSFMAC comment and approval for the:

- a) draft recommendations for the Torres Strait Bêche-de-mer Fishery (TSBDMF); and the
- b) draft '*Statement of Management Arrangements*' for the Torres Strait Bêche-de-mer Fishery.

Background

- The TSFMAC considered and approved the strategic assessment, including responses to public comments for the Torres Strait Bêche-de-mer Fishery in November 2004. The Environment Committee supported the final draft of the report in March 2005 and the assessment has been forwarded to the PZJA for final approval. Following final approval the report will be submitted to the Minister for the Environment and Heritage for formal assessment.
- Draft recommendations for the Torres Strait Bêche-de-mer Fishery have been prepared and agreed at officer level between the Department of Environment and Heritage and AFMA (Attachment 1). These recommendations identify actions and specify timeframes for implementation. AFMA considers that the actions identified are achievable and that the resources required to implement recommendations will be available.
- A draft '*Statement of Management Arrangements*' for the Torres Strait Bêche-de-mer Fishery has been prepared (Attachment 2). These will be provided to the Minister for the Environment and Heritage. The statement is required as part of the tabling process for the strategic assessment and will be a summary of the existing management arrangements for the fishery. It will not include any new or proposed arrangements.

Recommendations

That the TSFMAC provide comment and approve the:

- i) draft recommendations for the Torres Strait Bêche-de-mer Fishery and recommend that the PZJA endorse the recommendations for fishery.
- ii) draft '*Statement of Management Arrangements*' for the Torres Strait Bêche-de-mer Fishery.

TORRES STRAIT BÊCHE-DE-MER RECOMMENDATIONS

1. PZJA to inform DEH of any proposed amendment to the management regime for the Torres Strait Bêche-de-mer Fishery to enable DEH to evaluate any impact on the ecological sustainability of the fishery.
2. PZJA to develop fishery specific objectives, performance measures and performance indicators for the fishery relating to target species and ecosystem impacts within 2 years. The performance of the fishery to be reviewed annually against these measures and the outcomes published.
3. PZJA to develop and progressively implement, over the next 3 years, strategies to address risks in the Torres Strait Bêche-de-mer Fishery, identified in the compliance risk assessment undertaken for the Torres Strait fisheries.
4. PZJA to continue to cooperate with other management agencies, research institutions and the industry in efforts to identify and undertake research projects to address key gaps in the understanding of bêche-de-mer biology and ecology.
5. Consultative processes to continue to be conducted in a manner that ensures the timely implementation of management responses essential for the sustainability of the fishery.
6. PZJA to continue to work with fishers and processors to ensure that the docket book recording system provides comprehensive and robust data on the Torres Strait Bêche-de-mer Fishery.
7. PZJA to review stock assessment process to ensure that methods used to estimate potential yield and sustainable TACs are sufficiently precautionary, with risk included within 2 years.
8. PZJA, within 18 months, to review the minimum size limits to ensure that the measures provide a precautionary level of protection to the breeding stock.
9. PZJA to implement more precautionary species-based TACs for white teatfish and prickly redfish within 1 year, and all other species taken in the fishery within 2 years.
10. PZJA to investigate and progressively implement measures to minimise localised depletion in the fishery.
11. PZJA to develop and implement, within 3 years, a precautionary recovery strategy for overfished species that specifies reference points, management actions and timeframes for implementation.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Establishment of a Working Group	Agenda Item No. 4.3

Purpose

To provide the TSFMAC with the relevant information to support the re-establishment and formation of a Hand collectables Working Group (HCWG) to include collectable fisheries such as trochus and pearl shell to consider issues relating to these fisheries.

Background

Torres Strait Consultative Structure

At the 14th meeting of the Protected Zone Joint Authority (PZJA) in November 2003, the PZJA approved a new Torres Strait consultative structure established by the Torres Strait Regional Authority (TSRA). The new consultative structure incorporated Australian Traditional Inhabitant commercial and traditional fishers, non-traditional inhabitant commercial fishers, Australian Government and Queensland officials, and technical experts (Figure 1).

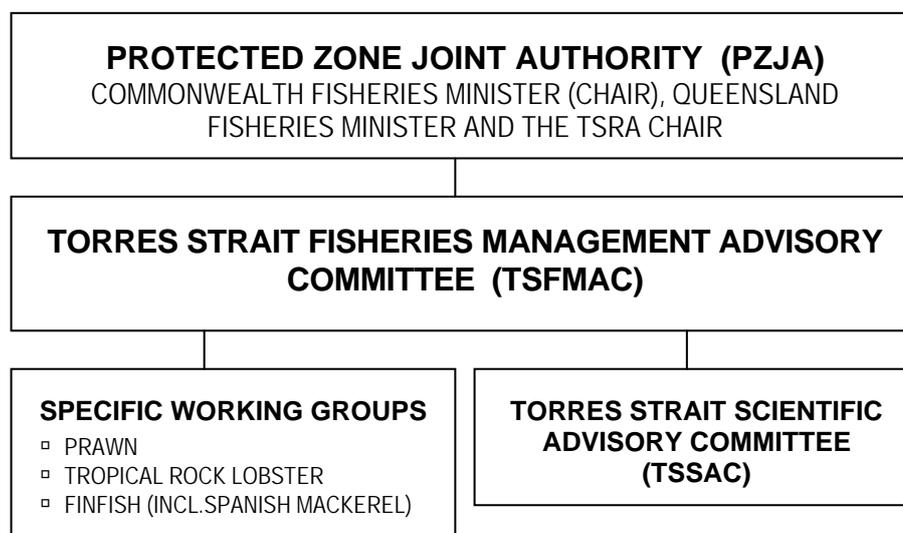


Figure 1. The new consultative structure of the Torres Strait Protected Zone Joint Authority and relevant advisory committees and working groups.

The introduction of new Torres Strait consultative structure formally disbanded the role of the Bêche-de-mer Working Group (BDMWG), which had previously existed prior to this decision. The functions of the BDMWG were rolled over into the Torres Strait Fishery Management Advisory Committee (TSFMAC) which provided the forum for increased and regular consideration of a broad range of Torres Strait fishery issues, as well as incorporating a larger representation of traditional inhabitants on the committee.

At the last two meetings of TSFMAC, the adequacy of existing *Total Allowable Catches* (TACs) to protect some commercially important sea cucumber species has been discussed in light of the CSIRO report that was formally released in June 2004¹. To date, the TSFMAC has failed to agree on adopting the new recommended TACS – even after extensive consultation throughout central and east Torres Strait communities. The capacity of the TSFMAC to progress on matters within this fishery may be attributed to the following factors including –

1. discussions at the TSFMAC becoming dominated by the relatively higher-profile Torres Strait fisheries (i.e. prawn, tropical rock lobster and finfish);
2. the lack of technical expertise, knowledge and representation on the committee relating to the bêche-de-mer fishery; and
3. the size of the forum (i.e. ~ 30⁺ members).

This issue could be possibly improved and rectified through a recognised formal forum, for example the re-establishment of a working, so issues can be discussed in a smaller forum, adopted and recommended to the TSFMAC.

Establishment of a Hand Collectables Working Group

The re-establishment of the working group will have cost implications for the PZJA; however it may also have additional merits too. The working group could possibly support other collectables including pearl shell and trochus on the basis of their activities being in the same geographical region, use the same fishing techniques – diving and involve many of the same communities and commercial fishers. Furthermore, these remaining fisheries need to undergo the Department of Environment and Heritage (DEH) strategic processes which unavoidably will attract recommendations to address future sustainability for these fisheries.

One potential issue with grouping the three is the larger fishery, bêche-de-mer as insufficient attention may be given to the smaller trochus and pearl shell fisheries. From a cost effective point of view, it is recommended that bêche-de-mer, trochus and pearl shell be grouped together and members of this Hand Collectables Working Group (HCWG) will need to be aware of their responsibility to adequately address issues in all three fisheries. Suggested membership of the new Torres Strait BDMWG is outlined in the following table.

PARTICULAR AREA OF EXPERTISE	SUGGESTED REPRESENTATION(S)
1. Indigenous lifestyle and livelihood, including traditional fishing	TSRA Community Fisher Representatives, commercial fishers, TSI buyers and processors
2. Commercial fishing and processing	Commercial fishers, buyers and processors
3. Environment and conservation issues	CSIRO and AFMA
4. Scientific research	CSIRO
5. Fisheries management and Compliance	AFMA and QB&FP

¹AFMA Final Report R01/1345 Stock survey and sustainable harvest strategies for Torres Strait bêche-de-mer.

Frequency of meetings

It is recommended from a cost effective aspect that the HCWG should meet on an *ad-hoc* basis on any of the days preceding a scheduled TSFMAC meeting (maximum of 2 meetings per year).

Associated costs

The following table depict proposed costs associated with the re-establishment of a HCWG and is designed to stimulate discussions on the numbers and membership of the new working group.

REPRESENTATIVE(S)	TRAVEL COSTS	ACCOMMODATION COSTS	TOTAL
TSRA Community Fisher Representatives * <i>Maximum 6 persons</i>	\$ 700.00 (Flight ex. East Torres Strait return plus transfers)	\$ 150.00 per day (Includes Travel allowances and Accommodation)	\$ 800.00 (\$ 4,800.00)
TSI commercial fisher or TSI Buyer/ Processor <i>Maximum 1 person</i>	\$ 700.00 (Flight ex. Cairns return plus transfers)	\$ 180.00 per day (Includes Travel allowances and Accommodation)	\$ 880.00
Non-TSI commercial fisher or Non-TSI Buyer/ Processor <i>Maximum 1 person</i>	\$ 850.00 (Flight ex. Cairns return plus transfers)	\$ 180.00 per day (Includes Travel allowances and Accommodation)	\$ 1030.00
CSIRO Researcher <i>Maximum 1 person</i>	\$ 1600.00 (Flight ex. Brisbane return plus transfers)	\$ 180.00 per day (Includes Travel allowances and Accommodation)	\$ 1780.00
TOTAL PER MEETING			\$ 8,490.00

* Some costs associated with TSRA Community Fisher Representatives (i.e. travel costs, travel allowances and accommodation for the duration of TSFMAC meeting) will be absorbed by the current TSRA Budget.

Recommendations

- i) The TSFMAC support the establishment and formation of a Hand Collectables Working Group (HCWG) to include fisheries such as trochus and pearl shell to consider issues relating to these fisheries.
- ii) The TSFMAC recommend that the PZJA seek additional funding to source the establishment of a Hand Collectables Working Group (HCWG).

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Prawn Fishery – Observer Program	Agenda Item No. 5.1

Purpose

To provide the TSFMAC with an update of the Torres Strait Prawn Fishery observer program.

Background

Observer programs are in operation in most Commonwealth fisheries. The Torres Strait Prawn Fishery (TSPF) *Bycatch Action Plan* (BAP) specifies that an observer program will be operational on 1 March 2005. There are numerous references to an observer program in the BAP as the only feasible way to collect the required data/information for the fishery to address the provisions of the *EPBC Act* 1999 and retain export approval.

The first round of observer trips in the Torres Strait Prawn fishery was conducted during March & April 2005. Three observers spent 83 sea days on 6 vessels. A total of 268 shots were observed during the trips. Data from the first trips is currently being entered and analysed, with a brief report to be provided to industry once this is completed.

A second round of trips is scheduled for August 2006 with three observers again being placed into the fishery for 30 days each. Entitlement holders have been contacted asking to nominate if their vessels are available to participate in this round of the observer program. A number of vessels have indicated that they would be willing to host the observers for these trips, with additional vessels still required.

A draft of the program project plan and observer implementation protocols has also been provided to entitlement holders which answer common questions. Comments from entitlement holders, skippers and crew on the draft plan and protocols have been requested by 3rd June 2005.

Recommendations

That the TSFMAC recommends that the PZJA note;

- i) that the first observer trips in the Torres Prawn fishery have been completed; and
- ii) a second round of trips is scheduled for August 2005.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Outcomes of negotiations with Papua New Guinea (PNG) and Torres Strait Islanders (TSI)	Agenda Item No. 5.2

Purpose

To inform the TSFMAC on progress of negotiations with Papua New Guinea (PNG) and Torres Strait Islanders (TSI) for the relinquishment of their access entitlements in the Torres Strait Prawn Fishery (TSPF).

An update on progress was provided at the PZJA meeting (PZJA 17) in February 2005. At that point the PZJA was informed that officers in the Australian Government Department of Agriculture, Fisheries and Forestry had met in late 2004 with members of the Torres Strait Regional Authority and the Island Coordinating Council to progress negotiations. In addition, the Australian Government Minister for Foreign Affairs, the Hon Alexander Downer MP, and his Department commenced negotiations with PNG in late 2004.

A letter has been sent to the Prime Minister seeking his agreement with finalising the outcomes of the negotiations. Both departments are awaiting a response from the Prime Minister before finalising the negotiations. As soon as the outcomes have been approved by the Prime Minister, the PZJA will be informed and an announcement will be made. It is envisaged that this will occur before the 18th meeting of the PZJA in July 2005.

Background

On 9 August 2004 the Australian Government made a decision to explore the possibility of seeking relinquishment of TSI and PNG access to the TSPF in return for appropriate compensation. A public announcement of this was made on 11 August 2004 by Senator the Hon Ian Macdonald, Australian Government Minister for Fisheries, Forestry and Conservation, and Chair of the PZJA.

The Australian Government decision reaffirmed the need for effort in the TSPF to be reduced to a sustainable level and settled a ‘*status quo*’ Commonwealth position on effort for 2005 while the negotiations are undertaken. This position was supported at PZJA 17 resulting in arrangements in this fishery being the same in 2005 as for 2004.

Recommendations

- i) That the TSFMAC recommends that the PZJA make a public announcement as soon as it is in a position to do so.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Prawn Fishery – Planned Alternative Management Workshop	Agenda Item No. 5.3

Purpose

To provide the TSFMAC with an update of the Torres Strait Prawn planned alternative management workshop.

Background

An alternative management workshop that was to be held during 2004 did not occur but will be held in July 2005. The PZJA has requested that the Prawn Working Group and the TSFMAC provide the PZJA with timelines and proposals for effort reductions based on the delay-difference model and the alternative management workshop. The workshop has been scheduled for 26th – 28th July, and will be held in Cairns.

A planning team meeting was held 23rd March in Cairns, with members of the team consisting of industry representatives, scientists, and management agencies officers. A draft budget for the workshop has been prepared as a result of this meeting, with both industry representatives and management agency officers pursuing funding and sponsorship for the workshop.

Invitations to the workshop will be sent out to identified stakeholders by the project team in the near future, with agenda items for the workshop provided to participants a few weeks prior to the workshop.

Recommendations

That the TSFMAC recommends that the PZJA note;

- i) that the alternative management workshop for the Torres Prawn fishery will be held in Cairns 26th – 28th July;
- ii) Industry representatives and management officers are pursuing sponsorship and funding for the workshop; and
- iii) invitations and agenda items will be sent to stakeholders by the planning team.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
<i>Finfish Fishery – Recommendations for the Finfish Working Group (19 – 20 April 2005)</i>	Agenda Item No. 6.1

Purpose

To provide the TSFMAC with the issues and recommendations from the Finfish Fishery Working Group meeting held in April 2005.

Background

Effort Control

In the reef line fishery despite there being numerous management arrangements in place such as gear restrictions, size limits, area closures, etc., there is effectively no direct control over fishing effort and thus no direct control over the level of catch being taken. This has been an ongoing issue in the reefline fishery and with the latent effort reduction process now complete, it is imperative that an effective mechanism be put in place to prevent the remaining latent effort being taken up by those licence holders remaining in the fishery. There are already signs that this is occurring.

At PZJA 17, following discussion on the latent effort reduction process, the PZJA requested the Working Group develop effective effort or catch controls at its next meeting and report back at PZJA 18. As a result, at the April 2005 Finfish Fishery Working Group meeting members considers a number of options that could be used to control effort in the reef line fishery. Options discussed included a competitive Total Allowable Catch (TAC), Individual Transferable Quotas (ITQs), Total Allowable Effort (TAE), closed seasons and area closures.

Industry members present spoke in support of introducing ITQs into the non-indigenous sector. This option was also generally supported by the other Working Group members. However Industry's support for this option was given on the basis that the outcome of the PZJA decision on resource allocation resulted in a sufficient allocation being made to the non-indigenous sector to enable operators to remain viable in the fishery.

The advantages of ITQs in the reef line fishery were seen as it allows Management to have direct control over the quantities of individual species that can be taken in the fishery, it allows for additional species to be brought in under an ITQ should it be seen as necessary, and the fact that an ITQ system is now in place in the east coast fishery which may bring some economies of scale in respect to monitoring system requirements.

In respect to the Islander sector, the Working Group agreed that an ITQ system was not an appropriate mechanism for controlling effort in that sector. The Working Group however was not able to identify an alternative mechanism at this time. Rather than have nothing in place, the Working Group agreed to establish a trigger or decision rule that will bring the Working Group together to reconsider the issue of effort control in the sector. It was agreed that this trigger be a point in time where Islander catches in the reefline fishery increase by 50%.

The Working Group also gave consideration to the key species that it believed should be covered by individual quotas. Key target species were identified as coral trout and red emperor. High risk species, and therefore also warranting being covered by individual quotas were identified as barramundi cod and Maori wrasse. All other species would fall under the classification of “other” for which a quota would also apply. These include sweetlips, cods, stripy bass, trevally, red bass, parrot / tusk fish, and sharks.

Should the Working Group’s recommendation to introduce ITQs into the non-indigenous sector be supported by the PZJA, a significant amount of work will be generated in the development and implementation an ITQ system. This will include establishing appropriate TACs for species where no stock assessment has been undertaken, a process for determining and allocating quota amongst licence holders, developing effective reporting systems (monitoring program), developing policies and procedures in respect to the trading of quota, etc.

These are all issues that must be given careful consideration and adequate resourcing made available to ensure that an ITQ system put in place is effective, efficient and has integrity.

Recommendation

That the TSFMAC support the Working Group recommendation:

- i) That a TAC be established for the fishery, with species specific quotas established for Coral trout, Red emperor, Barramundi cod, Maori wrasse and ‘*other species*’. In the absence of stock assessments for each species, that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the TAC;
- ii) That the non-Islander sector should be allocated a share of the TAC that would be allocated as ITQs;
 - a. that the qualifying period be a minimum of 3 years (1 April 1999 to 14 Feb 2002);
 - b. that in relation to ITQs, a system of ‘*unders and overs*’ be used (further development pending);
 - c. this approach was supported by Islanders.
- iii) That the Islander sector be managed under current arrangements but that a trigger for review be set at the point at which the community reported catch increases by 50% (pending further consultation). Note that this approach was supported by industry.

Hump-head Maori Wrasse

The *Convention on International Trade in Endangered Species* of Wild Fauna and Flora (CITES) is an international treaty between Governments aimed at ensuring that international trade in specimens of wild animals and plants does not threaten their survival. Australia is one of 167 member countries. Member countries participate by controlling the trade of species that are considered endangered and by regulating and monitoring trade in other species where they may become endangered. In Australia, this is administered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

At the thirteenth conference of CITES parties held in Thailand in October 2004, it was agreed to list Hump-head Maori wrasse in Appendix II of CITES. Appendix II lists species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled. The CITES listing means that the species can not be exported from Australia unless a CITES export permit has been issued by DEH.

At the May 2004 Finfish Working Group meeting members were informed of QDPI&F's decision to make Hump-head Maori wrasse, and others, no take species. In respect of Maori wrasse the Working Group were informed that Maori wrasse were seen as being iconic to the Great Barrier Reef sea scape and had significant market pressure and resultant sustainability concerns placed on them.

After much discussion by the Working Group it was agreed that Queensland's justification for Maori wrasse being no take was not applicable in the Torres Strait fishery. As a result the Working Group recommended that Maori wrasse be permitted to be taken but with a possession limit imposed.

With Maori wrasse having since been CITES listed, the Working Group were asked to reconsider the issue and the appropriateness of Maori Wrasse remaining as a permissible take species in the Torres Strait.

The Working Group was divided on this issue. Fishers on the Working Group, both indigenous and non-indigenous, were of the view that the previous recommendation from the Working Group, which has since been endorsed by the PZJA, offered adequate protection for this species. That recommendation was for a limit of one (1) Maori wrasse per licence held in a licence package, and a minimum size limit of 750mm and a maximum size limit of 1200mm.

Management and the TSRA member were of the view that Maori Wrasse should be placed on the "no take" list. Management's position is on the basis that the species is rare, very slow growing, long lived, and can be very easily over fished. The TSRA member also believed that Maori Wrasse could become a major draw card in the Torres Strait for future tourism ventures which in turn will assist with economic development in the region.

As the Working Group was unable to find consensus on this issue it was agreed that both positions will be put to the TSFMAC for its consideration.

Recommendation

That the TSFMAC:

- i) note the recent CITES listing for Maori wrasse and that the views of Stakeholders groups in relation to its status in TS are:
 - Industry – that Maori wrasse should remain a take species as per decisions of PZJA 17;
 - Islanders; representatives were divided on the issue and will undertake further consultation; and
 - Management – in light of new information on slow growth rate, longevity, rarity, large size at maturity, national concerns per the CITES

listing, public perception of the management of this species in TS, that the PZJA reassess its decision to make Maori wrasse a take species.

- ii) Make a recommendation to the PZJA on the status of Maori wrasse in TS.

Barramundi Cod

Although Barramundi cod was not on the April Working Group agenda, members were presented with some additional biological information which was not available when the Working Group previously met.

The information, which came from work done on the east coast, showed growth stages, when stage maturity is reached, and where the fish changed sex. Based on this information, Dr Gavin Begg from James Cook University (JCU) suggested that 550mm may be a more appropriate a minimum size limit for this species. The minimum size limit previously recommended is 450mm.

Although useful, the Working Group was concerned with the small number of fish used to base this information and conclude that insufficient numbers of fish had been used for the results shown to be conclusive.

As a result of this, and the fact the data was based on work done in the east coast fishery, the working group reaffirmed their previous recommendation for a minimum size limit of 450mm. They also agreed that this size limit will need to be reviewed as new information on the species becomes available.

The Working Group also agreed that further research on barramundi cod is needed as a priority and that additional funding will be required to achieve this.

Recommendation

That the TSFMAC note that the Finfish Working Group:

- i) considered new information on barramundi cod from east coast research;
- ii) reaffirmed its decision to maintain a minimum size limit of 450mm but will review this as new biological advice from the Torres Strait becomes available; and
- iii) considers further research on this species as a high priority and that additional funding will be required

Red Bass

At the May 2004 Finfish Working Group meeting the Working Group recommended that Red Bass be made a no take species on the basis that red bass has been implicated in ciguatera poisoning and that the protection of juvenile stocks would require setting relatively long minimum size limits which would therefore exacerbate the risk of ciguatera poisoning. This recommendation was subsequently supported by the TSFMAC.

At PZJA 17, following concerns being expressed by traditional Inhabitants on Red Bass being made a no take species, the PZJA requested the Working Group reconsider the issue and investigate appropriate size limits that will deal with stock productivity and food safety concerns.

As a result of the PZJA request this issue was reconsidered at the last Working Group meeting. The Working Group was provided with additional biological information on Red Bass by Dr Gavin Begg from JCU including that maturity was reached at around 450mm or at around 10 years old.

Dr Begg indicated to the Working Group that if fish were to be taken that fell within the 450mm to 550mm range, spawners would be protected, the risk of ciguatera would be minimised, and the fish would be within a size range that would be acceptable to the market, i.e. fish up to 3kgs.

In light of the new information, the Working Group agreed to maintain Red Bass as a permissible take species but with a minimum size limit of 450mm and maximum size limit of 550mm. The Working Group also agreed to review these arrangements as new information becomes available.

Recommendation

- i) That the TSFMAC support Working Group recommendation that a minimum legal length for Red Bass be set at 450mm and a maximum legal length at 550mm.

Live Fish Fishery

The PZJA, at its October 2001 meeting, endorsed a recommendation to introduce temporary restrictions on the development of the live reef fish fishery until such time as effective management arrangements were introduced to control fishing effort in the fishery. This recommendation was brought about through the Finfish Working Group expressing concern that the development of a live fish industry in the Torres Strait may lead to an increase in fishing activity from licences that were currently inactive.

In December 2002, a prohibition (Fisheries Management Notice No. 63) on the retention of live fish in the Torres Strait was introduced into the fishery. This prohibition remains in place today.

At the April Working Group meeting industry members spoke in support of lifting the live fish prohibition. They said this was an important step in the future development of the fishery.

This was not the view of all members with some traditional inhabitant members voicing their concern with the live fish industry. Of particular concern was the issue of localised depletion should traditional inhabitants choose to get involved in live fish industry. Also of concern were the difficulties traditional inhabitants would have in participating in the live fishing, primarily with the small vessels they use.

Whilst the Working Group recognizes the potential benefits of a live fish fishery, it was considered that opening the fishery to live fishing would be premature at this point of time. The Working Group was particularly concerned with the current lack of control over effort in the fishery and the effect live fishing may have on the common coral trout, the main target species in a live fishery.

Recommendations

That the TSFMAC:

- i) note that the FWG considered the introduction of a live fish fishery, but because of concerns over inadequate control over catch/effort and the potential that a live fishery would more directly target the common coral trout; the FWG recommends that the prohibition on the take of live fish be continued.
- ii) note that the FWG still sees potential advantages in a live fishery and that this issue should continue to be re-appraised as the management of the fishery evolves.

Spanish mackerel - Bramble Cay Day Time Closure & Troll Method Only Area.

In the Bramble Cay Spanish mackerel fishery a gentleman's agreement has existed for a number of years where fishers have worked the fishery in the early morning and late afternoon and have rested the fishery during the day.

At the May 2003 Working Group meeting industry members requested the Working Group consider formalising this arrangement by introducing a daytime time closure during the months of August to December when the spawning aggregations are occurring in this area.

Industry also requested that the Bramble Cay area be designated a troll only area. This was on the basis that the area fished is very small and gear conflict could become a major issue should other methods be used to target mackerel in this area. Of particular concern is the potential conflict that may arise should PNG cross endorsed vessels chose to take up their rights to fish within the Australian jurisdiction.

Following discussion on these issues the Working Group gave its support to the proposals but on the proviso that it was also supported by Traditional Inhabitants following further consultation being undertaken. Unfortunately this consultation did not take place and the matter was not progressed.

As a result of the time that had transpired since that Working Group meeting (May 2003), the issues were put to the Working Group again at its April 2005 meeting. The Working Group considered both matters and again gave its support to the proposals.

It was agreed at the Working Group that should Traditional Inhabitants support the proposal a Fisheries Management Notice would be introduced closing the Bramble Cay area to fishing for mackerel during the hours of 0930 hrs and 1500 hrs each day from August to December each year. Traditional inhabitants have not provided feedback on the consultation at the time of drafting however this may be provided during the meeting.

Recommendation

That the TSFMAC support the Finfish Working Group recommendation that in waters surrounding Bramble Cay and Black Rocks, when fishing for Spanish mackerel:

- a) a daily fishing closure be implemented during the hours of 0930 hrs and 1500 hrs during the months of August to December; and
- b) the fishing method be restricted to trolling only.

Spanish mackerel Long Term Monitoring Program

In 2003 the Torres Strait component of a QDPI run Spanish mackerel long term monitoring program ceased. This was as a result of a recent determination that Spanish mackerel stocks through out northern Australia were made up of a series of meta populations.

To maintain some continuity in the collection of data from the Bramble Cay area, a number of Torres Strait mackerel fishers volunteered to measure and record information on a sample of fish taken each day. Whilst this was commendable, a JCU researcher has informed the Working Group that the monitoring program needs to be more robust for it to be of any real benefit to a stock assessment for the fishery.

The Working Group felt that this matter required further consideration but acknowledged that there was very limited time to prepare a more robust monitoring program for the 2005 season. As a result, the Working Group supported implementing an interim program for the 2005 season, possibly similar to the program run in 2004, whilst a more comprehensive program is developed for the longer term.

Recommendation

That the TSFMAC note:

- i) that the Qld long-term monitoring program for Spanish mackerel in the Torres Strait ceased in 2003 and that a voluntary program commenced in 2004 with three commercial fishers participating;
- ii) that the voluntary sampling was commendable but that additional sampling must be undertaken to support a stock assessment for this fishery; and
- iii) that an interim monitoring program will be implemented for the 2005 season whilst a more comprehensive program is developed for the longer term.

Barramundi Fishery

At the April Working Group meeting a letter received from the Chairman of Boigu Island Council, Mr Donald Banu, was read out to members outlining the community's interest in developing a barramundi fishery in the top western area of the Torres Strait. Mr Banu also highlighted the legislative impediments that currently exist that prevent both commercial net and line methods being used in waters around Boigu Island. Mr Banu requested that the Working Group consider these issues and the removing of these legislative constraints so the development of a barramundi fishery could take place.

The Working Group, who are aware of the legislative constraints that exist around Boigu, were hesitant to discuss this issue in any detail at this point in time knowing that a discussion paper on the development of a barramundi fishery in the top western area was currently being prepared and close to completion. The Working Group however did support the Boigu proposal in principal on the basis that issues of fishing capacity and bycatch were addressed.

It should be noted that whilst management supports the Boigu community's initiative, serious consideration of existing work priorities will be required before management can commit resources to progressing recommendations likely to arise from the discussion paper.

Recommendation

That the TSFMAC note

- i) that the Working Group supports the Boigu Island proposal in-principle provided the issues of fishing capacity and bycatch are addressed; and
- ii) that the 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.

Update on Strategic Assessment Report and Bycatch Action Plan

At the April Working Group meeting members were informed on the progress of the *Finfish Fishery Strategic Assessment Report and Bycatch Action Plan*.

In respect to the strategic assessment, the draft report is now ready for PZJA endorsement. Following this it will be submitted to the Minister for the Environment and Heritage. It will then be considered by DEH who will make draft recommendations to their Minister.

The Minister will then decide whether or not to grant an exemption to the fishery for the next five years. If the fishery receives an exemption then exporting can proceed as it does currently. Or, the Minister may declare the fishery a WTO in which case there must be annual reporting on the conditions set by DEH and a further assessment undertaken in 3 years. With regard to the Finfish Fishery By-catch Action Plan (BAP), the draft BAP was recently distributed to both Finfish Working Group and TSFMAC members for comment before being sent to the AFMA Environment Committee for their consideration and approval for release for public comment.

Following the public comment period of 28 days, two responses were received which are currently being incorporated into the draft BAP. The draft paper will then be sent back out to the Working Group and TSFMAC members for their consideration before going to the PZJA for endorsement.

Recommendation

- i) That the TSFMAC note the progress of the Finfish Fishery Strategic Assessment Report and Bycatch Action Plan.

Prohibition on Shark Finning and Restriction on take.

The Food and Agriculture Organisation of the United Nations (FAO) have recently developed an International Plan of Action for the Conservation and Management of Sharks. Under this plan it is suggested that member States of the FAO (of which Australia is one) should develop, voluntarily, a Shark-plan for their fishing fleets should they target shark or regularly catch sharks as bycatch.

As a result the Australian Government, in line with the recommendations of the International Plan of Action for the Conservation and Management of Sharks, established a Shark Advisory Group (SAG) in 2000 to oversee the development of a Shark Assessment Report. From this a report was released which identified 24 conservation and management issues. This then led to the development of an Australian Shark-plan to ensure the conservation and management of Australia's shark resources and their ecologically sustainable use.

The *National Plan of Action for the Conservation and Management of Sharks* was released in May 2004. The Plan has the following objectives:

- i. to ensure that shark catches from target and non-target fisheries are sustainable
- ii. to assess threats to shark populations, determine and protect critical habitats and implement harvesting strategies consistent with the principles of biological sustainability and rational long-term economic use
- iii. to identify and provide special attention, in particular, to vulnerable or threatened sharks
- iv. to improve and develop frameworks for establishing and coordinating effective consultation involving all stakeholders in research, management and educational initiatives within and between States
- v. to minimise unutilised incidental catches of sharks
- vi. to contribute to the protection of biodiversity and ecosystem structure and function
- vii. to minimise waste and discards from shark catches in accordance with article 7.2.2. (g) of the Code of Conduct for Responsible Fishing (FAO 1995) (for example, requiring the retention of sharks from which fins are removed)
- viii. to encourage full use of dead sharks
- ix. to facilitate improved species-specific catch and landings data and monitoring of shark catches
- x. to facilitate the identification and reporting of species-specific biological and trade data.

The National Plan of Action for the Conservation and Management of Sharks has implications for the Torres Strait Finfish Fishery. Currently there are no restrictions in place on the take of shark.

At the April Working Group meeting members considered imposing a ban on shark finning in the finfish fishery. The Working Group was informed that the Torres Strait Finfish Fishery was probably the only Commonwealth managed fishery that has interactions with sharks that have no restrictions in place in respect to finning.

Industry members indicated that implementing finning requirements would not overly effect operators in the fishery and would therefore support a recommendation to prohibit finning.

Following further discussion on possible measures it was agreed by members that by limiting the take of sharks to those that were less than two (2) metres it would offer adequate protection to those larger species. It was then agreed that further protection would be offered to hammerheads, tigers, and grey nurse sharks by implementing a total prohibition on their take.

Recommendations

That the TSFMAC support the Finfish Working Group recommendation that:

1. the practice of 'shark finning' be prohibited; and
2. a prohibition on the take be implemented on:
 - a. sharks greater than two metres in length;
 - b. Hammerhead sharks;
 - c. Tiger sharks; and
 - d. 'Grey nurse' sharks; and
3. note that these arrangements will also be referred to the Prawn Working Group for consideration.

Fishery Management Objectives

At the July 2004 TSFMAC meeting, the TSFMAC referred the Finfish Fishery draft management objectives back to the Working Group with a request that the Working Group prioritize the objectives and strategies with respect to available resources, and clarify the management actions explicitly in relation to target, byproduct and bycatch species.

Unfortunately the Working Group has been unable to revisit the draft management objectives due to the cancellation of the October 2004 Working Group meeting and the PZJA's request at PZJA 17 that the Working Group develop effective effort or catch controls for the fishery that can be considered at PZJA 18.

Recommendation

That the TSFMAC note that the Finfish Working Group has been unable to further develop the draft management objectives for the fishery as requested by TSFMAC 3 but will endeavor to progress this matter at the next Finfish Working Group meeting.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Tropical Rock Lobster: <i>Recommendations from the TRL Working Group</i>	Agenda Item No. 7

Purpose

To seek the TSFMAC endorsement for the recommendations made by the TRL Working Group.

7.1.1 TENDER TRADING AND LICENCE AMALGAMATION

[Note that at the time of writing the consultative process was incomplete]

Background

In general licences in the Tropical Rock Lobster (TRL) and other fisheries that use primary boats and tender boats have been treated as licence packages. PZJA policy for many years has been that packages cannot be split, ie tenders from one licence package cannot be transferred to another.

This policy presents obstacles to adjustment because operators are not allowed an opportunity to increase or decrease the numbers of tenders in their package. For example if a licence holder operates a primary boat capable of supporting 4 tenders but has only 2 tenders it is not possible for that licence holder to add two more tenders to the package.

The TRLWG discussed this issue at length after being directed by the PZJA to provide policy advice on the matter. The WG was divided on certain aspects of the issue. The following table outlines the issues held by members.

Trading of tenders or amalgamating licence packages could have ramifications for the amount of fishing effort there is in the fishery or at least the effectiveness of that effort. Given this reality and the uncertainty about future management arrangements for the fishery the WG decided that it should consider the issue under two scenarios: under input and output management systems.

Working Group members were asked to consult with their constituents and report on those consultations by 29 April 2005. The consultation process was fully effective as few of the questionnaires drafted to facilitate the consultation were returned.

Table 1.

ISSUE	Input Management	Output Management
Should Trading of Tenders Be Allowed	Islanders: No Non-Islanders: Yes	Islanders: No Non-Islanders: Qualified that trading should be allowed but what should be allowed is the trading of quota
Should there be any surrender of tenders to effect a trade	Islanders: No support for trading	Islanders: No support for trading

	Non-Islanders: Yes or No – divided opinion on whether there should be a penalty in effect during a trade	Non-Islanders: No – not relevant in a quota managed fishery
Should a surrender of tenders only apply if the transfer is from a small primary to a larger primary boat	Islanders: No support for trading Non-Islanders: divided opinion	Islanders: No support for trading Non-Islanders: No – not relevant in a quota managed fishery
When a primary boat is left with no tenders after trading should the primary boat licence be surrendered	Islanders: Non-Islanders: Yes	Islanders: Non-Islanders: Yes
What is a socially and culturally appropriate number of tenders for a freezer boat	Islanders: No support for trading Non-Islanders: 3-4.	Islanders: No support for trading Non-Islanders: generally 3-4
What period should be used to establish history for a tender ¹	Islanders: No support for trading Non-Islanders: Some prefer the period prior to the investment warning on February 14 2002, other licence holders prefer a later period ranging from 3 to 5 years before present (5 years would include about 40% of the 5 years leading up to the investment warning).	

Management's view is that trading of tenders and or amalgamating licences is highly desirable particularly during a period where the Industry (regardless who may own the licence) may need to adjust their business in response to a changing economic production or management environment. Therefore Management would be pleased to see a policy developed.

Management's views are shown in Table 2. Management has taken this view in light of the consultative process however it is accepted that the views may be at odds with other stakeholders' views and justifications for Management's positions are included.

Table 2. Management's recommendations for tender trading/licence amalgamations

ISSUE	Input Management	Output Management
Should Trading of Tenders Be Allowed	Yes Justification: Within limits, it does not matter who is using the tenders and their transfer should be allowed to allow businesses to have some flexibility	Yes Justification: if quota is traded between licences there must also be a process to match the capacity to catch lobsters with the quota
Should there be any surrender of tenders to effect a trade	No Justification: Surrenders are not necessary because fishing effort should be dealt with directly by other reliable and predictable means and not rely on an uncertain number of transfers. Beyond the necessary controls on effort surrenders may only discourage adjustment	Not relevant
Should a surrender of tenders only	No	Not relevant

¹ Because there is a) no decision on future management arrangements, and b) no discussion or decision on how an allocation should be made if one is made at all this question is purely hypothetical at this point.

apply if the transfer is from a small primary to a larger primary boat	Justification: Effort should be controlled through history attached to each tender (specifically as a fractional amount of the packages history) and whether it is used on a larger or smaller vessel this should not matter	
When a primary boat is left with no tenders after trading should the primary boat licence be surrendered	Yes Justification: Licensed fishing boats with no capacity to fish in any of the Torres Strait fisheries could be a problem for compliance and management	Same as input management comment
What is a socially and culturally appropriate number of tenders for a freezer boat	3-4 Justification: An upper limit is difficult to defend on stock management grounds and in fact larger packages may find it more difficult to utilise all tenders. However, on a social basis an upper limit may be more defensible along the lines that it would maintain a size of business that can integrate itself with the unique character of the Torres Strait Fisheries.	Same as input management comment
What period should be used to establish history for a tender (and licence package as a whole)	The period used for the latent effort process should also be used to determine the history. However Management notes that exceptional circumstances should be taken into account in determining a tender's or package's history Justification: The Government issued an investment warning for a specific purpose. Government cannot later send conflicting messages to the community by varying what is effectively a policy.	Same as input management comment

Recommendation

- i) That the TSFMAC propose a policy to the PZJA on tender trading and licence amalgamation that is grounded in principle and defensible. A draft Policy for endorsement is attached at Attachment 7.1.

7.1.2 REGISTER OF HOOKAHS

Background

Hookahs are widely recognised as equipment that improves the efficiency of divers catching lobsters. Consequently, hookahs are a major contributor to total effective fishing effort and therefore fishing mortality in the fishery. Despite the importance of hookahs in the fishery, there is no accurate record of their use, and any increase or decrease in usage that may have taken or be taking place. It can safely be assumed that each non-islander operated diver operates a hookah most of the time. However, how many hookahs Islanders are using is unknown and, not infrequently, debated.

In light of these facts and issues the PZJA directed the TRLWG to consider the establishment of a register of hookahs. During its March meeting this was undertaken by the working group. The issues raised and discussed are outlined in Table 3. There was a strong difference of opinion between Islanders and non-Islanders about the keeping of a register.

Table 3. Issues and positions of Islander and non-Islander sectors on the keeping of a register of hookahs.

Issue	Islander position	Non-Islander position
Benefits of a register	None	No particular benefit with regard to their sector because each non islander dinghy could be assumed to have a hookah; support for knowing the total number of hookahs being operated in the fishery
Issues with a register	May be used to limit the number of hookahs in future	More bureaucracy

Given the strong resistance to the keeping of a register and the assumption that all non-islanders are already using hookahs it appears that introducing a register should not be recommended at this time. This is unfortunate because of the importance of the gear, however if people record its use faithfully through the logbook and docket book systems then the register is not imperative.

Recommendation

- i) That the TSFMAC advise the PZJA that it should not require hookahs to be registered but that the PZJA inform fishers that they must provide complete details on the log and docket books or be required to register their hookahs in the future. If the PZJA decision was not “consider” then we need to put a different slant on this.

7.1.3 AREAS CLOSED TO HOOKAH

Background

Hookah diving, particularly in close proximity to some reefs, has been a source of contention between hookah divers and free divers for many years. This has recently been an issue in the area of Warraber Island.

Given the depth of feeling about the use of hookah in some areas there has been significant consultation on the matter within and between sectors. This has been done at, and outside, the Working Group. Islanders have favoured relatively large areas be closed to hookah in the vicinity of the reefs they normally fish. Collectively, the areas desired to be hookah free encompass most of the fishable area of the Torres Strait and effectively constitutes a complete hookah ban.

Non-islanders on the other hand have proposed much smaller closed areas which are based on discussions with some Islander fishery representatives (notably the late Tabitai Joseph), and an historical agreement between one fisher and the Warraber community. The latter agreement has been honoured by many, but not all, non-islander operators.

The PZJA has made it clear at its out of session meeting in January that the Authority would not introduce a complete ban on hookah because of its economic consequences for the fishery. They noted that their objective was to maximise the per lobster value of the catch by

allowing the use hookah in order to promote a fishery for live lobsters. Currently the price for live lobsters is relatively low and many operators are spearing lobsters, however even at the low price paid for live it is noteworthy that a day operator (someone not freezing tails at sea) would be paid about 28% less for each lobster landed as a tail product than for a live lobster, see Table 4.

Table 4. Price and value comparison for live versus tail product form.

	Live	Conversion Factor	Tails
kg	1.00	43%	0.43
Price per kg	\$ 18.00		\$ 30.00
Per Lobster Value	\$ 18.00		\$ 12.93
% value lost			28%

The TRL Working Group can recommend one area being closed to hookah diving after consensus was reached on the boundaries of the area and a process to review the boundaries in light of experience, no later than 3 years after the measure is implemented. The boundaries of the area are provided at Attachment 7.2 along with an accompanying map at 7.3. The draft fishery Management Notice will be produced as soon as possible.

The proposed area is not as large as desired by some people from the Mabuiag community and the suggested boundary represented considerable compromise from the position held prior to the Working Group meeting. The Community’s goal is to extend the closure to a much larger area which would include all of the Orman Reefs and some north of that. Agreement to other areas including the closure of Warrior Reef proposed by Iama, and the closure of an area encompassing an area from Bet Reef to south of Kirkcaldie Reef proposed by Warraber could not be reached.

The closed area is not intended to prevent fishers transiting the area with hookahs in their dinghies as it was noted that many fishers from Badu, in particular, may hookah dive north of the closed area and need to return to their community with the hookah on board. Unfortunately, this weakens the closure in so far as it will be necessary to prove that a hookah was being used to take lobsters in the area of the closure rather than prove only that a hookah was in the closed area. It would also be a defence to claim that the hookah was being used to take pearl shell.

Recommendation

- i) That the TSFMAC note the consultation that has taken place and endorse the proposed closed area. Include the co-ordinates of the area in the recommendation

7.1.4 PROHIBITION ON NIGHT DIVING FOR LOBSTERS

Background

Lobsters are taken during the day by divers and at night by “night spearing”, a term used to describe both the spearing of lobsters on the reef top or their take in purposely made

hand/scoop nets in a process where the fisher remains in his dinghy. The number of lobsters taken by diving during daylight hours comprises the vast majority of the catch.

There were reports of a single operator who tried diving at night to “take” lobsters. There are no reports that this operator continued with this practise. Nevertheless there is no real barrier to night diving for lobsters (other than possibly a psychological one that probably relates to tiger sharks) and it is conceivable that fishers could increase their effort and catch by turning to this method. Islanders are concerned about this possibility and through the Working Group achieved a consensus that the practice should be banned before it becomes established.

The Working Group noted that while there is currently little or no night diving being done for lobsters many fishers work until last light and make the trip from the fishing grounds to the ports where they land their catch after dark. And, as noted some fishers night spear and so have lobsters in their boats at night. These accepted practices mean that it is not possible to simply prohibit the carrying of lobsters in boats after dark which is a measure that, in theory, should be relatively easy to enforce.

It is therefore necessary to specifically prohibit the take of lobsters by diving after dark (it is suggested that the time be 7PM). A prohibition of this nature would not be easy to enforce. A compliance officer would need to observe the diver taking (or returning to the surface with or to the boat with) a lobster in order to mount a strong prosecution case.

Fisheries compliance officers expressed concern that they would need to respond to complaints about any night diving that might be suspected or observed and that if they are unable to meet the community expectations that they would be seen by the community to have failed.

Recommendations

- i) That the TSFMAC note the working groups desire to effectively prohibit night diving for lobster and issues surrounding a prohibition; and
- ii) Endorse the prohibition on the take of lobsters by night diving in principle.

7.1.5 LIMIT OF ONE DIVER OPERATING WITH A HOOKAH PER BOAT

Background

Historically a single diver has operated at a time while using hookah. This is probably because much of the hookah diving that has been done is difficult if there is more than one diver. However, the viability of a second diver increases while operating in relatively clear water and on open bottoms which thought to be an increasing trend.

Management does not see a move to multiple divers operating with one hookah to pose a significant threat, in itself, to the stock, at least in the near term. However, some members of the working group are more concerned that this could increase effort. Virtually all members of the Working Group would prefer that there was a limit of one diver per hookah.

It would be possible to draft a new fishery management notice to limit the diving to one per hookah. However, there is a question of the cost and benefits of such legislation. Given that there many other higher priority issues for which legislation should be drafted, and that the

issue of whether or not to move the fishery to an output (quota managed fishery) is to be addressed shortly it would seem prudent to just monitor this issue at this point in time.

Recommendation

- i) That the TSFMAC note the issue and the concerns of Working Group members but refer the matter back to the Working Group to monitor and consider again in light of what is decided in relation to future management arrangements for the fishery.

7.2 TERMS OF REFERENCE FOR THE TRL RESOURCE ASSESSMENT GROUP (RAG)

Background

The TRLWG agreed at its October 2004 meeting that it favoured establishing a RAG for the purpose of assessing the stock and providing other scientific advice to the Working Group, TSFMAC, and the PZJA. The Working Group thought that a RAG would speed up the scientific process, make the assessment more transparent, and ensure that it was peer reviewed.

The TSFMAC at its November 2004 meeting approved of the RAG but sought clarification from the Working Group on the reporting arrangements and the Terms of Reference under which the RAG would operate. Since AFMA already has RAGs operating successfully in many of its fisheries, the TOR and reporting arrangements of these were adopted after modification to suit the PZJA's consultative structure.

The Working Group supported the '*Draft terms of reference and operational guidelines*' but recommended that the membership be expanded to include representatives from Qld and PNG. The working group noted that this would create a larger than normal RAG but saw the benefit of equal representation for the other two jurisdictions. It is proposed that the PZJA formally invite these jurisdictions to have membership on the RAG. It should be noted that DEH recommended that assessments include the adjacent jurisdictions.

The proposed TOR and reporting arrangements are shown at Attachment 7.4

Recommendation

- i) That the TSFMAC endorse the TOR and Reporting arrangements for the TRL RAG; and
- ii) That the TSFMAC encourage the PZJA to invite Qld and PNG to nominate members to the RAG.

7.3 CONSULTANTS REPORT ON OPTIONS FOR A QUOTA MANAGEMENT SYSTEM FOR THE TRL FISHERY

Background

PZJA agencies have received a draft of the consultancy report but it did not address all of the '*Terms of reference*' set out in the contract and contained omissions and factual errors. The report has been returned to the consultant for correction and will be made available to the TSFMAC when it is completed.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY

LICENCE (TENDER BOAT) TRADING POLICY FOR THE TROPICAL ROCK LOBSTER FISHERY

1. Purpose

This policy has been developed to deal with the trading of Torres Strait Fishing Boat Licences (tenders) with the fishery entry (endorsement) “CR”.

2. Relevant Legislation

- a. *Torres Strait Fisheries Act 1984* (“the Act”); and
- b. *Torres Strait Fisheries Regulations 1985*; and
- c. Management Plan under the Act.

3. Other Licence Amalgamation Policy Requirements

Other requirements regarding licence trading are contained in Decisions of the Protected Zone Joint Authority (PZJA) and Directions to Delegates.

4. Interpretation

Under this policy, a licence refers to a Torres Strait Fishing Boat Licence with the fishery entry “CR”.

“Licence package” is where the primary and each tender has the same licensee.

“Catch and effort history” means for a tender boat, the catch and effort history from a licence package divided by the number of tenders in the package.

A tender boat refers to a boat which measures six metres or less that operates in conjunction with a primary boat and has the same licensee as, and a history of operating with, that primary boat.

Trading means:

1. the merging of two or more licence packages resulting in a single licence package and distinguishing number; or
2. the merging of two or more licence packages that leaves one or more licence package(s) with more tenders and one or more licence package(s) with fewer tenders.

5. Effective Date

The policy is effective on the date of the signed decision by the PZJA.

6. Objective

The objectives of this policy are:

- a) to provide guidance to PZJA delegates as to the circumstances in which licences may be traded; and
- b) to promote economic efficiency in fishing operations, consistent with objectives of the Act, and other policies of the PZJA.

7. Trading of Licences (Tender Boats)

7.1 Licence endorsements

Both the tender boat to be traded and the primary boat licence to which it is being merged must have the “Tropical Rock Lobster” fishery entry (endorsement) in force.

On trading, any fishery entries (endorsements) existing on the traded tender boat that are not in force on the licence to which it is merged must be permanently revoked.

7.2 Maximum number of tender boats on a licence

The maximum number of tender boats on a licence package must not be greater than the current maximum of 7. However, for the tropical rock lobster fishery, the maximum number of tender boats on a licence package should not be greater than four (4) in a licence package where a tender has been added through trading.

7.3 Surrender of tender boats

The surrender of tenders is not necessary under this policy.

7.4 Surrender of primary boat

In the event of all tender boats being traded off a licence package, the primary boat licence must be surrendered.

7.5 Licence history

The catch and effort history associated with a tender boat being traded should be added to the catch/effort history of the licence package to which it is being merged.

Where the catch and effort history of one tender is transferred to the catch history of another licence package, the equivalent amount of catch and effort history will be deducted from the licence package the tender was traded from.

In determining the catch and effort history of the tender (and licence package as a whole), the period considered should be a five year period from 16 February 1997 to 14 February 2002 or other relevant period as determined by the PZJA from time to time.

7.6 Expiry date of licence

A tender boat being traded must be assigned the same expiry date as the primary vessel licence to which it is merged at the time of trading.

ATTACHMENT 7.2.

Boundaries of the area to be closed to hookah diving in the vicinity of Mabuiag, Badu and Moa Islands.

Commencing at a point 9°54.7' S 142° 26.5 E, thence running south along the meridian of longitude to its intersection with the parallel of latitude 10° 16.0' S, thence westerly along that parallel of latitude to its intersection with the meridian of longitude 142° 0.0 E, and finally north to the point 9°54.7' S 142° 0.0 E.

ATTACHMENT 7.3

Map of area to be closed. Not that there was only consensus to close the area labelled A.



ATTACHMENT 7.4.

Terms of Reference and Reporting arrangements, membership and member obligations for the TRL RAG (and other TS RAGs that may be proposed). (a complete copy of the discussion paper and FMP 1 and 7 are available on request which sets these issues in context).

Terms of Reference:

- i.** Analyse, assess, and report on the fishery status against agreed reference points, including target and non-target stocks, impacts on the marine environment from fishing, and the economic efficiency with which stocks are fished.
- ii.** Identify improvements and refinements to assessment methodology.
- iii.** Evaluate alternative harvest strategies or TAC settings. This includes providing advice on confidence limits or risk levels associated with particular management / harvest strategies.
- iv.** Assist the TSFMAC and the Working Group to develop, test, and refine sustainability reference points and performance indicators for the fishery. Advise on stock status and trends relative to these reference points and indicators.
- v.** Identify and document fishery assessment and monitoring gaps, needs and priorities. These should be communicated to the TSSAC so that they can be incorporated in the Torres Strait strategic research plan.
- vi.** Provide advice and recommendations to the TSSAC on issues consistent with RAG functions.
- vii.** Facilitate peer review of assessment outputs.
- viii.** Facilitate/drive a collaborative stock assessment with adjacent jurisdictions.
- ix.** Maintain awareness of current issues by promoting close links with the TSFMAC, the TSSAC and any other Torres Strait RAGs. Liaise with other researchers, experts and key industry members.

Reporting arrangements for TS RAGs (lobster and any other)

RAGs should report formally to the PZJA. This reporting process should provide the PZJA with details about the status and trends for stocks and the fishery. RAGs will also inform the TSSAC of work on stock assessments in progress, alert the TSSAC/TSFMAC and PZJA to problem issues, and provide the necessary accountability for RAG expenditure.

All RAGs are to provide periodic reports to the TSSAC. It is expected that there will be three types of reports – meeting reports, technical working papers and fishery assessment reports.

- i. Meeting reports are minutes or the record of a RAG meeting. These are to be provided to the TSSAC Secretariat following meetings.
- ii. Technical working papers are reports tabled and considered during meetings of the RAG. These are important resources that underpin an overall assessment of the fishery. Technical working papers may not become public documents, but do need to be retained and archived. These documents should be series numbered identifying the RAG involved, the year produced and the meeting when they were considered. Copies must be provided to the TSSAC Secretariat for lodgement in the AFMA research library.
- iii. Assessment reports are PZJA publications that are produced annually or periodically, and provide an assessment of the fishery. These assessment reports should generally adopt a standard reporting format for fishery assessment reports. The reports should carry an AFMA logo, be series numbered and be made available for public circulation to stakeholders. Authorship of assessment reports, if any, should be determined by consensus among RAG members.

RAG reports and meeting minutes should also be provided to the relevant working group and the TSFMAC.

Membership of RAGs

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

A RAG should be composed of sufficient members with the expertise to carry out its functions. In addition to scientific members, a RAG must have a PZJA management agency member and industry (Islander and non-Islander) membership to ensure different perspectives and knowledge sources are recognised. Normally a minimum number of members would be a chair, a management agency member, two industry members and at least two scientific members providing biological and economic expertise respectively. It is preferable that RAGs include a conservation member with a good knowledge of ecology where required.

Like the selection procedure for the Chair of the TSFMAC, the chair of the RAG will be offered to an expert of high standing. The PZJA will formally appoint RAG chairs.

Appointments to RAGs will be expertise based, usually by selecting from nominations provided by the TSFMAC. The PZJA, upon consideration of the TSFMAC nominees and advice from a panel comprising a member of a management agency, and Islander and non Islander sectors, will make formal appointment of members. The normal appointment period will be two years. Subsequent re-appointments will be permitted.

Roles, obligations and responsibilities of members

Roles, obligations and responsibilities of members of the RAG are to be developed but will reflect roles and responsibilities of similar appointments in other commonwealth fisheries. These are set out in AFMA papers FMP No. 1 and FAP No. 7. Although FAP No. 7, makes reference only to industry members, for the purposes of this paper, FAP No. 7 applies to all members of RAGs.

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FISHERIES MANAGEMENT PAPER No. 1

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE AND ASSOCIATED COMMITTEES AND WORKING GROUPS

May 2005

Draft

Fisheries Management Paper on the Torres Strait Fisheries Management Advisory Committee and Associated Committees and Working Groups

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TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE AND ASSOCIATED COMMITTEES

1. Purpose

This Fisheries Management Paper sets out the Torres Strait Projected Zone Joint Authority's (PZJA's) policy for the operation of the Torres Strait Fisheries Management Advisory Committee (TSFMAC/the MAC) and Working Groups of individual fisheries. This is a generic policy covering the operations both of these committees.

2. Introduction

In the Australian area of jurisdiction, traditional fishing and the commercial fisheries are managed by the Torres Strait Protected Zone Joint Authority (PZJA). The PZJA, established under the *Torres Strait Fisheries Act 1984* (the Act), comprises the Federal and State (Queensland) Ministers responsible for fisheries, and the Chair of the Torres Strait Regional Authority (TSRA). The PZJA is responsible for managing fisheries in the Torres Strait Protected Zone. The PZJA has delegated day-to-day management of the fisheries to the Australian Fisheries Management Authority (AFMA) and compliance in the fisheries to the Queensland Department of Primary Industries and Fisheries (QDPI) under a cost sharing arrangement. Five of the fisheries currently being managed are known as Article 22 fisheries and are jointly managed by PNG and Australia. The two countries share the catches of the three Article 22 commercial fisheries according to formulae set out in the Torres Strait Treaty.

The PZJA is advised by the Management Advisory Committee. The Committee consists of representatives of traditional inhabitants and commercial fishers, fisheries managers from PZJA Agencies and the Chairman of the Torres Strait Scientific Advisory Committee (TSSAC). The TSSAC which comprises representatives from research organisations, fisheries managers, Traditional Inhabitants and industry, advises the TSFMAC on scientific issues associated with TSPZ fisheries. Recreational fishing is still managed under Queensland law. PZJA Agencies include AFMA, QDPI, the TSRA and the Department of Agriculture, Fisheries and Forestry (DAFF).

3. Consultative structure

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

The PZJA is advised by TSFMAC, who are advised on scientific and research matters by TSSAC, and on management issues of individual Torres Strait fisheries by working groups for the fisheries.

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The structure of the working groups was amended following the introduction of single jurisdiction on 1 April 1999 to encompass the new PZJA fisheries (bêche-de-mer, trochus, crab and finfish).

At the 14th meeting of the PZJA in November 2002 the PZJA approved a new consultative structure which incorporates Australian Traditional Inhabitant commercial and traditional fishers, non-Traditional Inhabitant commercial fishers, Australian Government and Queensland officials, and technical experts (Figure 1).



Figure 1. The consultative structure of the Torres Strait Protected Zone Joint Authority and relevant advisory committees and working groups.

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 therefore complemented by meetings between fisheries officers and fishermen in communities around the Torres Strait. These meetings are occasionally supplemented by fisheries programs broadcast on Radio Torres Strait and articles/advertisements in the Torres News.

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

3.1 Role and functions of TSFMAC

The role of TSFMAC is to advise the PZJA on management issues for the fisheries managed under the Act. It provides the forum where issues relating to the fisheries are discussed, problems identified and possible solutions developed. The outcome of these

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deliberations determines the recommendations TFSMAC will make to the PZJA concerning the management of relevant fisheries.

All TFSMAC Members must be aware of the PZJA's legislative objective and functions (as contained in Attachment A) and of the continuing need to take these into account in their deliberations.

TFSMAC is expertise based, advisory in nature and makes recommendations to the PZJA on management and operational issues.

3.2 Role and functions of TSSAC

The role of TSSAC is to provide to TFSMAC and the PZJA advice on scientific and research issues in the TSPZ. It also encompasses additional marine research in the Torres Strait undertaken by the Cooperative Research Centre (Torres Strait) Inc.

To be completed.

3.3 Role and functions of Working Groups

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

4. Terms of reference

The following terms of reference are to be utilized by TFSMAC and Working Groups as operating guidelines.

1. To provide a forum for the discussion of matters relevant to the management of Torres Strait fisheries and to act as a medium for the flow of information between all stakeholders.
2. To provide advice and make recommendations to the PZJA with respect to:
 - i. the management of the fishery
 - ii. the development of fishery management plans
 - iii. ongoing measures required to manage the fishery in accordance with the provisions of management plans

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- iv. amendments to management plans as required.
3. To provide advice and make recommendations to the PZJA on research priorities and projects for the fishery. The TSFMAC and Working Groups are to ensure that processes are in place for industry and other interested stakeholders to receive advice from researchers in a form that will be easily understood by the audience.
4. To establish sub-committees as required ensuring that the range of management issues is given proper attention.
5. To liaise with PZJA Agency staff and provide assistance as necessary to ensure approved management measures are implemented.
6. To undertake additional functions on behalf of the PZJA as determined by the Authority.

5. TSFMAC and Working Group Membership

5.1 Composition

TSFMAC comprises:

- a Chair
- a Research Member
- two staff members from AFMA
- two staff members from QDPI
- five Traditional Inhabitant Members who rotate during the meeting from a total of 22 Traditional Inhabitant Members representing each of the communities
- a Torres Strait Regional Authority support Member
- five Industry Members

Working Groups comprise:

- A Chair
- 6 traditional fishing representatives
- 3 industry representatives
- 1 member of staff from QDPI

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- 1 member of staff from AFMA

The PZJA has final responsibility for determining the actual membership of TSFMAC and Working Groups and considers membership in relation to the needs of the Torres Strait Fisheries.

5.2 Term of appointment

The PZJA makes all appointments to TSFMAC and Working Groups, with Members generally appointed for terms of up to three years. In order to ensure continuity, Members will not normally be appointed for a period of less than two years.

6. TSFMAC and Working Group Members – obligations and responsibilities

6.1 Responsibilities of Members

Being appointed to a MAC or a Working Group brings with it a number of important responsibilities. Specifically, Members must be prepared to meet the following requirements:

- they must be able to put views clearly and concisely and be prepared to negotiate to achieve acceptable outcomes and compromises where necessary
- they must act in the best interests of the fisheries as a whole, rather than as an advocate for any particular organization, interest group or regional concern
- they must be prepared to observe confidentiality and exercise tact and discretion when dealing with sensitive issues
- they must contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest
- they must be prepared to make the necessary commitment of time to ensure that they are fully across matters which are the subject of consideration by the MAC or the Working Group
- Industry Members must have industry's confidence and authority to undertake their functions as a MAC or Working Group Member. They must also be prepared to consult with members of industry through port-level associations, regional associations and peak industry bodies as necessary.
- Traditional inhabitants members must have the community's confidence and authority to undertake their functions as a MAC or Working Group Member. They must also be prepared to consult with members of community through local associations and meetings as necessary.

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6.2 Reaching consensus

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

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

6.3 Disclosure of interests

6.3.1 Types of interests

TSFMAC and Working Group Members are appointed to provide input based on their knowledge and expertise and as a consequence, it is inevitable that Members may face potential or direct conflicts of interest. There may be a conflict of interest where a Member:

- (a) has a material personal interest, including a direct or indirect financial or economic interest, in a matter being considered, or about to be considered, by the MAC or Working Group, and
- (b) the interest could conflict with the proper performance of the Member's duties in relation to the consideration of the matter.

There may often be a level of general conflict simply because TSFMAC or Working Group Members come from areas of the industry that may be affected as a result of a recommendation. For example, Industry Members may be participants in the fishery, TS Regional Authority Members may represent the geographical region under discussion or Research Members may face a conflict related to a research proposal. To assist in identifying areas of potential conflict, the MAC or Working Group may consider it appropriate to maintain registers of Members' interests that could possibly lead to conflicts.

Of greater concern is the specific conflict created where a Member is in a position to derive direct benefit from a MAC or Working Group recommendation if it is

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subsequently implemented. In either case, members should recognise the potential for conflict to occur and its possible impact on the operations of the Committee.

6.3.2 Declaring an interest

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

6.3.3 Dealing with an interest

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

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

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

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

6.4 Other Obligations of TSFMAC and Working Group Members

Members must:

- act in good faith in the best interests of the PZJA

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

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

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

6.5 Personal and professional behaviour

TSFMAC and Working Group Members should perform all duties associated with their positions diligently, impartially, conscientiously, in a civil manner and to the best of their ability.

In the performance of their duties they should:

- act in such a way, at TSFMAC or Working Group meetings, in the field and at official functions that will be held in a high regard by the community and by industry
- treat other TSFMAC and Working Group Members and stakeholders with courtesy and sensitivity
- not take, or seek to take, improper advantage of official information gained in the course of their membership.

6.5.1 Fairness and equity

TSFMAC and Working Group Members are not permitted to discriminate against or harass any colleague, client or member of the public, particularly on the basis of:

- race
- religion
- gender

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- political or union affiliation
- sexual preference
- political opinion
- marital status
- pregnancy
- social origin
- criminal record
- age
- physical, intellectual or mental disability or impairment.

Behaviour, which is shown to be discriminatory, or which constitutes harassment will not be tolerated.

6.5.2 Public comment

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

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

7. Indemnity of Members

This issue requires further investigation as it is not covered by legislation and current legal advice on the matter is uncertain. Further legal advice will be sought on the matter.

8. TSFMAC and Working Group Members – role and appointment procedures

On behalf of the PZJA, AFMA administers the overall appointment process. The PZJA, however, makes the appointments.

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8.1 The Chair

8.1.1 Role

The Chair of the MAC or Working Group plays a key role in ensuring effective and thorough discussion of factors affecting the performance of a particular fishery and is the primary communication link between Working Groups, TSFMAC and the PZJA. Accordingly, the Chair must:

- be independent of commercial or other interests associated with the particular fishery/fisheries
- not be a member of a fishing industry or other association with a direct interest in the particular fishery/fisheries
- have a demonstrated capacity to chair meetings
- have a sound understanding of meeting procedures and practices required for chairing a meeting (including the rules of debate)
- have an ability to identify strategic goals and objectives and facilitate their achievement through the MAC or Working Group process
- have demonstrated communication ability, particularly with respect to acting as the MAC or Working Group spokesperson and representing MAC or Working Group views to the PZJA, industry, Government, the media and the general community in a balanced and rational manner
- have an understanding of industry and public policy
- preferably, have some fisheries (or resource management) experience
- the Chair of TSFMAC cannot be a staff member of the PZJA Agencies, although this is allowed for Working Groups.

An explanation of the procedural matters relating to the conduct of MAC and Working Group meetings, including the requirement to give notice of a meeting and to circulate papers, is contained at Attachment C.

In relation to MAC or Working Group meetings, the Chair is responsible for:

- ensuring the timely availability of agenda papers before meetings and the preparation and circulation of Minutes and Chair's Summaries after meetings
- formally communicating meeting outcomes, recommendations and matters for information to the PZJA (in the case of the TSFMAC Chair) or to TSFMAC (in the

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case of the Working Group Chairs) for consideration and to the industry for information. In undertaking this function, the Chair will be assisted by the Executive Officer

- regularly reminding MAC or Working Group Members of the PZJA's legislative objective and ensuring that the MAC or Working Group considers this objective when making recommendations to avoid any conflict with it
- summarising outcomes for each agenda item at the end of the discussion for each item and at the end of the meeting. This will assist in the reporting of the outcomes after each MAC or Working Group meeting
- ensuring that meeting Minutes, letters and other correspondence to the PZJA Chair (in the case of TSFMAC) or TSFMAC Chair (in the case of Working Groups) clearly and accurately describe MAC or Working Group recommendations and alternative options when an agreed position has not been reached

Chairs are not to allow Members who are absent from meetings to have separate notes or views attached to Minutes. Absentee Members may convey views in writing to the MAC or Working Group prior to the meeting.

8.1.2 Selection/Appointment Procedure

On behalf of the PZJA, AFMA maintains a *Register of Interest* of suitably qualified persons interested in being appointed to the position of Chair of MACs and Working Groups. From time to time AFMA will advertise nationally for nominations to this Register.

Whenever there is a vacancy in the office of MAC or Working Group Chair, whether created by the resignation of an existing Chair or the expiration of the term of appointment of an existing Chair, a shortlist of nominees considered to have the necessary attributes to fill the vacant position may be drawn from the *Register of Interest*. Representatives from the PZJA Agencies may review and may interview nominees from a shortlist before candidates are submitted to the PZJA Board for consideration and approval.

8.1.3 Acting Chair

The PZJA may appoint a person to act as the Chair of TSFMAC or a Working Group during:

- (a) a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
- (b) any period, when the Chair is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.

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A person appointed to act during a vacancy must not continue to do so for more than 12 months.

8.2 The PZJA Agency Members

8.2.1 Roles

The role of the QDPI and AFMA Members of the MAC and the Working Groups is to:

- participate in general discussion
- contribute fisheries management expertise to MAC or Working Group deliberations
- provide advice on relevant Government policy and the process required for policy development and change
- ensure that the MAC or Working Group is aware of, and fully understands, PZJA policy and obligations under its governing legislation
- seek and provide additional information on Government policy as necessary.

The views expressed and the policies advocated by the AFMA and QDPI Members are to be considered those of their relevant organizations.

8.2.2 Selection/Appointment Procedure

AFMA and QDPI will each appoint two officers to TSFMAC and one officer to each Working Group at the organisations' discretion.

8.3 Industry Members

8.3.1 Role

The role of Industry Members of the MAC and Working Groups is to:

- contribute knowledge and experience relevant to the particular fishery and the fishing industry generally
- contribute fisheries expertise to achieve the best management of the fishery
- regularly report to and liaise with other operators in the fishery on the MAC or Working Group's activities, including the issues being dealt with and the possible solutions being considered.

8.3.2 Selection/Appointment Procedure

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The PZJA considers the selection of the Industry Members to TSFMAC and Working Groups to be critical to the success of the MAC and the Working Groups. These individuals must have the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises when necessary. Above all, they must have credibility within the industry and the ability to address issues with the best interests of the fisheries in mind.

Industry Members will normally be appointed through the following process:

- all operators in the fishery will be invited to nominate for consideration for appointment as a TSFMAC or Working Group Industry Member
- interested operators will be required to complete a nomination form which is included with the invitation to nominate. This form sets out the nominee's personal details and provides space for nominees to outline the particular skills and expertise they can bring to TSFMAC or the Working Group
- an Assessment and Ranking Panel, will be formed to consider nominations and make recommendations to the PZJA. The Panel will usually comprise the MAC or Working Group Chair, PZJA Agency representatives and an industry member of standing in the fishery. The Executive Officer of the MAC or Working Group will act as secretary to the Panel.

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

- The PZJA will determine Industry Member appointments on the advice of the Assessment and Ranking Panel.

In considering each application, the Assessment and Ranking Panel assesses whether the applicant is a fit and proper person for the purposes of MAC or Working Group membership. If the Panel identifies any issue that is likely to adversely effect:

- the applicant's ability to perform his/her role as an Industry Member
- the PZJA's credibility
- the applicant's credibility with industry or other stakeholders,

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

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Group.

While the PZJA may consult with industry organisations in the selection of Industry Members, once appointed, Industry Members are required to act in accordance with the duties and obligations of MAC and Working Group Members as set out in this paper. This means their contribution must be in the best interests of the fishery, rather than as an advocate of the industry sector that nominated them. Industry Members are not representatives of particular sectors or interest groups.

8.4 Research Member

8.4.1 Role

The Research Member of TSFMAC is to be independent of interests in the fishery. The role of the Research Member is to:

- contribute scientific and/or economic expertise to MAC deliberations
- provide advice to the MAC on the latest scientific or economic developments of relevance to the fishery
- co-ordinate the development of a five year strategic research plan for the fishery
- prioritise research projects for the fishery for consideration by the PZJA
- Chair the Torres Strait Scientific Advisory Committee (TSSAC).

8.4.2 Selection/Appointment Procedure

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

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

Research Members will normally be appointed through the following process:

- relevant research agencies will be invited to submit nominations for membership on TSFMAC. Nominations may also be sought from appropriate individuals

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- the PZJA will determine Research Member appointments after considering nominations and any other information sought or obtained in relation to the nomination.

Currently Working Groups do not have Research Members.

8.5 Traditional Inhabitant Members

8.5.1 Role

In TSFMAC meetings, five Traditional Inhabitant Members rotate during the meeting from a total of 22 Traditional Inhabitant Members representing each of the communities. Each Working Group includes six traditional fishing representatives. The role of the Traditional Inhabitant Members and traditional fishing representatives is to:

- contribute knowledge of fisheries and communities to the TSFMAC or Working Groups
- contribute fisheries expertise to achieve the best management of the fishery
- regularly report to and liaise with other traditional inhabitants in community on the MAC or Working Group's activities, including the issues being dealt with and the possible solutions being considered.
- consult with members of community through local associations and meetings as necessary.

In addition to these Members, TSFMAC includes a TSRA Support Member. The role of the TSRA Support Member is to assist and support the Traditional Inhabitant Members and provide fisheries expertise.

8.5.2 Selection/Appointment Procedure

The TSRA nominates Traditional Inhabitant Members and the TSRA Support Member and the PZJA appoints the Members. AFMA as the agency administering the MAC and Working Group appointment process will liaise with the TSRA when Member appointments are required.

8.6 Other Members

According to the changing needs of the TS Fisheries, the PZJA may appoint other persons to TSFMAC or the Working Groups as a Member, including persons from the general community. On appointment, these Members will have the same rights, and be subject to the same obligations and responsibilities, as other TSFMAC and Working Group members as set out under Section 6 of this paper.

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9. TSFMAC and Working Group Members – termination or resignation

9.1 Termination of appointment

The PZJA may terminate the appointment of the Chair or any other MAC or Working Group Member for:

- misbehaviour or physical or mental incapacity; or
- inefficiency or incompetence.

The PZJA has determined that any action by a Chair or Member that demonstrates unwillingness or inability to comply with their obligations and responsibilities may constitute misbehaviour and/or inefficiency. As such, non-compliance with the obligations and responsibilities in Section 6 of this paper are grounds for termination of appointment.

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

Appointment may also be terminated if:

- the Chair or Member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his/her creditors or makes an assignment of his or her remuneration for their benefit; or
- the Chair or Member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, and the interest could conflict with the proper performance of the member's duties in relation to consideration of the matter, and he/she fails to disclose the nature of the interest at a meeting of TSFMAC or the Working Group; or
- the Chair is absent, except with the leave of the PZJA, from two consecutive meetings of TSFMAC or the Working Group; or
- a Member is absent, except with the leave of the Chair, from two consecutive meetings of TSFMAC or the Working Group.

Termination of appointment under this section will take effect when:

- the Member has been warned by the TSFMAC or Working Group Chair, or the PZJA Chair in a case of TSFMAC or Working Group Chair non-compliance, that:
 - they have not complied with one or more of their obligations or responsibilities, and

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- the non-compliance is unacceptable, and
- the PZJA Chair is satisfied the Member has a case to answer of non-compliance with their obligations or responsibilities warranting termination of appointment
- the PZJA Chair has asked the Member in writing to show cause why their appointment should not be terminated, and
- after at least 14 days have elapsed, the PZJA has considered the matter, including any response by the Member, and made a decision on the Member's continuation in their position.

9.2 Resignation

A TSFMAC or Working Group Member may resign from TSFMAC before the term of his/her appointment has expired by forwarding a signed notice of resignation to the PZJA Chair with a copy to the TSFMAC or Working Group Chair.

10. Other TSFMAC and Working Group participants

10.1 Permanent Observers

The PZJA may also appoint other persons who can be expected to make a meaningful contribution to TSFMAC or a Working Group as a Permanent Observer. Permanent Observers are required to participate in MAC or Working Group discussions in accordance with the obligations and responsibilities set out under Section 6 of this paper.

Appointment of Permanent Observers is generally viewed as a transitional phase which might be prompted by a requirement for additional expertise and balance which cannot be accommodated within the existing MAC or Working Group due to limitations on the number of Members. Accordingly, the PZJA's preferred approach is that there be a general move towards appointing Permanent Observers as full Members where possible and appropriate.

As with Members, the contribution of Permanent Observers to TSFMAC or Working Group discussions and deliberations will be recorded in the Minutes of the meeting. While Permanent Observer contributions will be recorded in the Minutes, in the unlikely event that consensus in the MAC or Working Group cannot be reached, only Members' views will be included in recommendations put before the PZJA.

The appointment processes for Permanent Observers will generally mirror those undertaken for TSFMAC and Working Group Members – nominations will be sought in the same way as for Members and proposed Permanent Observers will be required to complete a declaration form before being appointed to the MAC or Working Group. There is nothing to prevent the appointment of a Permanent Observer covering an area of

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interest for which a Member has been appointed.

As for TSFMAC and Working Group Members, a Permanent Observer may resign from the MAC or Working Group before the term of his/her appointment has expired. A resigning Permanent Observer must give signed notice of resignation to the PZJA Chair with a copy to the TSFMAC or Working Group Chair. The appointment of a Permanent Observer may be terminated on the same grounds as any other Member.

10.1.1 Department of Environment and Heritage Permanent Observer

The PZJA has granted the Department of the Environment and Heritage Permanent Observer status on TSFMAC for a period of three years while strategic fisheries assessments are completed under the *Environment Protection and Biodiversity Conservation Act 1999*. Currently there is no requirement for Department of Environment and Heritage Permanent Observers on Working Groups.

Appointments will be made by the PZJA and will be subject to the nominee's suitability and the ability to attend meetings and make meaningful contributions to the MAC.

The requirements of Permanent Observers, which are listed in the previous paragraph, apply equally to Department of the Environment and Heritage Permanent Observers.

10.2 Casual Observers

Casual Observers are generally welcome to attend TSFMAC and Working Group meetings. Wherever possible, individuals should seek the agreement of the TSFMAC or Working Group Chair to attend a meeting as a Casual Observer for a particular agenda item or items – either to provide additional advice and expertise which may be required for that meeting or to observe the proceedings of the MAC or Working Group.

Attendance by Casual Observers is to be on the basis that the presence of the Casual Observer does not inhibit or disrupt formal Members from freely contributing to discussions and decisions. Casual Observers must follow any directions made by the TSFMAC or Working Group Chair.

Casual Observers are not formally appointed to TSFMAC or to Working Groups and do not participate in the decision-making processes of the MAC or Working Group.

11. Support for TSFMAC and Working Groups – Executive Officers

The PZJA appoints an Executive Officer to each of the TSFMAC and the Working Groups to provide secretariat support services to the MAC or Working Group and its Chair. The Executive Officer may be either internal or external to the PZJA Agencies.

11.1 Role

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The role of the Executive Officer is to provide all the necessary secretariat services to ensure smooth operation of MAC or Working Group. In performing this role, the Executive Officer liaises with, and reports to the MAC or Working Group Chair.

11.2 Duties

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

- making arrangements (including booking venues and catering) for meetings of the MAC or Working Group
- preparing and circulating meeting notices, agendas and agenda papers to Members, ensuring a final agenda and papers are provided to the Chair and Members at least **10 working days** prior to all meetings of the MAC or Working Group
- ensuring a Chair's Summary of the MAC or Working Group meeting is prepared and cleared within **five working days** following the meeting
- ensuring the Chair's Summary is distributed to all operators and others with an interest in Torres Strait fisheries (or in the case of Working Groups the relevant individual Torres Strait fishery) as soon as practicable following the TSFMAC or Working Group meeting but no later than **10 working days** after the meeting
- preparing the draft Minutes and action sheets from each meeting and submitting them to the Chair for comment and approval within **14 working days** and distributing them to Members within **21 working days** after the meeting
- maintaining files, correspondence lists and follow-up action arising lists relating to MAC or Working Group business
- ensuring that there is positive two way communication between the MAC or Working Group and the participants in the fishery/fisheries and that decisions or recommendations made by the MAC or Working Group and the reasons for them, are well publicised.

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

The duties of the Executive Officer will be determined in consultation with the MAC or Working Group Chair and in the case of external Executive Officers, will be specified in the relevant employment contract or letter of appointment.

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11.3 Selection/Appointment Procedure

The Executive Officer is appointed by the PZJA Agencies, not by the MAC or Working Groups. Executive Officers may be either internal or external to the PZJA Agencies.

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

12. TSFMAC and Working Group Meetings

The procedures to be followed for TSFMAC and Working Group meetings are set out in Attachment C.

13. Communication

13.1 General Communication and Liaison Issues

TSFMAC and the Working Groups are expected to develop effective two way communication with the PZJA and any individuals or organizations that have an interest or are engaged in Torres Strait Fisheries, including PZJA Agencies.

The TSFMAC and Working Group Chairs and Executive Officers carry the major responsibility for communicating with industry and ensuring the flow of information between industry and the PZJA. However the PZJA and Agencies also have a role to play in the communication process.

13.1.1 Publication and distribution of MAC and Working Group papers

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

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

13.2 Reporting

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All TSFMAC and Working Group Members are responsible for regularly reporting to their stakeholders on TSFMAC and Working Group activities, the issues and possible solutions under consideration. The TSFMAC and Working Groups' Chair's Summary report of meetings is available to assist in this process.

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

In turn, TSFMAC can expect the PZJA to communicate its decisions and the reasons for them to the MAC through the PZJA and TSFMAC Chairs.

13.2.1 Chair's summary

The PZJA expects the Chair of TSFMAC to provide it with a formal report (MAC Chair's Summary) after each TSFMAC meeting. The Chairs of Working Groups are required to submit a similar report to the TSFMAC Chair.

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

13.2.2 Self Assessment

A pro-forma for MAC and Working Group self assessment will be developed and included as an attachment to this document.

TSFMAC and the Working Groups are to conduct a self-assessment of their performance at least once a year against the following performance indicators set by the PZJA, reporting the outcome to the PZJA:

1. The performance of the MAC or Working Group as a forum for the discussion of matters relevant to the management of the fishery.
2. Ability of TSFMAC or the Working Group to provide advice and make recommendations to the PZJA with respect to the management of the fishery.
3. Ability of TSFMAC (or the Working Group) to provide advice and make recommendations to the PZJA (or TSFMAC) on research priorities and projects for Torres Strait fisheries.

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4. Standard of liaison by TSFMAC with PZJA Agency staff, or by Working Groups with TSFMAC to ensure that the range of management issues is given the proper attention.
5. Quality of meeting papers.
6. Quality of Chair's performance.
7. Quality of Executive Officer's support services.
8. Quality of PZJA Agency Members' performance.
9. Level of confidence that TSFMAC's views and recommendations are conveyed effectively to the PZJA, or that Working Groups' views are conveyed to TSFMAC.
10. Rating the dynamics of TSFMAC or the Working Group when in session over the last year.

14. Financial Management

14.1 Fishery Budgets

TSFMAC and the Working Groups will be asked to provide comment on the draft annual budget for the fishery for consideration by the PZJA.

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

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

14.2 Travel Expenses of Members

The policy concerning the travel allowances to Committee meetings for Committee Members and other participants, and to Working Group meetings for Working Group Members is contained in Attachment D.

15. Consultative Committees

The PZJA may establish committees, other than the Management Advisory Committee, to assist it in the performance of its functions.

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16. Torres Strait Scientific Advisory Committee

This section of the paper is yet to be completed.

Legislative Objectives and Functions

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

8 Objectives to be pursued

In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty and in particular to the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing.

34 Functions of Joint Authority under this Act

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

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

EXAMPLE ONLY – NOT FOR USE

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

Dear Chair

I refer to my proposed appointment as the Member/Permanent
Observer on theMAC/Working Group.

In compliance with the PZJA’s requirements prior to appointment to this position, I
advise that:

- (i) I have read, and understand, PZJA’s Fisheries Management Paper covering
TSFMAC and Working Groups; and
(ii) I understand that, if my appointment is confirmed, I must disclose any
relevant conflict of interest during the course of all MAC/Working Group
meetings at which I am present.

I also give my assurance that I will endeavour to participate in discussion in an objective
and impartial manner and that I will serve the best interests of the above mentioned
Management Advisory Committee/Working Group and of the fisheries, and hold up the
PZJA’s legislative objective.

Yours sincerely

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

Procedural Matters

The Torres Strait Management Advisory Committee (TSFMAC) and Working Groups will operate in accordance with the following procedures:

1. Notice of a meeting

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

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

The notice shall be sent to every Member of TSFMAC or the Working Group whether they are able to attend the meeting or not. The issue of a notice of the meeting to all Members before the meeting is held is necessary for the meeting to be correctly constituted.

Full use of the PZJA web page should be made to assist in the communication of papers and other relevant information concerning the MAC/Working Group.

2. Quorum

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

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

3. Agenda

An agenda is more than a list of items or a guide to matters to be dealt with at a

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meeting. It provides a program to aid consideration of each item and allow the business of the MAC or Working Group to proceed in a logical, orderly and timely manner. It also provides a basis on which to write the Minutes of the meeting.

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

All MAC and Working Group papers are to be considered public documents unless they contain items of specific commercial confidentiality.

Irrespective of the time frames specified in this section, it is the responsibility of the MAC or Working Group Chair to ensure the timely availability of agenda and other papers to all Members prior to meetings.

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

The agenda should have items listed in the following order:

- **Chair's Opening Remarks**

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

- **Review and adoption of the agenda**

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

- **Declaration of Interests**

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

- **Apologies**

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- **Minutes of the Previous Meeting on (date)**

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

- **Outcomes of the meeting of the PZJA on (date)**

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

- **Business Arising from the Minutes**

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

- **Routine Items**

Regular business which comes before the Committee or Working Group (such as correspondence etc) should be dealt with at an early stage in the meeting to enable such items to be dealt with expeditiously, but without undue haste. Reports of the Working Groups and of each individual fishery will be discussed at this point during a TSFMAC meeting.

- **Business Items to be Dealt With**

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

- **Other Business**

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

4. Attendance of Casual Observers

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

5. Rules of Debate

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

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

6. The Minutes

Once a MAC or Working Group meeting is completed, the Chair is responsible for formally communicating the outcomes of the meeting, including recommendations and matters for information, to the PZJA Chair (in the case of TSFMAC) or to the TSFMAC Chair (in the case of Working Groups) for consideration and to the industry for information. It is a function of the Executive Officer to assist the Chair in preparing the Minutes of the meeting as well as the Chair's Summary.

Minutes may be defined as the official, permanent, written record of the business transacted at a meeting. They should be accurate, concise and articulate, being free from ambiguity or uncertainty. Where there is, by necessity, substantial and significant detail covered in the TSFMAC or Working Group meeting, the Minutes need to reflect this level of detail.

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

The Minutes need to include

- day and date of meeting

DRAFT

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

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

MAC or Working Group Chairs must not allow Members who are absent from meetings to have separate notes or views attached to Minutes, however absentee Members may convey views in writing to the MAC or Working Group prior to the meeting.

ATTACHMENT D

TRAVEL ALLOWANCES

Torres Strait Management Advisory Committee Members are provided with travel allowances at meetings of the TSFMAC and other Torres Strait Committees and Working Groups in accordance with AFMA's (as a PZJA Agency) staff travel policy.

The daily travel allowance covers accommodation, meals and incidentals. No allowance is payable if there is not an overnight stay. However, Members may claim reimbursement of any meal expenses incurred by them during the day of a Committee or Working Group meeting not involving an overnight stay. Claims for reimbursement must be accompanied by a valid receipt or tax invoice and approval is at the discretion of PZJA Agency staff.

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

All flights to Committee and Working Group meetings should be booked through AFMA's travel provider. The cost of the flight will be charged directly to AFMA.

Members of the Committees and Working Groups who are employed by a Commonwealth or State organization that has their own discounted travel arrangements, may book flights through their own system. AFMA will reimburse their employer on submission of a valid tax invoice.

The claim form for travel expenses is attached.



**CLAIM FOR EXPENSES AND ALLOWANCES FOR OFFICIAL ATTENDANCE
AT A COMMITTEE OR WORKING GROUP MEETING**

DETAILS OF MEMBER

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

DETAILS OF MEETING

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

(AFMA use only)

DETAILS OF TRAVEL

Start: Place.....Time.....Date.....
 End: Place.....Time.....Date.....
 Was this travel by the most direct route? Yes No
 If no, please provide comments

Method of travel: Plane (go to section A)
 Vehicle (go to section B)

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

Outward: Date.....Depart.....Arrive.....
 Return: Date.....Depart.....Arrive.....
 Are you claiming reimbursement for total cost of the airline ticket?
 Yes No Comments

Section B - DETAILS OF VEHICLE

Distance travelled by direct routekm Engine size.....cc

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

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

SIGNEDINVOICE DATE.....

ATTENDANCE VERIFIED

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

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

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

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
CONSULTATIVE COMMITTEE GUIDELINES Administration of Consultative Structure	Agenda Item No. 9

Purpose

To provide a draft policy paper for administrating the Torres Strait Fisheries Management Advisory Committee and Working Groups, including roles and functions of the MAC and Working Groups and their Members, meeting procedures, communication and financial management for information and comment.

Background

At its last meeting in February 2005, the PZJA **agreed**:

- to improve the current process used to appoint non-Islander members to its advisory groups, based on the AFMA model for appointing industry members;
- to discuss once a year how well the consultative structure is working; and
- that ‘terms of members’ on PZJA consultative bodies in Torres Strait should normally be appointed for a period of three years commencing from the date of appointment by the PZJA.

At the same meeting the PZJA **approved**:

- a policy of replacing members who do not attend two consecutive meetings without consulting the Chair of the relevant committee and that should a member be replaced, the Chair notify the member in writing of their membership status.

As a result of the decisions made at the PZJA meeting in February 2005, AFMA has produced a draft Fisheries Management Paper related to the Torres Strait Management Advisory Committee and Working Groups. This paper is presented to TSFMAC for comment and review. The paper is based on an amended AFMA’s *Fisheries Management Paper No. 1, Management Advisory Committees*, which sets out AFMA’s policy for the operation of management advisory committees.

Recommendations

- i) That the TSFMAC notes the operating guidelines set out in the draft Fisheries Management Paper on the Torres Strait Fisheries Management Advisory Committee and Associated Committees and Working Groups.
- ii) That the TSFMAC provide comments on the Fisheries Management Paper and any specific issues associated with the current working groups to AFMA staff.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Cost Recovery	Agenda Item No. 10

Purpose

To provide the TSFMAC with an update of the PZJA decision to in principle, move to cost recovery in the Tropical Rock Lobster, Finfish and Pearl Shell Fisheries.

Background

The costs for managing Torres Strait fisheries continue to increase as the demand for management of the fisheries resources has risen in line with public expectations for sustainably managed fisheries, and as competition for the resource between sectors has increased. Agencies are not in a position to continue to absorb these costs, and this has contributed to the decision of the PZJA at its 17th meeting to agree in principle, to introduce cost recovery into the Torres Strait Tropical Rock Lobster, Finfish (including reef line and mackerel fisheries), and Pearl Shell Fishery. The Torres Strait fisheries (except prawn which is already cost recovered) are the only Australian Government managed fisheries not cost recovered, which might be seen as being inconsistent with the Government's policy on cost recovery.

The PZJA has requested the development of a policy for consideration at PZJA 18 on the application of cost recovery in the Torres Strait and in particular how it would be applied to indigenous fishers. This policy has been drafted by DAFF and will be presented to the PZJA at its 18th meeting for consideration.

The PZJA also agreed to direct agencies to develop a proposal to put to the next PZJA meeting for agreement, on a mechanism to implement cost recovery in these fisheries. The costs of managing the Torres Prawn fishery are recovered using the same method of calculation as for other Commonwealth managed domestic fisheries. It is proposed that the same method of calculating cost recovery will be applied to the Torres Strait Tropical Rock Lobster, Finfish (including reef line and mackerel fisheries), and Pearl Shell fisheries.

Draft estimates of the costs and cost per licence holder for the provision of services according to the categories of services outlined in the AFMA CRIS for the Torres Strait Tropical Rock Lobster, Finfish (including reef line and mackerel fisheries), and Pearl Shell fisheries were also requested by the PZJA to be presented at its 18th meeting. AFMA and QDPI&F are currently finalising budgets for the 2005/06 financial year, with draft estimates of the costs and cost per licence holder for the three fisheries to be determined following the budget process. However to provide the MAC with some level of understanding of the budget categories a copy of the TS prawn budget is included as Attachment 1.

Recommendations

That the TSFMAC notes:

- i) that a policy on the application of cost recovery to indigenous fishers is currently being drafted for presentation at PZJA 18;

- ii) a proposal will be put to the next PZJA meeting for agreement, on a mechanism to implement cost recovery in these fisheries; and
 - iii) draft estimates of the costs and cost per licence holder for cost recovery for the fisheries will be presented to the next PZJA meeting for their consideration.
-

Attachment 1 – 2003/04 Torres Prawn Budget

	Budgeted Costs 2003/04	Carryforward surplus	Total to be Attributed	Fixed Costs		Variable Costs		Note
				%	\$	%	\$	
Logbook collection	32,241	-7,935	24,306	100	24,306	0	0	
data entry	33,125	-12,375	20,750	0	0	100	20,750	
Surveillance & pager	124,666	-45,969	78,697	50	38,099	50	40,599	
Administration/other & licencing	224,294	8,296	232,590	60	139,554	40	93,036	
TOTAL	414,326	-57,983	356,343		201,958		154,384	

Number of active boats as at 17 October 2003 **xx**

Fixed component/boat (based on xx boats) **\$2,657.35**

Number of nights allocated to these xx active vessels **13,042**

Variable component/night **\$11.84**

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 4 2 – 3 November 2004
Domestic Compliance Report	Agenda Item No. 11.1

NO PAPER HAS BEEN DRAFTED FOR THIS AGENDA ITEM

WILL BE PRESENTED ON THE DAY

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Foreign compliance: <i>Australian Government initiatives</i>	Agenda Item No. 11.2

Purpose

To advise the TSFMAC of changes to AFMA foreign compliance service delivery.

Background

On 31 January 2005 the Minister for Fisheries, Forestry and Conservation, Senator the Hon Ian Macdonald, announced new detention arrangements for suspected illegal fishers apprehended in the AFZ. Pivotal to the new arrangements will be the opening of a land based detention facility in Darwin and a transitory accommodation facility on Horn Island.

AFMA currently engages state agencies to deliver foreign compliance activities. As a result of the Government's decision on detention arrangements, AFMA will adopt a model of direct engagement of fisheries officers to deliver foreign compliance services. AFMA will establish offices in Darwin and Thursday Island dedicated to foreign compliance. The new model will be fully operational in early 2006. AFMA will continue to engage state service providers to conduct domestic compliance activities.

Recommendation

- i) That the TSFMAC note the changes to AFMA's foreign compliance program.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	MEETING No. 5 24 – 25 May 2005
Impact of Foreign Fishing Vessels on PZJA Compliance	Agenda Item No. 11.3

Purpose

To provide the TSFMAC with information on the effectiveness of recent initiatives to minimise the impact of Foreign Fishing Vessels (FFV) on PZJA compliance activity. This information will be provided to the PZJA in July 2005.

Background

Officials were asked at the 17th meeting of the PZJA to consider the separation of FFV and domestic compliance programs and options for achieving improved domestic compliance performance in the Torres Strait.

This followed three successive years where PZJA compliance targets were not met. While there were a number of reasons for this situation, increasing FFV activity and diversion of PZJA resources to counter this problem was considered to be primarily responsible.

A key initiative designed to ensure appropriate PZJA compliance was the provision by the Commonwealth of additional funding to enable Queensland Boating and Fishing Patrol (QBFP) to temporarily employ two additional officers on Thursday Island to deliver FFV compliance services.

These officers have now been engaged but are still in the process of being trained. Therefore they are being utilised on surveillance and response patrols, but still need to be supported by other QBFP staff with appropriate authorities.

To date in 2004/05, PZJA compliance targets are being met or exceeded. On a pro rata basis, at sea surveillance days are running ahead of schedule and visits to outer Islands have also been reactivated.

Therefore the initiatives agreed to better service FFV's appear to be working. It needs to be recognised however that while FFVs continue to be detected in Torres Strait and nearby areas, a change in quarantine procedures has meant that FFVs are either being dealt with by seizing fishing equipment and catch at sea rather than being apprehended and detained at Thursday Island. Therefore the new arrangements in the Torres Strait have not been fully tested in a situation where all clearance duties are performed by Thursday Island staff.

Since the 17th meeting of PJZA, the Commonwealth has decided to deliver FFV compliance services through direct employment of officers rather than funding state/territory staff. Therefore there should be no opportunity in future for PZJA compliance resources to be diverted to FFV work.

Recommendations

That the TSFMAC note:

- i) that recent initiatives have been implemented to minimise 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;
 - ii) that the Commonwealth proposal to directly deliver FFV services should prevent any impacts on the PZJA compliance program in the longer term; and
 - iii) this information will also be provided to the PZJA as directed.
-

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 4 2 – 3 November 2004
Torres Strait Docket Book – <i>Update and Summary of Information</i>	Agenda Item No. 8.1

NO PAPER HAS BEEN DRAFTED FOR THIS AGENDA ITEM

A PowerPoint presentation reporting on the progress of the *Torres Strait Seafood Buyers and Processors Docket Book* (TDB01) will be presented on the day.

Topics to be covered include -

- Basic overview of the *Torres Strait Seafood Buyers and Processors Docket Book* system;
- Distribution and data collected;
- Catch and effort data;
- Completion of docket; and
- Areas of improvement and ways to address these issues.

The *Torres Strait Seafood Buyers and Processors Docket Book* program is still being established, the data presented requires some explanation. A copy of the PowerPoint presentation will be provided to TSFMAC members at the meeting.