

# **TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE**

**MEETING NO. 8    26-27 September 2006**

Torres Strait Regional Authority Boardroom, Thursday Island (Daily start - 8:30am)

## **DRAFT AGENDA**

### **Preliminaries**

OPENING COMMENTS

DECLARATION OF INTERESTS

APOLOGIES

ADOPTION OF AGENDA

### **Agenda items**

- |  |                                       |
|--|---------------------------------------|
| <b>1. Adoption of Minutes from TSFMAC 7<br/>(23-24 March 2006)</b>                                   | FOR DECISION                          |
| <b>2. Business/action arising from TSFMAC 7</b>  | FOR INFORMATION                       |
| <b>3. Outcomes from PZJA 19 and preparation for PZJA 20</b>  | FOR INFORMATION                       |
| <b>4. Outcomes from Minister's visit to Torres Strait</b>  | FOR INFORMATION                       |
| 4.1 Community fisher engagement  |                                       |
| <b>5. Allocation issues</b>  | FOR INFORMATION/<br>DISCUSSION        |
| 5.1 Draft AAP advice for the Finfish Fishery   |                                       |
| 5.2 Draft AAP advice for the TRL Fishery   |                                       |
| 5.3 Data for allocation purposes – calculating sectoral<br>catch ratios in the fisheries             |                                       |
| 5.4 Community fishing sector – options   |                                       |
| <b>6. Update of Project Plan</b>   | FOR INFORMATION                       |
| <b>7. Torres Strait consultative structure</b>   | FOR INFORMATION AND<br>RECOMMENDATION |
| 7.1 Review of FMP No. 1 (Committees & Working Groups)<br>and FAP No. 1 (Fisheries Assessment Groups) |                                       |
| 7.2 Process for bringing matters to the PZJA   |                                       |
| <b>8. Prawn Fishery</b>  | FOR INFORMATION                       |
| 8.1 Outcomes of TSPMAC meeting (13-14 June 2006)   |                                       |
| <b>9. Finfish Fishery</b>  | FOR DECISION                          |
| 9.1 Update on draft management plan and options for<br>2007 management arrangements                  |                                       |

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|---|---------------------------------------|
| <b>10. Tropical Rock Lobster Fishery</b>  | FOR INFORMATION AND<br>RECOMMENDATION |
| 10.1 Update on draft TRL management plan and quota management system                            |                                       |
| 10.2 Outcomes from the TRL RAG meeting (10-11 August 2006)                                      |                                       |
| 10.3 Options for 2007 management arrangements – TRL (effort reduction/interim TAC)              |                                       |
| 10.4 Workplace agreements   |                                       |
| <b>11. Turtle and Dugong Fishery</b>  | FOR INFORMATION/<br>DISCUSSION        |
| 11.1 Outcomes of consultation on Turtle and Dugong Fishery Strategic Assessment Report          |                                       |
| 11.2 Update on NAILSMA process  |                                       |
| <b>12. Torres Strait Fisheries legislative amendments</b>                                       | FOR INFORMATION AND<br>DECISION       |
| <b>13. Research</b>   | FOR INFORMATION/<br>DISCUSSION        |
| 13.1 Outcomes of TSSAC meeting (7-8 August 2006)  |                                       |
| 13.2 Strategic research priorities  |                                       |
| 13.3 Commonwealth Harvest Strategy Policy   |                                       |
| <b>14. Aquaculture</b>  | FOR INFORMATION                       |
| 14.1 Strategic approach to aquaculture in the Torres Strait                                     |                                       |
| <b>15. Compliance report/update</b>   | FOR INFORMATION                       |
| 15.1 Licence stickers   |                                       |
| 15.2 Domestic Compliance Update   |                                       |
| 15.3 Foreign Compliance Update  |                                       |
| <b>16. Outcomes of bilateral fisheries talks between Australia and PNG on 23-24 August 2006</b> | FOR INFORMATION                       |
| <b>17. Other business</b>   |                                       |
| 17.1 Dates for future TSFMAC Meetings   |                                       |

NEXT MEETING

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**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7  
23 – 24 March 2006  
TSRA BOARD ROOM, THURSDAY ISLAND**

**RECOMMENDATIONS FROM THE TSFMAC**

**1 Adoption of Minutes from TSFMAC No.6**

The TSFMAC **ADOPTED** the minutes of TSFMAC No.6 as a fair and accurate record.

**2 Business/ action arising from TSFMAC No.6**

The TSFMAC **AGREED** that the PZJA 18 decisions have superseded the actions arising from TSFMAC No.6 and that no further action was required in respect of those matters

**3 Outcomes from the out-of-session meeting of the PZJA**

The TSFMAC **NOTED** the outcomes from the out-of-session deliberations of the PZJA

**4 Allocation Advisory Panel (AAP)**

*4.1 PZJA Allocation Advisory Panel Policy*

The TSFMAC **NOTED** the PZJA will consider draft Fisheries Management Paper outlining proposed PZJA policy and guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in PZJA fisheries when fisheries management arrangements change.

*4.2 Creation of two Allocation Advisory Panels*

The TSFMAC **NOTED:**

- i. The proposed formation of two Allocation Advisory Panels by the PZJA; and
- ii. The draft terms of reference for panel 1; and
- iii. The draft terms of reference for panel 2.

The TSFMAC **RECOMMENDED** the Allocation Advisory Panels consider the needs of stakeholders for information to be received in a timely manner when considering consultation timetables including, the remote locations of its members (particularly traditional inhabitants) and the possibility of commercial fishers being at sea for extended periods during consultation periods

#### 4.3 Allocation – Community Fishing Sector

The TSFMAC **RECOMMENDED** that the PZJA NOTES:

- i. the TSRA is liaising with community fishers to ensure traditional inhabitant views are taken into consideration when developing the mechanisms for distribution and utilisation of resources made available in PZJA 18 resource allocation decisions;
- ii. there are a number of issues to be resolved for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector including:
  - A. the eligibility criteria to receive an allocation in light of previous PZJA decisions in 1989 and 1999 to permit Papua New Guineans who took on Australian citizenship in the 1978/79 amnesty and their offspring and Aboriginal persons from Cape York to hold community commercial fishing concessions;
  - B. the Department of Foreign Affairs and Trade Treaty Liaison Officer consulting [*with stakeholders/ Papua New Guinea*] in relation to the treatment of Papua New Guineans who have taken Australian citizenship after the 1978/79 amnesty;
  - C. the allocation policy of community commercial fishing to having regard to the options of a single entity community or collective allocation or individual allocation;
  - D. a process for ensuring that eligibility criteria are appropriately enforced by the PZJA licensing authorities in the future.
- iii. That the Community Fishers Group:
  - A. believes the implications of the full range of persons currently eligible to hold a Traditional Boat Inhabitant licence had not been fully considered in developing the PZJA 18 new resource allocation decision but they accept their inclusion within the islander allocation.
  - B. recommends that PZJA should be provided with an opportunity to consider the longer term social issues of including former Papua New Guinea nationals and Aboriginal people from Cape York the eligibility criteria for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector, including the potential impacts on the health and employment opportunities of Torres Strait Islander communities.

The TSFMAC **RECOMMENDED** that the PZJA AGREES:

- i. that the PZJA reaffirm previous decisions that the persons considered eligible under community fishers under PZJA policy decisions are eligible to hold community fishing licences and that such persons are to be included in the allocation to the islander sector when reallocating resources in the Tropical Rock Lobster and Finfish fisheries;

- ii. PZJA Agencies will give advice and assistance to the TSRA to prepare background material, including on social implications, and to develop a consultative process on administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to community commercial fishers, including:
  - A. an audit to identify who is currently eligible to hold a Traditional Inhabitant Boat licence, who is currently holding a licence, who should be currently holding a licence, who has fished where, the different levels of participation (full-time and part-time) and the potential impact of inclusion of Papua New Guineans who have obtained Australian citizenship after the 1978/79 amnesty;
  - B. a revised process for assessing and ensuring that Traditional Inhabitant Boat licences are valid; and
  - C. the Community Fisher Group through TSRA will provide advice to the PZJA in October 2006 (PZJA 20) on whether or not a separate Allocation Advisory Panel should be established to advise the PZJA on the allocation of fishing concessions in the community commercial fishing sector, noting their current preference that concessions be utilised on a competitive basis for two years before formal allocation.

## **5. Torres Strait Consultative Structure**

### *5.1 New Policy Guidelines: TSFMAC, Associated Committees and Working Groups*

The TSFMAC **NOTED** its roles and responsibilities as set out in PZJA Fisheries Management Paper No. 1.

### *5.2 Formal Nominations for PZJA Appointment: TSFMAC, Associated Committees and Working Group*

The TSFMAC **AGREED** that Mr Jim Prescott should amend the list of nominees for the TSFMAC and Working Groups in light of the discussions.

## **6. Area Closures**

The TSFMAC **NOTED** the following comments by members in relation to area closures:

- i. the Community Fisher Group confirmed its commitment to the pursuit of the PZJA 18 new resource allocation for the benefit of all Torres Strait Communities and it would defer its suggestion for further area closures until the new resource allocation has been fully implemented; and
- ii. the PZJA Agencies thanked the Community Fisher Group for their support of the PZJA process, acknowledged how difficult this decision was for them and offered any support requested to communicate this outcome to the communities.

The TSFMAC **NOTED** recommendations that the PZJA NOTES that:

- i. the PZJA 18 decision on the 10nm zones applies only to the finfish fishery;
- ii. the PZJA 18 decision on the 10 nm zones for the finfish fishery have not been implemented in law;
- iii. the PZJA 18 decision on the 10nm zones in the finfish fishery, and the notice when made, will provide no legal support for the native title claim and nor will it assist the claim to be made out over a larger area or in more extensive terms, than would otherwise be the case;
- iv. specific decisions were made in relation to a new resource allocation for the Tropical Rock Lobster and Prawn fisheries which do not include similar area closures to non-islander commercial fishers; and
- v. within the scope of the PZJA 18 resource allocation decisions the PZJA agreed that any further increases in the community fishing sector share of the Tropical Rock Lobster and Finfish fisheries must be through an open market and self funded process.

#### **7. Prawn Fishery Establishment of a Torres Strait PrawnMAC**

The TSFMAC **RECOMMENDS** that the PZJA AGREES, subject to the agreement of the industry representatives on the Prawn Working Group:

- i. to elevate the existing Prawn Working Group to a Torres Strait Prawn Management Advisory Committee (TSPMAC);
- ii. that the membership of a TSPMAC comprising four industry representatives, three TIB representatives, the TSRA Fisheries Coordinator, one AFMA member, one QDPI&F member, one DEH observer, one PNG observer and observer status for the DFAT Treaty Liaison Officer; and
- iii. the Chair will be determined from time to time by the PZJA and will report on the TSPMAC meetings to the PZJA and maintain an interface with the TSFMAC.

#### **8. Finfish Fishery - Recommendations from the Finfish Working Group meeting (15 – 17 February 2006)**

TSFMAC **NOTED** that the industry representatives for the finfish fishery were not available to provide their perspective on the following recommendations:

##### *Foreign Fishing Vessels in the Torres Strait Protected Zone*

The TSFMAC **RECOMMENDED** that TSRA and the DFAT Treaty Liaison Officer work together to approach Customs and Coastwatch to discuss protocols and mechanisms for ensuring disposal of Foreign Fishing Vessels in the Protected Zone occurred in a manner consistent with Article's 13 and 14 of the Torres Strait Treaty.

The TSFMAC **RECOMMENDED** that the PZJA NOTES its concerns about the increasing numbers of Foreign Fishing Vessel sightings in the Torres Strait and the increasing and ongoing practice of burning seized vessels at sea.

*Development of a Management System*

The TSFMAC **RECOMMENDED** the PZJA AGREES to the inclusion of the following principles in a Finfish management plan:

- i. the same management system should apply to both the reefline and the Spanish mackerel fisheries;
- iv. subject to further consultation, that an overall Total Allowable Commercial Catch (TACC) be identified for the reefline and the Spanish mackerel fisheries under which:
  - A. the community fishing sector (currently TIB licences) would be managed through a competitive TACC (non-species specific) with appropriate performance indicators and decision rules, including reference and trigger points to ensure the sector is kept within its TACC;
  - B. the commercial fishing sector (currently TVH licences) would convert their TACC into individual tradeable effort (ITE) units, the units being based on days, with appropriate monitoring of the relationship between effort and catch under performance indicators and decision rules including reference and trigger points to ensure the sector is kept within its TACC;
  - C. an appropriate allowance and priority had been made for Traditional Fishing in accordance with the Treaty and the Torres Strait Fisheries Act 1984;
- v. a Resource Assessment Group (RAG) be established to recommend a TACC to the PZJA and in the absence of a stock assessment, that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the TACC;
- vi. the Terms of Reference for the RAG should include:
  - A. the establishment of the relationship between the TACC and effort (for the purposes of allocating effort units, monitoring the use of units and the transfer between sectors);
  - B. consideration of the need for non-fishing days to be included in the calculation of the allocation of days;
- vii. the monitoring of effort units for the commercial fishing sector be by Vessel Monitoring System (VMS) and be based on a binary decision rule of the vessel being either in or out of the area of the fishery. Included in this system would be the identification of safe havens (Yorke, Aureed, Dugong) where anchorage and unloading could occur without deduction of effort units.

The TSFMAC **RECOMMENDED** that the PZJA REQUESTS that priority consideration be given to:

- i. the development of fishery objectives;
- ii. clarification of specific aspects of the catch/effort management system (including how to monitor the deduction of effort units for concession holders with endorsement to fish both reefline and Spanish mackerel); and
- iii. trading arrangements within and between sectors (including temporary trading and/or leasing).

## **9. Tropical Rock Lobster Fishery**

### *9.1 Recommendations from the TRL Working Group meeting (28 February – 2 March 2006)*

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the rapid implementation of work to improve the current fisheries data collection system in the TSTRL fishery, in light of the introduction of a quota management system (QMS) 2007.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that in addition to existing 2006 arrangements that apply during spring-tide closures, a new licence condition be adopted to ensure that hookah hoses are removed from boats during these periods.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that the Chairperson for the TRL Working Group continue under the current arrangements

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the inclusion of the following principles in a Tropical Rock Lobster management plan:

- i. The fishery management objectives should be:
  - To maintain the fishing mortality below the point where Maximum Sustainable Yield (MSY) is achieved (accounting for all sources of fishing mortality);
  - In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
  - To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea;
  - To monitor interactions between the prawn and lobster fisheries;
  - To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
  - To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. To ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community;



- Optimise the value of the fishery;
- ii. That the quota management system should include:
- a prior catch reporting system be for all vessels currently designated TVH and other boats over 7m in length;
  - a paper based monitoring system using a modified docket book system be implemented to capture catch landings information;
  - sales and transfer documentation be introduced to capture the movement of product after its initial sale and for fishers transshipping product out of the Torres Strait before it is sold;
  - a monitoring program be established to capture information from PNG cross-endorsed vessels, probably under conditions of endorsed licences;
  - product be landed only to defined landing points; and
  - a register be kept of live holding enclosure that is consistent with TIB dinghy symbols.
- iii. That administrative penalties, including infringement notices, be a preferred form of enforcement of the management plan.

The TSFMAC **AGREED** that the issue of tail clipping on traditional catch be referred to the Community Fishers Group for further consideration with a view to developing a system for traditional catch which complements the Tropical Rock Lobster quota management system.

The TSFMAC **NOTED** recommendations that the PZJA NOTES:

- i. the concerns raised by the TVH sector in regards to the constraints imposed on their full utilisation of their entitlements under the current PZJA policy to restrict the allocation of Master Fisherman's licences to traditional inhabitants;
- ii. that the Queensland Rock Lobster Association has undertaken to establish a register with a local job network provider of suitably qualified and interested people with Master Fisherman's licences;
- iii. the view of management and the TVH sector that the current PZJA policy is one way to implement the Treaty requirement to have regard to the economic development in the Torres Strait area and employment opportunities for the traditional inhabitants and that this could be reviewed in light of the PZJA 18 new resource allocation which is an alternative mechanism of giving effect to this Treaty requirement;
- iv. the view of the Community Fishing Group that to remove the current PZJA policy would further erode their allocation under the PZJA 18 new resource allocation; and
- v. the view of the TVH sector that under the PZJA 18 new resource allocation they will accommodate traditional inhabitants fishing under their entitlements and this could amount to [30%] of their sector.

## 9.2 RAG Membership

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the following membership of the Tropical Rock Lobster Resource Assessment Group:

- Dr Yimin Ye – Research Scientist;
- Dr Nokome Bentley – Independent Scientist;
- Mr Jim Fogarty – Queensland Industry;
- Mr Clive Turnbull – Queensland Scientist;
- Mr Wez Norris – Queensland Management;
- Mr Meremi Maina – Papua New Guinea Industry;
- Mr Phillip Polon – Papua New Guinea National Fisheries Authority;
- Mr Jim Prescott – AFMA Management;
- Dr Ray Moore – Tropical Rock Lobster Working Group;

Mr Toshi Nakata – Tropical Rock Lobster Working Group.

## 10. Bêche-de-mer (sea cucumber) Fishery

### 10.1 CSIRO East Torres Strait Survey: Preliminary Results

The TSFMAC **NOTED** the preliminary CSIRO Beche-de-mer stock survey conducted in east Torres Strait waters.

### 10.2 DEH Fishery Recommendation: Precautionary Species-based TACs for White teatfish and Prickly redfish

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the establishment of a precautionary species based Total Allowable Catch (TAC) for the white teatfish and the prickly redfish to 15 and 20 tonnes respectively (a reduction from 260 tonnes for each species under current arrangements).

## 11. Turtle and Dugong Fishery

### 11.1 Turtle and Dugong Fishery Strategic Assessment Report: Public Comment

The TSFMAC **NOTED** the summary provided by Mr Jim Prescott of the Turtle and Dugong Fisheries Strategic Assessment Report.

- i. The TSFMAC **RECOMMENDED** AFMA note the following considerations be taken in finalising the report:
- ii. There are differences in turtle and dugong management issues and that there may be some confusion in discussing the two species as one.
- iii. Guideline 1.1.1 – the report should note that, while there is room for improvement in both assessing the status of the fishery and managing the catch, Torres Strait Fisheries stakeholders are working closely on a number of positive initiatives to address the situation.
- iv. Guideline 1.1.2 – TSFMAC supports, in principle, the proposed Experts Group and consideration should be given to islander involvement with the group.
- v. Guideline 1.1.3 – An assessment system for the dugong population exists in its habitat but one doesn't exist for turtle (other than at breeding grounds).
- vi. Guideline 1.1.7 – Reference should be included to the Torres Strait Regional Activity Plan

- vii. Guideline 1.2.2 – The report should reflect that any strategy to limit harvesting of turtle and dugong should recognise:
- a. The Turtle and Dugong fishery is not a commercial fishery. Many of the categories of this assessment (TAC and trigger points) are difficult to report against as harvesting only occurs in the traditional context;
  - b. There are traditional controls in place which have maintained the area as a dugong sanctuary whilst other areas in Australia no longer have dugong;
  - c. The Environment Protection Biodiversity Conservation Act 1999 should be interpreted in light of the Australian obligations under the Torres Strait Treaty, including Article 14(4) which requires that Australia use its best endeavours minimise any restrictive effects of measures to protect flora and fauna on the traditional activities of traditional inhabitants;
  - d. There is inherent social and cultural importance associated with the traditional fishing of turtle and dugong in the Torres Strait. Some island communities rely on turtle and dugong as a source of protein. Considerable stakeholder support will be required to implement turtle and dugong catch management (or catch limitation) systems. If islanders do not support limits or a closure, the closure would be difficult to enforce and unlikely to succeed.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that key aspects of the above recommendations be included in the final report.

#### *11.2 Update on the NAILSMA Dugong and Turtle Management Project*

The TSFMAC **RECOMMENDED** that the PZJA NOTES the exploration of community based management responses to turtle and dugong and the positive steps taken with the inner islands project and are awaiting the results of this project to be made available and utilised more widely.

## **12. Torres Strait fisheries Act 1984 – Legislative amendments**

The TSFMAC **NOTED** progress in the development of drafting instructions for a Torres Strait Fisheries (Amendment) Bill.

### 13. Research

#### 13.1 TSSAC: Discussion on Future Role

#### 13.2 CRC Torres Strait to the new Marine and Tropical Sciences Research Facility - MTSRF (June 2006): An Overview

#### 13.3 Torres Strait Strategic Research Plan 2005 – 2010

TSFMAC **NOTED** the role of Torres Strait Scientific Advisory Committee of advising the CRC Board is coming to an end due to the completion of the Torres Strait CRC in June 2006.

### 14. Compliance Report/ Update

The TSFMAC **NOTED** the recommendation that the PZJA NOTES the Compliance Report 2006 presented to the meeting.

### 15. Other Business - Dates for Future TSFMAC Meetings

The TSFMAC **NOTED** the proposed next meeting date for the TSFMAC meeting would be 6 and 7 September 2006, subject to further consultation.

## ACTION ITEMS

Number	Action Item	Action Agency
1	<b><i>AFMA Torres Strait Manager to write to the Prawn Industry Association to seek their formal agreement to this [PrawnMAC] proposal.</i></b>	AFMA
2	<b><i>TSFMAC to discuss the Beche de Mer CSIRO report at the next MAC meeting.</i></b>	AFMA
3	<b><i>TSFMAC requested that Mr Jim Prescott raise the issues of the SAC's terms of reference, membership and agenda with TSSAC at its next meeting by August.</i></b>	AFMA

**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7**

**23 – 24 March 2006**

**TSRA BOARD ROOM, THURSDAY ISLAND**

**AGENDA**

**Preliminaries**

OPENING COMMENTS

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APOLOGIES

ADOPTION OF AGENDA

DRAFT

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**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7**

**23 – 24 March 2006**

**TSRA BOARD ROOM, THURSDAY ISLAND**

**DRAFT RECORD OF MEETING**

THESE ARE **DRAFT** MINUTES WHICH HAVE BEEN DISTRIBUTED TO MEMBERS OF THE TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE (TSFMAC) AND WILL BE RATIFIED AT THE NEXT MEETING. IF **NO** COMMENTS ARE RECEIVED BY **FRIDAY 02 JUNE 2006**, THIS WILL REMAIN A TRUE COPY OF MINUTES TAKEN AT THIS MEETING.

**Day 1 Attendance**

Russell Reichelt  
Jim Prescott  
Dorothea Huber  
Jim Gillespie  
Wez Norris  
Don Mosby  
Toshi Nakata  
Ken Bedford  
Charles David  
Jerry Babia  
Dimis Toby  
Harold Townson  
Terrence Whap  
Kila Odo  
John Wigness  
Samuel Tamu  
Lota Warri  
Yen Loban  
Willie Wigness  
William Bowie  
Ray Moore

Chair  
AFMA Manager Torres Strait Fisheries  
AFMA Senior Manager Northern Fisheries  
QDPI&F A/g Deputy Director General, Fisheries  
QDPI&F Senior Fisheries Management Officer  
TSRA Torres Strait Fisheries Portfolio  
TSRA Torres Strait Fisheries Co-ordinator  
CFG – Darnley Representative  
CFG – Yam Representative  
CFG – Saibai Representative  
CFG – Boigu Representative  
CFG – Seisia Representative  
CFG – Mabuiag Representative  
CFG – Mer Representative  
CFG –  
CFG – Warraber Representative  
CFG – Masig Representative  
CFG – Murulang Representative  
CFG – Kaurareg Representative  
CFG – Badu (*proxy*)  
TRL Industry Representative

**Observers**

Lyndon Pedell  
John Marrington  
Sascha Taylor  
Britt Maxwell  
Stephen Colquitt  
Stuart Stark  
Suzy Wilson  
Frank Loban  
Lachlan Sutherland  
Brett Arlidge  
Thomas Fuji

QB&FP  
AFMA  
AFMA (Day 2 only)  
DAFF  
DAFF  
DAFF  
DFAT Treaty Liaison Officer  
JCU Postgraduate student  
TSRA  
TRL Industry  
TRL Industry

## *Apologies*

Augustine Mobiha  
Mark Millward  
Rob Ferguson

PNG National Fisheries Authority  
TSPEHA  
Department of the Environment and Heritage

## **DAY 2**

### **Attendance**

*Same as Previous*

### **Observers**

*Same as Previous*

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## **DAY 1 –**

### **Preliminaries**

#### **OPENING COMMENTS**

The meeting opened at 9.05am with prayer and introduction around the forum.

Mr Charles David requested that the Minutes note a formal apology to the members of the Tropical Rock Lobster Working Group present at the TSFMAC for comments made at the last meeting of the working group which had resulted in considerable tension amongst working group members.

The TSFMAC noted that its independent Chair, Mr Russell Reichelt, would be arriving at around 11am. Mr Jim Gillespie chaired in his absence.

#### **DECLARATION OF INTERESTS**

## ADOPTION OF AGENDA

**1. Adoption of Minutes from TSFMAC  
No.6  
(4 July 2005)**

FOR DECISION

**2. Business/ action arising from  
TSFMAC No.6**

FOR INFORMATION

**3. Outcomes from the out-of-session  
meeting of the PZJA**

FOR INFORMATION

**4. Allocation Advisory Panel (AAP)**

FOR INFORMATION

4.1 PZJA Allocation Advisory Panel Policy

4.2 Creation of two Allocation Advisory  
Panels

4.3 Allocation – Community Fishing Sector

**5. Torres Strait Consultative Structure**

FOR INFORMATION AND  
RECOMMENDATION

5.1 New Policy Guidelines: *TSFMAC,  
Associated Committees and Working  
Groups*

5.2 Formal Nominations for PZJA  
Appointment: *TSFMAC, Associated  
Committees and Working Groups*

**6. Area Closures**

FOR DISCUSSION

**7. Prawn Fishery**

FOR DISCUSSION

7.1 Establishment of a Torres Strait  
PrawnMAC

**8. Finfish Fishery**

FOR RECOMMENDATION

8.1 Recommendations from the Finfish  
Working Group meeting (15 – 17 February  
2006)

**9. Tropical Rock Lobster Fishery**

FOR INFORMATION AND  
RECOMMENDATION

9.1 Recommendations from the TRL  
Working Group meeting (28 February – 2  
March 2006)

9.2 RAG Membership



**10. Bêche-de-mer (sea cucumber)  
Fishery**

FOR INFORMATION AND  
RECOMMENDATION

10.1 CSIRO East Torres Strait Survey:  
Preliminary Results

10.2 DEH Fishery Recommendation:  
Precautionary Species-based TACs for  
White teatfish and Prickly redfish.

**11. Turtle and Dugong Fishery**

FOR INFORMATION/ DISCUSSION

11.1 Turtle and Dugong Fishery  
Strategic Assessment Report: Public  
Comment

11.2 Update on the NAILSMA Dugong  
and Turtle Management Project

**12. Torres Strait fisheries Act 1984 –  
Legislative amendments**

FOR INFORMATION/ DISCUSSION

**13. Research**

FOR INFORMATION

31.1 TSSAC: Discussion on Future Role

13.2 CRC Torres Strait to the new  
Marine and Tropical Sciences Research  
Facility - MTSRF (June 2006): An  
Overview

13.3 Torres Strait Strategic Research  
Plan 2005 – 2010

**14. Compliance Report/ Update**

FOR INFORMATION

**15. Other Business**

15.1 Dates for Future TSFMAC Meetings

The A/g Chair asked if there was any additional business. No additional business was proposed.

In light of the late arrival of the Chair, the meeting agreed to amend the order of the agenda and discuss Items 1 – 3, then Item 5, and discuss Item 4 with the Chair in attendance.

#### **Agenda Item 1: ADOPTION OF MINUTES FROM TSFMAC 6**

##### **Recommendations:**

The TSFMAC **ADOPTED** the minutes of TSFMAC No.6 as a fair and accurate record.

#### **Agenda Item 2: BUSINESS / ACTION ARISING FROM TSFMAC 6**

Mr Jim Prescott noted that subsequent decisions of the PZJA had superseded the Business Arising from TSFAMAC 6.

##### **Recommendations:**

The TSFMAC **AGREED** that the PZJA 18 decisions have superseded the actions arising from TSFMAC No.6 and that no further action was required in respect of those matters.

#### **Agenda Item 3: OUTCOMES FROM OOS MEETING OF THE PZJA**

##### **Recommendations:**

The TSFMAC **NOTED** the outcomes from the out-of-session deliberations of the PZJA.

#### **Additional Agenda Item 4: RESOURCE ALLOCATION PRESENTATION**

Mr Wez Norris (QDPI&F) provided a presentation (Attachment A) on the process required to implement the resource allocation decisions made by the PZJA in July 2005. The presentation was a first step towards increasing stakeholder understanding of the implications of the decisions and how they will be achieved.

#### **Agenda Item 4: ALLOCATION ADVISORY PANEL**

##### *4.1 Allocation – PZJA Allocation Advisory Panel*

Mr Stephen Colquitt (DAFF) informed MAC of the proposal to establish Independent Allocation Advisory Panel (AAPs) who would provide advice to the PZJA on the catch ratio between sectors. There would be two AAPs, one which would determine arrangements and catch ratio for the community sector and one would establish a catch sharing ratio for the non-community commercial sector.

Membership from the AAPs will be from one to three members on a case-by-case basis and that considerations of the AAP would form part of the public record.

##### **Recommendations:**

The TSFMAC **NOTED** the PZJA will consider draft Fisheries Management Paper outlining proposed PZJA policy and guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in PZJA fisheries when fisheries management arrangements change.

#### *4.2 Allocation - Draft Terms of Reference PZJA Allocation Advisory Panel formed to advise on current catch sharing ration between commercial fishing sectors*

Mr Colquitt informed TSFMAC of the proposed Terms of Reference, the proposed AAP process and that PZJA agencies would be required to provide factual briefs to the AAP. Membership would be determined by nominees sought from qualified persons from PZJA agencies. The PZJA would consider nominations and appoint an.

The issue of a Torres Strait Islander member on this panel was raised and MAC was informed that it had been proposed that an Islander representative be party to AAP considerations as an Observer. This representative may then have a role in participating in AAP considerations of community fishing catch sharing ratios.

There was some discussion about the capacity of all Torres Strait stakeholders to respond within certain (say 30 day) timeframes. It was likely that the AAP would undertake Port visits to both Cairns and the Torres Strait.

#### **Recommendations:**

The TSFMAC **NOTED:**

- viii. The proposed formation of two Allocation Advisory Panels by the PZJA; and
- ix. The draft terms of reference for panel 1; and
- x. The draft terms of reference for panel 2.

The TSFMAC **RECOMMENDED** the Allocation Advisory Panels consider the needs of stakeholders for information to be received in a timely manner when considering consultation timetables including, the remote locations of its members (particularly traditional inhabitants) and the possibility of commercial fishers being at sea for extended periods during consultation periods.

#### *4.3 Allocation – Community Fishing Sector*

Ms Britt Maxwell (DAFF) presented a paper setting out a collection of issues which had been identified by PZJA agencies as requiring some resolution prior to the allocation of the community fishing sector catch share ratio. These include: who is eligible to receive a community fishing concession; who should the concessions be allocated to; and what process for verifying eligibility to receive a community fishing concession.

CFG representatives of the TSFMAC expressed a view that while considering 50:50 catch sharing arrangements between TIB and TVH fishers, the status of former PNG nationals and their children and Torres Strait Islanders and Aboriginal people in the Outside but Near area was not considered. The meeting was informed that, should former PNG Nationals and their children and Aboriginal people in the Outside but near area remain eligible, contingency for their catch should either be taken from the TVH sector or from a resource allocation shift from 50:50 to 60:40 and that the 10nm area closures apply to all native title islands.

Mr Wez Norris (Qld) commented that the PZJA had considered former PNG Nationals and their children and Aboriginal People in the Outside but near area in making its decision to fund the process that will lead to new arrangements. This was on the basis that the decisions were focused at the whole TIB sector, which has included those individuals for some time. Mr Norris stated that when the Queensland Minister sought funding to achieve the resource allocation, it was on the basis that all current community fishers would receive the benefit.

Ms Maxwell and Ms Suzy Wilson (DFAT) informed TSFMAC that any consideration of former PNG nationals and Aboriginal people would have to take into account the Torres Strait Treaty, the Torres Strait Fisheries Act 1984 and the subsequent decisions of the PZJA.

CFG representatives considered the matter out of session and reported back to the TSFMAC that the CFG would support the implementation of resource allocation decisions of PZJA 18, but sought that the minutes reflect the CFG's concerns about eligibility for TIB community fishing licences.

The TSFMAC acknowledged that a commitment to implement the PZJA decisions was in the best interests for all Torres Strait Fisheries stakeholders and thanked the CFG for its consideration of the matter. Recommendations "i" through "iii" also reflect this CFG request.

<b>Recommendations:</b>
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The TSFMAC **RECOMMENDED** that the PZJA NOTES:

- iv. the TSRA is liaising with community fishers to ensure traditional inhabitant views are taken into consideration when developing the mechanisms for distribution and utilisation of resources made available in PZJA 18 resource allocation decisions;
- v. there are a number of issues to be resolved for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector including:
  - A. the eligibility criteria to receive an allocation in light of previous PZJA decisions in 1989 and 1999 to permit Papua New Guineans who took on Australian citizenship in the 1978/79 amnesty and their offspring and Aboriginal persons from Cape York to hold community commercial fishing concessions;
  - B. the Department of Foreign Affairs and Trade Treaty Liaison Officer consulting [*with stakeholders/ Papua New Guinea*] in relation to the treatment of Papua New Guineans who have taken Australian citizenship after the 1978/79 amnesty;
  - C. the allocation policy of community commercial fishing to having regard to the options of a single entity community or collective allocation or individual allocation;
  - D. a process for ensuring that eligibility criteria are appropriately enforced by the PZJA licensing authorities in the future.
- vi. That the Community Fishers Group:
  - C. believes the implications of the full range of persons currently eligible to hold a Traditional Boat Inhabitant licence had not been fully considered in developing the PZJA 18 new resource allocation decision but they accept their inclusion within the islander allocation.
  - D. recommends that PZJA should be provided with an opportunity to consider the longer term social issues of including former Papua New Guinea nationals and Aboriginal people from Cape York the eligibility criteria for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector, including the potential impacts on the health and employment opportunities of Torres Strait Islander communities.

The TSFMAC **RECOMMENDED** that the PZJA AGREES:

- iii. that the PZJA reaffirm previous decisions that the persons considered eligible under community fishers under PZJA policy decisions are eligible to hold community fishing licences and that such persons are to be included in the allocation to the islander sector when reallocating resources in the Tropical Rock Lobster and Finfish fisheries;
- iv. PZJA Agencies will give advice and assistance to the TSRA to prepare background material, including on social implications, and to develop a consultative process on administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to community commercial fishers, including:
  - A. an audit to identify who is currently eligible to hold a Traditional Inhabitant Boat licence, who is currently holding a licence, who should be currently holding a licence, who has fished where, the different levels of participation (full-time and part-time) and the potential impact of inclusion of Papua New Guineans who have obtained Australian citizenship after the 1978/79 amnesty;
  - B. a revised process for assessing and ensuring that Traditional Inhabitant Boat licences are valid; and
- v. the Community Fisher Group through TSRA will provide advice to the PZJA in October 2006 (PZJA 20) on whether or not a separate Allocation Advisory Panel should be established to advise the PZJA on the allocation of fishing concessions in the community commercial fishing sector, noting their current preference that concessions be utilised on a competitive basis for two years before formal allocation.

## Agenda Item 5: CONSULTATIVE STRUCTURE

### *5.1 – New Policy Guidelines : TSFMAC Associated Committees and Working Groups*

Mr Prescott introduced the new policy guidelines as outlined in the PZJA Fisheries Management Paper No 1.

### Recommendations:

The TSFMAC **NOTED** its roles and responsibilities as set out in PZJA Fisheries Management Paper No. 1.

### *5.2 – TSFMAC Associated Committees and Working Groups*

Mr Prescott discussed the proposed Consultative Structure membership which was amended as outlined in Tables 1, 2 and 3.

### Recommendations:

The TSFMAC **AGREED** that Mr Jim Prescott should amend the list of nominees for the TSFMAC and Working Groups in light of the discussion. Amendments proposed at the TSFMAC are outlined in the Tables 1, 2 and 3.

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**Table 1.** Torres Strait Fisheries Management Advisory Committee (TSFMAC)

REPRESENTATION	MEMBER
<b><i>Torres Strait Fisheries Management Advisory Committee</i></b>	
TSRA – Yam Island	Mr Charles David
TSRA – Badu Island	Mr Richard Bowie
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warria
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
TSRA – Murray Island	Mr Kila Odo
TSRA – Coconut Island	Mr Jack Billy
TSRA – Darnley Island	Mr Kenny Bedford
TSRA – Boigu Island	Mr Dimis Toby
TSRA – Dauan Island	Mr Phillip Biggie
TSRA – Kubin	Mr Richard Newie
TSRA – Saibai Island	Mr Jerry Babia
TSRA – Seisia	Mr Harold Townson
TSRA – St Pauls	Mr John Wigness
TSRA – TRAWQ	Mr Railey Gibia
TSRA – Hammond Island	Mr Seriako Dorante
TSRA - Stephens Island	Mr Bert Matysek
TSRA – Bamaga	Mr Hodrick Mudu
TSRA – Umagico	Mr Connie Young
TSRA – Horn	Mr Willy Wigness
TSRA – Injinoo	Mr Mac Blarry
TSRA – New Mapoon	Mr Trevor Lifu
TSRA Fisheries Co-ordinator - supporting	TSRA Fisheries Co-ordinator
Prawn Fishery – non-traditional inhabitant	Mr Mark Millward
Tropical Rock Lobster -	Dr Ray Moore
Finfish (Reef Line) - non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) - non-traditional inhabitant	Mr Shaun Hansen
Non-traditional inhabitant	<i>Vacant</i>
QDPI&F	General Manager - Fisheries Resource Management (QDPI&F)
QDPI&F	QDPI&F Senior Policy Officer (Torres Strait)
AFMA	Manager - Torres Strait Fisheries
AFMA	Senior Manager – Northern Fisheries
Research Member (TSSAC Chair)	<i>Vacant</i>
Chair	Professor Russell Reichelt
DEH **	DEH Sustainable Fisheries
TSRA**	Fisheries Portfolio Board Member
Executive Officers	AFMA/ QDPI&F
<b>** Denotes Permanent Observer Status</b>	

**Table 2.** Torres Strait Fisheries Specific Working Groups

REPRESENTATION	MEMBER
<b><i>Tropical Rock Lobster Working Group</i></b>	
Chair	Chair – AFMA Senior Management Officer
TSRA – Badu Island	Mr Richard Bowie
TSRA – Yam Island	Mr Charles David
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warri
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
Tropical Rock Lobster - non-traditional inhabitant	Dr Ray Moore
Tropical Rock Lobster - non-traditional inhabitant	<i>Vacant</i>
Tropical Rock Lobster - non-traditional inhabitant	<i>Vacant</i>
QDPI&F	Senior Policy Officer (Torres Strait)
AFMA	Manager - Torres Strait Fisheries (AFMA)
TSRA	TSRA Fisheries Co-ordinator
Research Member	Dr Yimin Ye (CSIRO)
Compliance Member	District Officer - QB&FP Thursday Island
Executive Officer	AFMA
REPRESENTATION	MEMBER
<b><i>Finfish Working Group (including Spanish mackerel and reef-line)</i></b>	
Chair – AFMA	Manager - Torres Strait Fisheries
TSRA –Murray Island	Mr Kila Odo
TSRA – Yorke Island	Mr Lota Warri
TSRA – Warraber Island	Mr Samuel Tamu
TSRA – Darnley Island	Mr Ken Bedford
TSRA – Coconut Island	Mr Jack Billy
TSRA – Stephens Island	Mr Bert Matysek
Finfish (Reef Line) - non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) - non-traditional inhabitant	Mr Shaun Hansen
Finfish non-traditional inhabitant	<i>Vacant</i>
QDPI&F	Senior Policy Officer (Torres Strait)
AFMA	Senior Management Officer
TSRA	Fisheries Co-ordinator
Research Member	<i>Vacant</i>
Compliance Member	District Officer - QB&FP Thursday Island
Executive Officer	QDPI&F



## Agenda Item 6: AREA CLOSURES

Ms Maxwell informed the TSFMAC that there were a range of area closures in effect in Australian fisheries. PZJA 18 had agreed to 10 nautical mile area closures being imposed in the finfish fishery around four islands in the Torres Strait.

In order to make this PZJA decision a law, it was currently proposed that a Management Notice would be prepared. Such a notice is a disallowable instrument under Parliamentary procedures. TSFMAC was informed the timetable for a Management Notice to be prepared would be consistent with the implementation of new management arrangements.

### Recommendations:

The TSFMAC **NOTED** the following comments by members in relation to area closures:

- iii. the Community Fisher Group confirmed its commitment to the pursuit of the PZJA 18 new resource allocation for the benefit of all Torres Strait Communities and it would defer its suggestion for further area closures until the new resource allocation has been fully implemented; and
- iv. the PZJA Agencies thanked the Community Fisher Group for their support of the PZJA process, acknowledged how difficult this decision was for them and offered any support requested to communicate this outcome to the communities.

### Recommendations:

The TSFMAC **NOTED** recommendations that the PZJA NOTES that:

- vi. the PZJA 18 decision on the 10nm zones applies only to the finfish fishery;
- vii. the PZJA 18 decision on the 10 nm zones for the finfish fishery have not been implemented in law;
- viii. the PZJA 18 decision on the 10nm zones in the finfish fishery, and the notice when made, will provide no legal support for the native title claim and nor will it assist the claim to be made out over a larger area or in more extensive terms, than would otherwise be the case;
- ix. specific decisions were made in relation to a new resource allocation for the Tropical Rock Lobster and Prawn fisheries which do not include similar area closures to non-islander commercial fishers; and
- x. within the scope of the PZJA 18 resource allocation decisions the PZJA agreed that any further increases in the community fishing sector share of the Tropical Rock Lobster and Finfish fisheries must be through an open market and self funded process.

## Agenda Item 7: Prawn Fishery Working Group

There were no Prawn industry representatives at the TSFMAC and Mr Jim Prescott (AFMA) informed the TSFMAC of a proposal to establish a separate Torres Strait Prawn Management Advisory Committee (TSPMAC) the Chair of which would report directly to the PZJA. This proposal, if implemented, would recognise that all commercial licences would be held by non-community commercial fishers under new management arrangements and would enable the TSFMAC to concentrate on broader relevant Torres Strait issues. It would also enable a less costly discussion of Prawn meetings – perhaps with Prawn MAC meetings being held in Cairns.

It was envisaged that CFG representation on the Prawn MAC would be lesser than the current six members. Mr Ken Bedford (CFG) informed the MAC that a previous decision had already limited CFG representatives on the Prawn Working Group to three members (plus TSRA).

### Recommendations:

The TSFMAC **RECOMMENDS** that the PZJA AGREES, subject to the agreement of the industry representatives on the Prawn Working Group:

- iv. elevate the existing Prawn Working Group to a Torres Strait Prawn Management Advisory Committee (TSPMAC);
- v. that the membership of a TSPMAC comprising four industry representatives, three TIB representatives, the TSRA Fisheries Coordinator, one AFMA member, one QDPI&F member, one DEH observer, one PNG observer and observer status for the DFAT Treaty Liaison Officer; and
- vi. the Chair will be determined from time to time by the PZJA and will report on the TSPMAC meetings to the PZJA and maintain an interface with the TSFMAC.

### ACTION ITEM:

***AFMA Torres Strait Manager to write to the Prawn Industry Association to seek their formal agreement to this proposal.***

## Agenda Item 8 Finfish Working Group:

Mr Norris (QDPI&F) informed the TSFMAC of the outcomes of the last Finfish Working Group meeting. The primary issues included: Foreign Fishing Vessels (FFV) in the Torres Strait Protected Zone and the development of a long-term management system.

There were a range of concerns raised about the destruction of FFVs in the Protected Zone. These concerns included the safety/quarantine and in the context of Article 13 of the Torres Strait Treaty regarding the protection of the marine environment. Ms Suzy Wilson (DFAT) invited the TSRA to work together on an approach to the relevant authorities to discuss these concerns.

Mr Norris informed the TSFMAC of a proposal to introduce a new split catch and effort based management system for the Finfish fishery. That is, Islander commercial fishers would work on a catch based competitive quota while non-Islanders would work on an effort based system based on Individual Tradeable Effort.

It was acknowledged that effort based systems worked towards an average catch assessment rather than a total catch. Meaning that in some seasons, non-Islanders will catch more than their 50% of TACC and in other seasons they will catch less. Community Fishers representatives urged consideration of appropriate triggers to reduce effort to minimise over-catch.

The TSFMAC was informed of a letter from the Finfish sector to the Chair of the PZJA advocating a 100% buy-out of the commercial sector.

<b>Recommendations:</b>
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TSFMAC **NOTED** that the industry representatives for the finfish fishery were not available to provide their perspective on the following recommendations:

*Foreign Fishing Vessels in the Torres Strait Protected Zone*

The TSFMAC **RECOMMENDED** that TSRA and the DFAT Treaty Liaison Officer work together to approach Customs and Coastwatch to discuss protocols and mechanisms for ensuring disposal of Foreign Fishing Vessels in the Protected Zone occurred in a manner consistent with Article's 13 and 14 of the Torres Strait Treaty.

The TSFMAC **RECOMMENDED** that the PZJA NOTES its concerns about the increasing numbers of Foreign Fishing Vessel sightings in the Torres Strait and the increasing and ongoing practice of burning seized vessels at sea.

*Development of a Management System*

The TSFMAC **RECOMMENDED** the PZJA AGREES to the inclusion of the following principles in a Finfish management plan:

- ii. the same management system should apply to both the reefline and the Spanish mackerel fisheries;
- xi. subject to further consultation, that an overall Total Allowable Commercial Catch (TACC) be identified for the reefline and the Spanish mackerel fisheries under which:
  - A. the community fishing sector (currently TIB licences) would be managed through a competitive TACC (non-species specific) with appropriate performance indicators and decision rules, including reference and trigger points to ensure the sector is kept within its TACC;
  - B. the commercial fishing sector (currently TVH licences) would convert their TACC into individual tradeable effort (ITE) units, the units being based on days, with appropriate monitoring of the relationship between effort and catch under performance indicators and decision rules including reference and trigger points to ensure the sector is kept within its TACC;
  - C. an appropriate allowance and priority had been made for Traditional Fishing in accordance with the Treaty and the Torres Strait Fisheries Act 1984;

- xii. a Resource Assessment Group (RAG) be established to recommend a TACC to the PZJA and in the absence of a stock assessment, that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the TACC;
- xiii. the Terms of Reference for the RAG should include:
  - C. the establishment of the relationship between the TACC and effort (for the purposes of allocating effort units, monitoring the use of units and the transfer between sectors);
  - D. consideration of the need for non-fishing days to be included in the calculation of the allocation of days;
- xiv. the monitoring of effort units for the commercial fishing sector be by Vessel Monitoring System (VMS) and be based on a binary decision rule of the vessel being either in or out of the area of the fishery. Included in this system would be the identification of safe havens (Yorke, Aureed, Dugong) where anchorage and unloading could occur without deduction of effort units.

The TSFMAC **RECOMMENDED** that the PZJA REQUESTS that priority consideration be given to:

- iv. the development of fishery objectives;
- v. clarification of specific aspects of the catch/effort management system (including how to monitor the deduction of effort units for concession holders with endorsement to fish both reefline and Spanish mackerel); and
- vi. trading arrangements within and between sectors (including temporary trading and/or leasing).

## Agenda Item 9: TROPICAL ROCK LOBSTER FISHERY

### *9.1 Recommendations from Working Group Meeting 28 Feb – 2 March 2006*

The TSFMAC was informed of the outcomes from the Tropical Rock Lobster Working Group.

#### Recommendations:

The **TSFMAC RECOMMENDED** that the PZJA AGREES to the rapid implementation of work to improve the current fisheries data collection system in the TSTRL fishery, in light of the introduction of a quota management system (QMS) 2007.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that in addition to existing 2006 arrangements that apply during spring-tide closures, a new licence condition be adopted to ensure that hookah hoses are removed from boats during these periods.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that the Chairperson for the TRL Working Group continue under the current arrangements.

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the inclusion of the following principles in a Tropical Rock Lobster management plan:

i. The fishery management objectives should be:

- To maintain the fishing mortality below the point where Maximum Sustainable Yield (MSY) is achieved (accounting for all sources of fishing mortality);
- In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
- To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea;
- To monitor interactions between the prawn and lobster fisheries;
- To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
- To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. To ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community;
- Optimise the value of the fishery;

ii. That the quota management system should include:

- a prior catch reporting system be for all vessels currently designated TVH and other boats over 7m in length;
- a paper based monitoring system using a modified docket book system be implemented to capture catch landings information;
- sales and transfer documentation be introduced to capture the movement of product after its initial sale and for fishers transshipping product out of the Torres Strait before it is sold;
- a monitoring program be established to capture information from PNG cross-endorsed vessels, probably under conditions of endorsed licences;
- product be landed only to defined landing points; and
- a register be kept of live holding enclosure that is consistent with TIB dinghy symbols.

iii. That administrative penalties, including infringement notices, be a preferred form of enforcement of the management plan.

The TSFMAC **AGREED** that the issue of tail clipping on traditional catch be referred to the Community Fishers Group for further consideration with a view to developing a system for traditional catch which complements the Tropical Rock Lobster quota management system.

The TSFMAC **NOTED** recommendations that the PZJA NOTES:

- vi. the concerns raised by the TVH sector in regards to the constraints imposed on their full utilisation of their entitlements under the current PZJA policy to restrict the allocation of Master Fisherman's licences to traditional inhabitants;
- vii. that the Queensland Rock Lobster Association has undertaken to establish a register with a local job network provider of suitably qualified and interested people with Master Fisherman's licences;
- viii. the view of management and the TVH sector that the current PZJA policy is one way to implement the Treaty requirement to have regard to the economic development in the Torres Strait area and employment opportunities for the traditional inhabitants and that this could be reviewed in light of the PZJA 18 new resource allocation which is an alternative mechanism of giving effect to this Treaty requirement;
- ix. the view of the Community Fishing Group that to remove the current PZJA policy would further erode their allocation under the PZJA 18 new resource allocation; and
- x. the view of the TVH sector that under the PZJA 18 new resource allocation they will accommodate traditional inhabitants fishing under their entitlements and this could amount to [30%] of their sector.

#### **Recommendations:**

#### *9.2 Tropical Rock Lobster Resource Assessment Group Membership*

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the following membership of the Tropical Rock Lobster Resource Assessment Group:

- Dr Yimin Ye – Research Scientist;
- Dr Nokome Bentley – Independent Scientist;
- Mr Jim Fogarty – Queensland Industry;
- Mr Clive Turnbull – Queensland Scientist;
- Mr Wez Norris – Queensland Management;
- Mr Meremi Maina – Papua New Guinea Industry;
- Mr Phillip Polon – Papua New Guinea National Fisheries Authority;
- Mr Jim Prescott – AFMA Management;
- Dr Ray Moore – Tropical Rock Lobster Working Group;
- Mr Toshi Nakata – Tropical Rock Lobster Working Group.

#### **Agenda Item 10: BECHE-DE-MER (SEA CUCUMBER)**

##### *10.1 – CSIRO East Torres Strait Survey: Preliminary Results*

Mr Sascha Taylor (AFMA) presented the preliminary findings of the CSIRO Bêche-de-mer stock survey. Broadly, stocks in the Bêche-de-mer fishery were either stable or in decline. There was some discussion about the sites surveyed and the TSFMAC was informed that the survey sites were consistent with a 2002 survey and therefore the results indicated the changes in population in those sites. The sites were randomly selected and would be considered to be representative in scientific analysis.

#### **Recommendations:**

The TSFMAC **NOTED** the preliminary CSIRO Bêche-de-mer stock survey conducted in east Torres Strait waters.

*10.2 – DEH Fishery Recommendation: Precautionary Species based Total Allowable Catch for White teatfish and Prickly redfish*

Mr Taylor presented a proposal to the TSFMAC to reduce the current by-species TAC on White teatfish and Prickly redfish in order to give effect to the recommendations made in the *Assessment of the Torres Strait Bêche-de-mer Fishery 2005*.

**Recommendations:**

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the establishment of a precautionary species based Total Allowable Catch (TAC) for the white teatfish and the prickly redfish to 15 and 20 tonnes respectively (a reduction from 260 tonnes for each species under current arrangements).

**ACTION ITEM:**

***TSFMAC to discuss the Beche de Mer CSIRO report at the next MAC meeting.***

**Agenda Item 11: TURTLE AND DUGONG FISHERY**

*11.1 – Turtle and Dugong Fisheries Assessment Report*

Mr Jim Prescott summarised the *Turtle and Dugong Fisheries Strategic Assessment Report*. The TSFMAC acknowledged current systems for monitoring are inadequate but that there is positive activity being undertaken to develop community management systems.

It was noted that the strategic assessment report would be posted on the DEH website and that comments could be made by the public at large, who may not have an understanding of the cultural values associated with turtle and dugong in the Torres Strait. In this light, it was recommended TSFMAC members consider responding to the report once it is on line.

**Recommendations:**

The TSFMAC **NOTED** the summary provided by Mr Jim Prescott of the Turtle and Dugong Fisheries Strategic Assessment Report.

- viii. The TSFMAC **RECOMMENDED** AFMA note the following considerations be taken in finalising the report:
- ix. There are differences in turtle and dugong management issues and that there may be some confusion in discussing the two species as one.
- x. Guideline 1.1.1 – the report should note that, while there is room for improvement in both assessing the status of the fishery and managing the catch, Torres Strait Fisheries stakeholders are working closely on a number of positive initiatives to address the situation.

- xi. Guideline 1.1.2 – TSFMAC supports, in principle, the proposed Experts Group and consideration should be given to islander involvement with the group.
- xii. Guideline 1.1.3 – An assessment system for the dugong population exists in its habitat but one doesn't exist for turtle (other than at breeding grounds).
- xiii. Guideline 1.1.7 – Reference should be included to the Torres Strait Regional Activity Plan
- xiv. Guideline 1.2.2 – The report should reflect that any strategy to limit harvesting of turtle and dugong should recognise:
  - a. The Turtle and Dugong fishery is not a commercial fishery. Many of the categories of this assessment (TAC and trigger points) are difficult to report against as harvesting only occurs in the traditional context;
  - b. There are traditional controls in place which have maintained the area as a dugong sanctuary whilst other areas in Australia no longer have dugong;
  - c. The Environment Protection Biodiversity Conservation Act 1999 should be interpreted in light of the Australian obligations under the Torres Strait Treaty, including Article 14(4) which requires that Australia use its best endeavours minimise any restrictive effects of measures to protect flora and fauna on the traditional activities of traditional inhabitants;
  - d. There is inherent social and cultural importance associated with the traditional fishing of turtle and dugong in the Torres Strait. Some island communities rely on turtle and dugong as a source of protein. Considerable stakeholder support will be required to implement turtle and dugong catch management (or catch limitation) systems. If islanders do not support limits or a closure, the closure would be difficult to enforce and unlikely to succeed.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that key aspects of the above recommendations be included in the final report.

#### *11.2 – Dugong and Marine Turtle Management Project*

The TSFMAC **RECOMMENDED** that the PZJA NOTES the exploration of community based management responses to turtle and dugong and the positive steps taken with the inner islands project and are awaiting the results of this project to be made available and utilised more widely.



#### **Agenda Item 12: TORRES STRAIT FISHERIES ACT 1984 – LEG AMENDMENTS**

Mr Stuart Stark (DAFF) informed the TSFMAC that a DAFF was developing a set of drafting principles for approval at PZJA 19, in consultation with PZJA agencies. The TSFMAC was informed that once endorsed, drafting instructions would be developed and that consultation would occur through the PZJA consulting mechanisms. Once a Bill is drafted, an extensive consultation process will be undertaken.

#### **Recommendations:**

The TSFMAC **NOTED** progress in the development of drafting instructions for a Torres Strait Fisheries (Amendment) Bill.

#### **Agenda Item 13: FUTURE ARRANGEMENTS FOR THE TSSAC**

There was discussion on the role of the TSSAC in light of the formation of additional science advisory groups (the resource Assessment Groups). Acknowledging these changes, the Chair suggested that the TSSAC advice be sought on the merits of revising the SAC's terms of reference, membership and agenda.

#### **Recommendations:**

TSFMAC **NOTED** the role of Torres Strait Scientific Advisory Committee of advising the CRC Board is coming to an end due to the completion of the Torres Strait CRC in June 2006.

#### **ACTION ITEM:**

***TSFMAC requested that Mr Jim Prescott raise the issues of the SAC's terms of reference, membership and agenda with TSSAC at its next meeting by August.***

#### **Agenda Item 14: COMPLIANCE REPORT**

#### **Recommendations:**

The TSFMAC **NOTED** the recommendation that the PZJA NOTES the Compliance Report 2006 presented to the meeting.

#### Agenda Item 15: OTHER BUSINESS

The TSFMAC **NOTED** the proposed next meeting date for the TSFMAC meeting would be 6 and 7 September 2006, subject to further consultation.

The meeting closed with prayer at 5.45pm.

DRAFT

**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7  
23 – 24 March 2006  
TSRA BOARD ROOM, THURSDAY ISLAND**

**Actions arising**

<b>No.</b>	<b>Action Item</b>	<b>Action Agency</b>	<b>Status</b>
1	<i>AFMA Torres Strait Manager to write to the Prawn Industry Association to seek their formal agreement to this [PrawnMAC] proposal.</i>	AFMA	Complete
2	<i>TSFMAC to discuss the Beche de Mer CSIRO report at the next MAC meeting.</i>	AFMA	Final report not yet submitted
3	<i>TSFMAC requested that Mr Jim Prescott raise the issues of the SAC's terms of reference, membership and agenda with TSSAC at its next meeting by August.</i>	AFMA	Complete

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>OUTCOMES FROM PZJA 19 AND PREPARATION FOR PZJA 20</b></p>	<p>Agenda Item No. 3</p>

**THE TSFMAC NOTES** the outcomes of PZJA 19 and the letter from the Chair of the PZJA to the Chair of the TSFMAC (**Attachment A**, 6 June 2006).

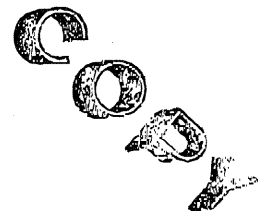
## **BACKGROUND**

On 27-28 April 2006, PZJA 19 met and considered a series of agenda items put forward by the TSFMAC. A record of decisions forms **Attachment A** of this agenda paper.

On 6 June, the PZJA Chair Senator the Hon Eric Abetz wrote to the TSFMAC Chair Professor Russell Reichelt (**Attachment B**) seeking the views of the TSFMAC and associated fisheries working groups on a number of matters raised at PZJA 19.

## **DISCUSSION**

The matters raised by the PZJA Chair in his 6 June letter to Professor Reichelt are responded to by the TSFMAC 8 agenda. Not all matters have progressed to a stage that is ready for TSFMAC recommendation.



SENATOR THE HON ERIC ABETZ  
Minister for Fisheries, Forestry and Conservation  
Liberal Senator for Tasmania

7-6 JUN 2006

Professor Russell Reichelt  
Chair  
Torres Strait Fisheries Management Advisory Committee  
PO Box 772  
TOWNSVILLE QLD 4810

Dear Professor Reichelt

Please find enclosed a copy of the record of the 19th meeting of the Torres Strait Protected Zone Joint Authority (PZJA) held on Thursday Island on 28 April 2006 (PZJA 19).

Of important relevance to the Torres Strait Fisheries Management Advisory Committee (TSFMAC) and the associated fisheries working groups were the decisions in relation to the PZJA consultative structure. Firstly, PZJA19.6A.2 decided to elevate the status of the current prawn working group to the Torres Strait Prawn Fishery Management Advisory Committee (TSPMAC). The Chair of the Prawn Working Group will report to the PZJA and will also interface with the TSFMAC. In addition, the membership lists for the TSFMAC, TRL Working Group and Finfish Working Group were also endorsed under PZJA19.9A as per the TSFMAC proposal. These groups will be convened under the Torres Strait Fisheries Consultative Structure in accordance with selection and appointment procedures specified in PZJA Fisheries Management Paper No.1.

In accordance with the remaining decisions of PZJA 19, PZJA agencies will be seeking the views of the TSFMAC and the associated fisheries working groups on a number of matters scheduled to be considered by the PZJA at its next meeting on 25-26 October 2006.

These matters include PZJA19:

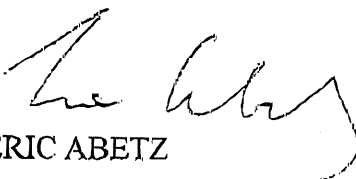
- 2B(b) - advice from the Australian Fisheries Management Authority (AFMA) on the catch sharing ratios in the Tropical Rock Lobster and Finfish fisheries;
- 2C.1(b) - advice from the Allocation Advisory Panel on the allocation of Tropical Rock Lobster and Finfish concessions within the non-Community commercial share of resources (noting the draft reports should be available for public consultation in time for the TSFMAC meeting);
- 2D.2 - background material and proposals for preferred administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to Community fishers;
- 5C - an options paper on a preferred agency model for the TSF management arrangements;

- 5E.1(b) – a report on progress with standardised workplace agreements in relation to Master Fishermen;
- 7C – an update on Turtle and Dugong community management and strategic assessment processes;
- 8A.2 – proposed changes to the Fisheries Regulations 1985 to give effect to a boat registration sticker system;
- 10 – a strategy paper on funding of future research for Torres Strait fisheries;
- 11A.2 – documents on issues identified in the revised project plan, including proposed legislative amendments, draft management plans for the Tropical Rock Lobster and Finfish fisheries (which take account of PZJA19.4 and PZJA 19.5 decisions), strategic assessment documentation and tender documentation for the Tropical Rock Lobster and Finfish processes;
- 14A.1 – advice on a strategic approach to aquaculture in the Torres Strait; and
- 14A.2 – advice on the utility and applicability of the Commonwealth Harvest Strategy Policy to PZJA fisheries.

The Australian Fisheries Management Authority (AFMA) has scheduled dates for the next round of consultative meetings including the new TSPMAC (13-14 June 2006) and TSFMAC (7-8 September 2006).

I seek your assistance in supporting the PZJA on these matters to ensure that quality and timely advice is provided to the PZJA 20 on 25-26 October 2006. Thank you in advance for your assistance in these important matters.

Yours sincerely



ERIC ABETZ

Enc

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>OUTCOMES FROM MINISTER'S VISIT TO TORRES STRAIT</b></p> <p><b>Community Fisher Engagement</b></p>	<p>Agenda Item No. 4.1</p>

## **THE TSFMAC RECOMMENDS**

- 4.1.1 That the PZJA **NOTES** that the Community Fishers involved in the Finfish Working Group have clarified that they:
- (a) are happy to be involved in all PZJA consultative processes;
  - (b) believe that a 50:50 resource allocation in the Finfish fishery is a fair outcome for them; and
  - (c) would like to clarify they still seek a 10 nm closure through some mechanism, but believe this can be arrived at through negotiation within the PZJA framework.
- 4.1.2 That the PZJA **NOTES** that the Community Fisher Group:
- (a) believe that new data being provided from the Tropical Rock Lobster Resource Assessment Group indicates that they would only be allocated 190-200 tonnes of quota in the first year; and
  - (b) believe that this would not achieve the intention of the PZJA 18 resource allocation decisions in the Tropical Rock Lobster fishery to “transition towards greater traditional inhabitant allocation” because 190-200 tonnes is about what they have historically caught and it would not provide sufficient additional capacity for them to buy more quota; and
  - (c) they will re-engage in the PZJA consultative process, but noting that they believed the 50:50 resource allocation issue needed to be resolved in light of the new data/information before any further issues were dealt with.

## **BACKGROUND**

The Australian Government Minister for Agriculture, Fisheries and Forestry, Senator the Hon Eric Abetz, visited Thursday Island on 26 July 2006. During his visit, the Minister and his advisors discussed issues with the Community Fisher Group (CFG) and the TSRA relating to the Tropical Rock Lobster (TRL) and Finfish fisheries. Prior to the visit the Minister had also received a letter from the Community Fisher representatives on the Tropical Rock Lobster Working Group setting out some concerns and informing the Minister that they did not want to participate in the PZJA consultative process until the concerns were resolved.

The main two issues discussed at the meeting on 26 July 2006 were:

1. For TRL: The resource allocation issue, outlining that the 50:50 sharing arrangement for TRL disadvantaged Islander fishers, and that a 70:30 share in favour of the Islanders was necessary.

2. For Finfish: Concern was displayed that the Minister intended to review the decision to implement a 10 nm exclusion zone for non-Indigenous commercial fishers around four Torres Strait Islands (Mer, Erub, Ugar and Masig).

The Minister listened to the concerns raised and responded as indicated in the discussion set out below. These responses were made both at the meeting of 26 July 2006 and in his letter of 18 August 2006 responding to the letter from TRL Community Fishers.

The CFG met during the week starting 4<sup>th</sup> September 2006 to decide on future CFG engagement.

## **DISCUSSION**

### **Finfish**

During the meeting with the Minister on Thursday Island, the CFG clarified why they believed it essential that the 10 nm exclusion zone be implemented. Establishment of a 10 nm exclusion zone for non-Indigenous fishers will support self-management arrangements the Indigenous fishers have in place.

The Minister indicated that he understood the reasons of the Indigenous fishers for establishing the 10 nm exclusion zone. However, the Minister stated that he was uncomfortable drawing a “line on a map” in case it established a precedent in other fisheries. The CFG do not believe this would create a precedent, and point out that zoning arrangements are a common management arrangement for marine fisheries.

The Minister further indicated that he was amenable to pursuing other methods of achieving a similar outcome. Several ideas were floated including use of a code of conduct, licence conditions and penalty provisions. The Minister undertook to investigate these and other options when the PZJA further considered the matter following the tender process for the non-Islander sector of the Finfish Fishery (as agreed under PZJA decision 19.1.2(e)).

### **Tropical Rock Lobster**

During the meeting with the Minister on Thursday Island, the CFG outlined their major concerns that the 50:50 resource allocation in the TRL fishery would fall short of any advantage to the Indigenous fishing sector that was intended. After this meeting, the Minister officially responded to their original letter and spoken concerns via a letter of his own.

Since this time, the CFG have taken into account some of the recent information provided in the TRL stock assessment (Ye *et al.* 2006) for the Resource Assessment Group. Ye *et al.* (2006) tested 5 different models to assess their relative utility for setting a TAC against the data for the 2006 season. The scientifically derived TAC (i.e. no management or social considerations were taken into account) for 2006 using the different models averaged around 515 tonnes. If the simple model were followed where PNG received 25% of this quota, and the remainder were split between the Indigenous and non-Indigenous fishing sectors, the 2006 TRL quota available to Islanders would have been approximately 193 tonnes.

This has increased their level of concern that the 50:50 resource allocation decision will fall well short of its original intentions. The intention of the decision was to “transition towards greater traditional inhabitant allocation”. Subject to the data verification exercise discussed under agenda item 5.3, available historical data indicates that Community fishers



have caught 71.2 tonnes in 2002, 181.5 tonnes in 2003 and 194.3 tonnes in 2004. The CFG also note that the 50:50 decision was made before the recent TRL stock assessment information was made available.

The PZJA agencies note that the TAC for any year needs to be determined to ensure the future sustainability of the fishery and, accordingly, the livelihood of the people who depend on the resources. The stock assessment considered by the Resource Assessment Group related to the 2006 season and advice for the 2007 season is likely to produce different numbers depending on the best available scientific advice.

In addition the PZJA agencies note that fully accounting for the PNG share of the TAC will probably need to take into account a more complicated process than just allowing for 25%. That is because the Treaty provides for different catch sharing arrangements in PNG jurisdiction and Australian jurisdiction.

The Minister's letter of 18 August 2006 highlighted that a guaranteed access to 50% of Australia's share of the fishery is a significant step forward. He strongly urged the Community fishers to re-engage in the PZJA consultative process emphasising that dialogue is needed for fair outcomes to be achieved. This includes protecting the sustainability of the resource through a quota system under a management plan. At the same time, he asked that the Community Fishers work with the TSRA to develop options on how to increase the Islander share of the resources and how to allocate the Islanders' share to maximise their economic potential. This matter is further discussed under agenda item 5.4.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b> <b>26-27 September 2006</b></p>
<p><b>ALLOCATION ISSUES</b> <b>Draft AAP advice for the Finfish Fishery</b></p>	<p>Agenda Item No. 5.1</p>

## THE TSFMAC NOTES

- 5.1.1 That the Allocation Advisory Panel released a draft report containing recommendations on a method for determining the allocation of ITE fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait Reef Line and Spanish Mackerel Fisheries.
- 5.1.2 That the AAP have called for public comments on this draft report, and that these comments will be reviewed by the AAP prior to finalising the report.
- 5.1.3 That the Allocation Advisory Panel will prepare a final report in time for stakeholder consideration in the stakeholder forum of the 20<sup>th</sup> PZJA meeting.

## THE TSFMAC RECOMMENDS

- 5.1.4 That the PZJA **NOTES** the following TSFMAC comments on the draft Allocation Advisory Panel report:
  - (a) *Comment 1*
  - (b) *Comment 2, etc*

## BACKGROUND

The PZJA formed an Independent Allocation Advisory Panel (AAP) in April 2006 in accordance with PZJA Fisheries Management Paper No. 2, to provide advice on:

- A method for determining who in the non-community commercial fishing sector in the Torres Strait Reef Line and Spanish Mackerel Fisheries should be eligible to be granted ITE fishing concessions.
- A method for determining the allocation of ITE fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait Reef Line and Spanish Mackerel Fisheries.
- Any exceptional circumstances that should be taken into account in the allocation of ITE fishing concessions to the non-community commercial fishing sector in the Torres Strait Finfish Fishery.
- Any appropriate rules for transfers, amalgamation or separation of fishing concessions to maintain the intent of the allocation process.

The AAP was required to consult with relevant parties, persons and organisations with appropriate knowledge or experience including holders of fishing concessions, representatives of Traditional Inhabitants and other stakeholders at advertised meetings in the Torres Strait and Cairns. In line with these requirements, public meetings were held in relation to the Torres Strait Finfish Fishery in Cairns on 25th June and on Thursday Island on 26th June 2006. All persons present were given the opportunity to participate in

discussion and to make oral submissions whether at the meeting or immediately afterwards in confidence.

In addition to the scheduled public meetings, the Allocation Advisory Panel also accepted written submissions from stakeholders. A total of six submissions were received from the first call for submissions which closed 7th July 2006. The draft AAP report contains a summary of these submissions.

In accordance with the terms of reference the AAP considered all materials provided by the PZJA Agencies and stakeholders. The AAP published a draft report that has been made available for public comment. Comments will be considered by the AAP before a final report is produced that will be provided by the AAP to the PZJA at their October 2006 meeting.

A copy of the draft AAP report is provided in Attachment 1.

## **DISCUSSION**

The AAP considered different allocation formulae based on the information and suggestions raised at the public meeting and in oral and written submissions.

Impacts were analysed using the individual annual catch and effort data over the period 1997-2005 made available to the AAP by AFMA/QDPIF, and commercial-in-confidence information provided by licence holders and brokers on market prices of licences. Relative economic position was estimated using catches taken over the period 1997-2005 (taking into account the AAP views on the application of the 2002 Investment Warning), as well as the market prices of licences. Alternative formula(e) options were then evaluated to determine which one most closely met the objectives set out in PZJA Fisheries Management Paper No.2 and minimised the differential economic impact on licence holders.

The formulae considered by the AAP are outlined in the draft report.

The AAP was conscious that current 1997-2001 catch and effort data in the Torres Strait Finfish Fishery still requires further analysis and cross checking of logbook returns with licence holders. This analysis is an essential requirement to undertake a catch to effort conversion in order to convert a nominal TAC into a TAE.

The AAP provided two recommendations for the allocation formula for the Torres Strait Finfish Fishery. These two recommendations concern the quality of the available fishing data.

### **Recommendation 1**

The AAP was informed by the relevant PZJA agencies that an analysis of data, cross checking and effort to catch conversion will be completed before the PZJA are scheduled to meet at the end of October 2006. On the critical assumption that this occurs, the AAP recommends that the allocation formula for the Torres Strait Finfish Fishery is:

Best of base allocation of a fixed 2% per fishing platform or the average annual catch of the best of three out of five years verified 1 January 1997 to 31 December 2001 catch history scaled down to equal the remaining TAE after base allocations are accounted for.

This formula enables licence holders to choose an allocation (based on their individual circumstances) of either asset value of the licence (based on number of fishing platforms) or utilisation of the licence (catch).

## **Recommendation 2**

Should the catch and effort data analysis, cross checking and catch to effort conversion not be completed by the time the PZJA is scheduled to meet in October, the AAP recommends an alternative formula which recognises asset value but does not take into consideration utilisation of licence (using catch history as a proxy) given the data limitations described in Sections 7.2.2 and 7.2.3. The alternative formula is:

Equal allocation between fishing platform defined as the primary vessel and tenders attached to a licence in February 2002, immediately prior to the Investment Warning

In the opinion of the AAP there are no exceptional circumstances which apply to the proposed allocation in the Finfish fisheries. The AAP is of the view that various circumstances which some stakeholders sought to draw to its attention (e.g. residency, length of time in the fishery) do not amount to exceptional circumstances within the AAP terms of reference.

The AAP is not aware of any circumstances that require any rules for transfer, amalgamation or separation of fishing concessions in order to maintain the intent of the allocation process.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b> <b>26-27 September 2006</b></p>
<p><b>ALLOCATION ISSUES</b> <b>Draft AAP Advice for the Tropical Rock Lobster Fishery</b></p>	<p>Agenda Item No. 5.2</p>

## THE TSFMAC NOTES

- 5.2.1 That the Allocation Advisory Panel released a draft report containing recommendations on a method for determining the allocation of ITE fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait Tropical Rock Lobster Fishery.
- 5.2.2 That the AAP have called for public comments on this draft report, and that these comments will be reviewed by the AAP prior to finalising the report.
- 5.2.3 That the Allocation Advisory Panel will prepare a final report in time for stakeholder consideration in the stakeholder forum of the 20<sup>th</sup> PZJA meeting.

## THE TSFMAC RECOMMENDS

- 5.2.4 That the PZJA **NOTES** the following TSFMAC comments on the draft Allocation Advisory Panel report:
  - (a) *Comment 1*
  - (b) *Comment 2, etc*

## BACKGROUND

The PZJA formed an Independent Allocation Advisory Panel (AAP) in April 2006 in accordance with PZJA Fisheries Management Paper No. 2, to provide advice on:

- A method for determining who in the non-community commercial fishing sector in the Torres Strait Rock Lobster Fishery should be eligible to be granted ITQ fishing concessions.
- A method for determining the allocation of ITQ fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait Tropical Rock Lobster Fishery:
- Any exceptional circumstances that should be taken into account in the allocation of ITQ fishing concessions in the Torres Strait TRL Fishery.
- Any appropriate rules for transfers, amalgamation or separation of fishing concessions to maintain the intent of the allocation process.

The AAP was required to consult with relevant parties, persons and organisations with appropriate knowledge or experience including holders of fishing concessions, representatives of Traditional Inhabitants and other stakeholders at advertised meetings in the Torres Strait and Cairns. In line with these requirements, public meetings were held in public meetings were held in relation to the TRL fishery on Thursday Island on 27 June 2006 and in Cairns on 29 June 2006. All persons present were given the opportunity to

participate in discussion and to make oral submissions whether at the meeting or immediately afterwards in confidence.

In addition to the scheduled public meetings, the Allocation Advisory Panel also accepted written submissions from stakeholders. A total of eleven submissions were received from the first call for submissions which closed 7th July 2006. The draft AAP report contains a summary of these submissions.

In accordance with the terms of reference the AAP considered all materials provided by the PZJA Agencies and stakeholders. The AAP published a draft report that has been made available for public comment. Comments will be considered by the AAP before a final report is produced that will be provided by the AAP to the PZJA at their October 2006 meeting.

A copy of the draft AAP report is provided in Attachment 1.

## **DISCUSSION**

The AAP considered different allocation formulae based on the information and suggestions raised at the public meeting and in oral and written submissions.

Impacts were analysed using the individual annual catch and effort data over the period 1997-2005, made available to the AAP by AFMA, and commercial-in-confidence information on market prices of licences provided by licence holders and brokers. Relative economic position was estimated using available catch data over the period 1997-2005 (taking into account the AAP views on the application of the 2002 and 2005 PZJA Investment Warnings) as well as the market prices of licences. Alternative formulae options were then evaluated to determine which one most closely met the objectives set out in PZJA Fisheries Management Paper No. 2 and minimised the differential economic impact on licence holders.

The formulae considered by the AAP are outlined in the draft report.

The AAP carefully considered the inclusion of catch history as a component in an allocation formula as many oral and written submissions considered catch history to be an important component. However the issues raised concerning the use of catch history gave the AAP little confidence that catch history could be included as an independent variable or verified in a consistent and timely manner for all licence holders. With regard to verification of catch history, the AAP noted that:

- There were three eligible licence holders not required to complete logbooks and that alternative verification in addition to sales dockets would have to be carried out.
- Five eligible licence holders were required to, but appear not to, have submitted logbooks over the period 1997-2001.
- Dual endorsed licence holders (Torres Strait and East Coast Queensland) would have to verify that catches as recorded on sales dockets were not from taken from the East Coast Queensland fishery. This will apply to 19 of the 26 TVH transferable licence holders.

The AAP provided one recommendation for the allocation formula for the Torres Strait Tropical Rock Lobster Fishery.

## **AAP Recommendation**

The AAP recommends that the formula which most closely meets the objectives set out in PZJA Fisheries Management Paper No. 2 is:

30% of TAC allocated equally among licence holders (including first tender) as a base allocation, and 70% of TAC allocated equally among remaining tenders which were attached to a licence in February 2002 on the assumption that these remaining tenders account for 70% of the catches (as cross-checked by catches over the period 1997-2001 and 2002-2005).

In the opinion of the AAP special circumstances do apply to non-transferable licences restricted to dinghies less than 6m in length. The AAP was satisfied that these licences operate as a base operational unit despite not being attached to a larger primary vessel and believe that they should, for allocation purposes, be treated as equivalent to a primary vessel and single tender.

The AAP is of the view that various other considerations which stakeholders sought to draw to its attention (e.g. residency, length of time in the fishery) do not amount to special circumstances within the AAP terms of reference.

Advice on  
Appropriate Basis for the Allocation  
of Fishing Concessions in the  
Non-Community Commercial Sector  
of the  
Torres Strait Rock Lobster Fishery

Draft Report  
to the  
Torres Strait Protected Zone Joint Authority

Independent Allocation Advisory Panel

21st August 2006



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## **1. INTRODUCTION**

This draft report of the independent Allocation Advisory Panel (AAP) provides advice to the Torres Strait Protected Zone Joint Authority (PZJA) on the allocation of fishing concessions in the non-community commercial fishing sector of the Torres Strait tropical rock lobster fishery (TRL).

The draft report:

- provides brief descriptions of the historical legislative and policy background to the appointment of the AAP;
- sets out the terms of reference from the PZJA to the AAP;
- describes the fishery;
- describes the process followed by the AAP;
- summarises the submissions received and other information gathered in the consultation process;
- identifies the issues for consideration and determination by the AAP;
- makes recommendations to the PZJA as to a method of identification of persons eligible to be granted individual transferable quota units (ITQs) in the fishery;
- makes recommendations as to a method of determining the allocation of ITQs among eligible persons (and any exceptional circumstances that should be taken into account); and
- explains the recommendations.

## **2. INDEPENDENT ALLOCATION ADVISORY PANEL**

### **2.1 Appointment of Allocation Advisory Panel (AAP)**

Following a decision that the TRL fishery will move to an ITQ system, to be implemented during the 2007 fishing season, the PZJA agreed to appoint an independent AAP to advise it on the appropriate basis for the allocation of fishing concessions in the non-community commercial fishing sector of the TRL fishery.

The persons appointed as members of the AAP are:

- |    |                                |                                  |
|----|--------------------------------|----------------------------------|
| 1. | The Hon Jeffrey Miles AO (ACT) | Retired judge (Chair)            |
| 2. | Ms Sevaly Sen (NSW)            | Fisheries economist              |
| 3. | Mr Brett McCallum (WA)         | Engaged in the fishing industry. |

None of the members of the AAP are associated with any governmental or private interest in the TRL or any other fishery in the Torres Strait or Queensland.

In accordance with a request from the Torres Strait Regional Authority (TSRA) the PZJA agreed to the inclusion of a Torres Strait Traditional Inhabitant in the AAP process as an observer for the purpose of advising the AAP on relevant issues relating to Traditional Inhabitants. Opportunity was provided for Mr Joseph Elu of Indigenous Business Australia to attend all port meetings in June 2006. With the exception of one meeting, he was unable to attend due to other commitments.

### **2.2 Terms of Reference**

The terms of reference under which the AAP advice is sought and given are dated March 29, 2006 and contained in Attachment 2. The terms of reference include:

The AAP is to advise the PZJA on:

1. A method for determining who in the non-community commercial fishing sector in the Torres Strait Rock Lobster Fishery should be eligible to be granted ITQ fishing concessions;
2. A method for determining the allocation of ITQ fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait TRL Fishery:
  - An ITQ fishing concession is a right to one of a number of equal portions analogous to shares in a fishery.
  - The value of each ITQ fishing concession depends on an annual Total Allowable Catch (TAC), to be determined by the PZJA in accordance with the TRL Management Plan.
  - The Torres Strait Tropical Rock Lobster Fishery is based on a single species, the ornate or tropical rock lobster (*Panulirus ornatus*).
3. Any exceptional circumstances that should be taken into account in the allocation of ITQ fishing concessions in the Torres Strait TRL Fishery.

4. Any appropriate rules for transfers, amalgamation or separation of fishing concessions to maintain the intent of the allocation process.

According to the further requirements of the terms of reference the AAP is to:

- take into account information provided by the PZJA in a brief including Fisheries Management Paper No 2 dated December 15, 2005 (FMP2)
- consult with relevant parties, persons and organizations with appropriate knowledge or experience including holders of fishing concessions and representatives of Traditional Inhabitants and other stakeholders at advertised meetings in the Torres Strait and Cairns
- identify collectable and verifiable data to support allocation decisions
- provide this draft report for public consultation to be followed by a final report in accordance with a timetable and prior to the 20<sup>th</sup> PZJA meeting, scheduled for the end of October 2006.

In accordance with the terms of reference the AAP has considered the material provided, has consulted with holders of fishing concessions, traditional inhabitant representatives, other stakeholders, and persons and organizations with relevant knowledge and experience. This consultation has taken place through advertised meetings and acceptance of written submissions. The AAP wishes to acknowledge the assistance given by all persons and organizations consulted in what is, for many, a stressful period.

The AAP provides this draft report to the PZJA so that it may be made available for public comment by written submission. The AAP will reconsider their draft report in the light of that public comment with a view to preparing a final report to be provided to the PZJA as is required.

## **2.3 Legislative and Institutional Fisheries Management Structure**

### **2.3.1 Torres Strait Treaty**

Basic to the legislative framework, within which fishing arrangements in the Torres Strait are made and operate, is the Torres Strait Treaty, concluded between Australia and Papua New Guinea (PNG) on 18 December 1978. Relevantly for present purposes the Treaty:

- establishes a Protected Zone, the principal purpose of which is to acknowledge and to protect the traditional way of life and livelihood of the Traditional Inhabitants including their traditional fishing and traditional movement (Article 10.3)
- requires Australia and PNG in complying with their Treaty obligations in relation to commercial fisheries to act so as not to prejudice the achievement of the purposes of the Treaty (Article 20.1)
- requires Australian and PNG authorities in issuing licences to permit commercial fishing to have regard to the desirability of promoting

economic development in the Torres Strait area and employment opportunities for the Traditional Inhabitants (Article 26.3) and to consult with the Traditional Inhabitants on licensing arrangements for commercial fisheries in the Protected Zone (Article 26.4).

Annual discussions take place between Australian and PNG authorities in relation to sharing arrangements made or proposed under the Treaty.

### **2.3.2 Torres Strait Fisheries Act 1984**

The Torres Strait Fisheries Act 1984 (the Act) enables Australia to discharge its obligations under the Treaty including its obligations with regard to the Traditional Inhabitants and traditional fishing. The Act establishes the PZJA made up of the Commonwealth Minister, the Queensland Minister and the Chairperson of the TSRA. Under arrangements made pursuant to the Act the PZJA is responsible for constant monitoring of designated fisheries within the Protected Zone (including the TRL fishery) and for the formulation of policies and plans for their management.

Fishing in designated fisheries is presently regulated through a system of prohibitions and licences. Boat licences authorising the use of the boat for taking fish in the course of commercial fishing in areas of Australian jurisdiction are granted by the PZJA exercising the powers under the Act.

### **2.3.3 PZJA Policy in the TRL Fishery**

Since February 2005 the PZJA has recognised a hierarchy of principles for the purpose of resource allocation options within the TRL fishery. They are:

- protection of the fishery resource
- protection of the traditional way of life and livelihood of Traditional Inhabitants
- enhancing economic opportunities for Traditional Inhabitants and
- enhancing economic opportunities for non-Traditional Inhabitants and in a more general sense enhancing economic and employment opportunities within the Torres Strait region

Having considered the overall aims of the Treaty and the Act, the PZJA has agreed that the TRL fishery should proceed to greater Traditional Inhabitant allocation on the following basis:

- as soon as practically achievable, a move from an estimated 30:70<sup>1</sup> to 50:50 per cent resource allocation (traditional:non-traditional)
- adjustment to 50:50 is to be achieved through the purchase of non-Traditional Inhabitant commercial licences in the Australian share of the fishery by an open tender process and;
- in the longer term the target of 70:30 is to be achieved through an open market and self-funded process.

The PZJA recognizes that changes of this nature in the management of Torres Strait fisheries may impact on the relative economic positions of

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<sup>1</sup> Catch data is still being analysed to provide a more accurate estimate.

individual holders of fishing concessions. Set out in FMP2 are the policy to be implemented and an appropriate procedural framework for allocation by the PZJA of fishing concessions where a decision has been made to change significantly the basis of management arrangements in existing Torres Strait fisheries. The PZJA regards a move from an input to an output control system or from a transferable licence to a transferable unitized input control system as a significant change in management.

It is part of PZJA policy that in the move from one management regime to another:

- the fishing concessions that exist in a fishery at the time that management arrangements are proposed to change are the only concessions that will be taken into account under any allocation that may be required
- the changes are consistent with, and support, relevant Treaty and legislative objectives
- any differential economic impacts of allocations on individual fishing concession holders are minimized unless there are reasons justifiable with respect to relevant Treaty and legislative objectives that dictate otherwise.

The AAP has undertaken its task under the terms of reference taking into account the Treaty, legislative and policy factors just outlined.

## **2.4 Allocation Advisory Panel Process**

In undertaking these tasks, the AAP process was:

1. Relevant authorities provided a factual brief to the AAP which included details on:

- Existing management arrangements (including available data) in the TRL fishery
- Existing fishing concessions in the fishery
- Past correspondence, PZJA meeting decisions, published management guidelines and other written communication.
- Advice/input from relevant legal, economic or statistical experts or PZJA Agencies on matters relating to the required allocation(s).

2. The AAP consulted directly with holders of fishing concessions, Traditional Inhabitant representatives, other stakeholders and with any person/s or organisations with appropriate knowledge or experience who may be affected by the allocation decisions. Port meetings were held on Thursday Island and in Cairns. (See Attachment 4 for the schedule of meetings and list of attendees).

3. Written submissions were requested and received. (See Attachment 5 for a summary of written submissions received by the AAP).

4. The AAP identified any data necessary to support the allocation decisions ensuring that data could be verified.

The consultative process, by meeting and written communication, was of great assistance to the AAP and we trust we have given proper consideration

to facts and opinions put before us. The AAP has also taken into consideration that the PZJA is required by law to pursue the objectives specified in the Torres Strait Treaty and the Torres Strait Fisheries Act (1984) and may not give effect to an opinion, whatever its source within the fishing industry, which the PZJA judges to be inconsistent with those objectives. The advice that the AAP tenders must also conform to that requirement.

The PZJA requested that the AAP circulate a copy of their draft report and provide an opportunity for relevant stakeholders to provide the AAP with feedback, which can then be considered and specifically addressed in the AAP final advice to the PZJA.

Submission of the AAP final advice will be by the end of October 2006 at the latest so that the final report can be considered at the 20<sup>th</sup> PZJA meeting, to be held soon after that date.

**It is emphasised that the AAP is charged with responsibility to consider only the non-community commercial (TVH) sector.**



### 3. THE FISHERY

The Torres Strait Tropical Rock Lobster Fishery is focused on the capture of a singular target species of lobster, *Panulirus ornatus*, also known as the ornate tropical rock lobster (TRL). The fishery has been operating since the 1960s but did not really establish itself as a commercial fishery until the 1970's.

Initially the fishery was managed under the jurisdiction of the Queensland Government and was exploited by non-Traditional Inhabitant commercial operators fishing both Torres Strait and the east coast of Queensland, as well as some Torres Strait Non-Traditional Inhabitant. The level of activity by Non-Traditional Inhabitant in the fishery is not well documented, although the take of lobster for traditional (subsistence) fishing has been and continues to be an important part of traditional life.

The value of the fishery in the Australian jurisdiction has been varying between about \$7-15 million per year. Products include live lobster and lobster tails. Live lobster and frozen lobster tails exported to overseas markets attract a premium price compared to product sold on the domestic market.

The AAP formal briefing advised that Torres Strait Non-Traditional Inhabitants have been producing approximately 25-30% of the value of the fishery, but account for 30-40% of the catch. This variance is because compared to most commercial fishers, few community fishers can meet export standards as they lack suitable facilities.

#### 3.1 Area of operation

The fishery operates from the tip of Cape York to the northern border of the Protected Zone. Most of the catch comes from the western and south-eastern part of the fishery where the densities of lobsters are highest.

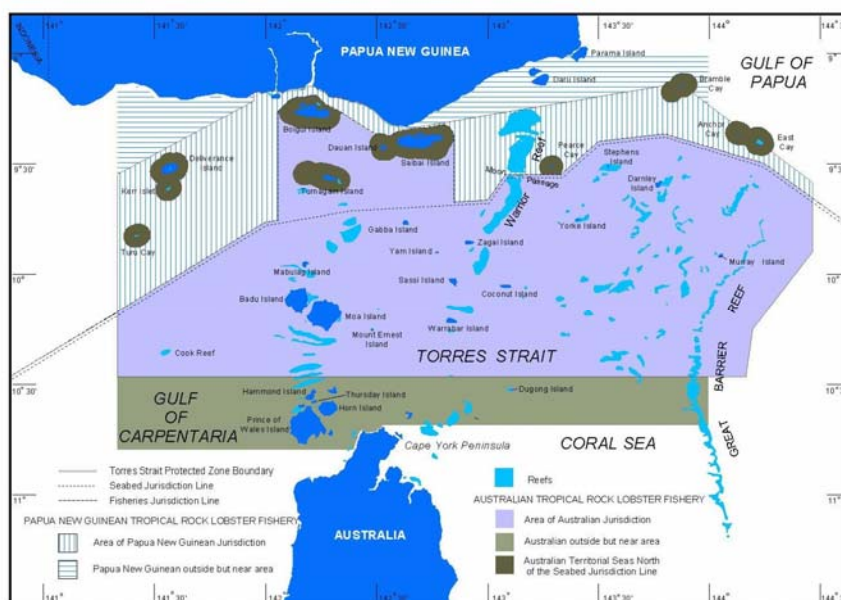


Figure 1. Map of Torres Strait showing areas of jurisdiction. Note that south of the tip and east of Cape York Peninsula the Queensland fishery operates as far south as 14 degrees S.

### 3.2 Biological Information

The species is extremely fast growing and by two years after hatching many lobsters reach legal size. The Torres Strait population is almost unique in that most lobsters migrate out of Torres Strait to spawn by their third birthday, with few returning to the fishing grounds. Many migrate across the Gulf of Papua to Yule Island – a distance of hundreds of kilometres.

There is virtually no spawning in the area that is fished commercially and most Torres Strait fishers have never seen a spawning lobster. Lobsters not taken in the fishery prior to migration will not be caught later and, aside from their reproductive contribution to the next generation, are lost to the fishery. Larvae are thought to travel in the Coral Sea Gyre where they spend some six months in the deep waters of the Coral Sea. They are understood to be transported by the Gyre to the Torres Strait and northern peninsular waters and carried south along the Great Barrier Reef.

The biological status of the fishery has recently changed from overfished to fully exploited, based on a new assessment approach (developed by Yimin Ye et al from CSIRO) using a catch-age model developed and fitted to the commercial catch statistics and fishery-independent survey abundance estimates from 1989-2005 using a maximum likelihood method. Estimates of the 2007 TAC using this new approach are expected in August 2006.

### 3.3 Historical catch data

Catches in the fishery have varied considerably over time (see Figure 2). As the fishery is based largely on a single year class of 2-year-old lobsters, variations in recruitment strongly influence catches in the fishery. Fishing effort also influences catch.

In recent years there have been low catches over the period 1999-2001 and then very high catches over the period 2003-2005 inclusive. The catch dropped again in 2006. There is a belief amongst many licence holders that these fluctuations in catch are brought about through natural cyclical variations in the lobster food chain.

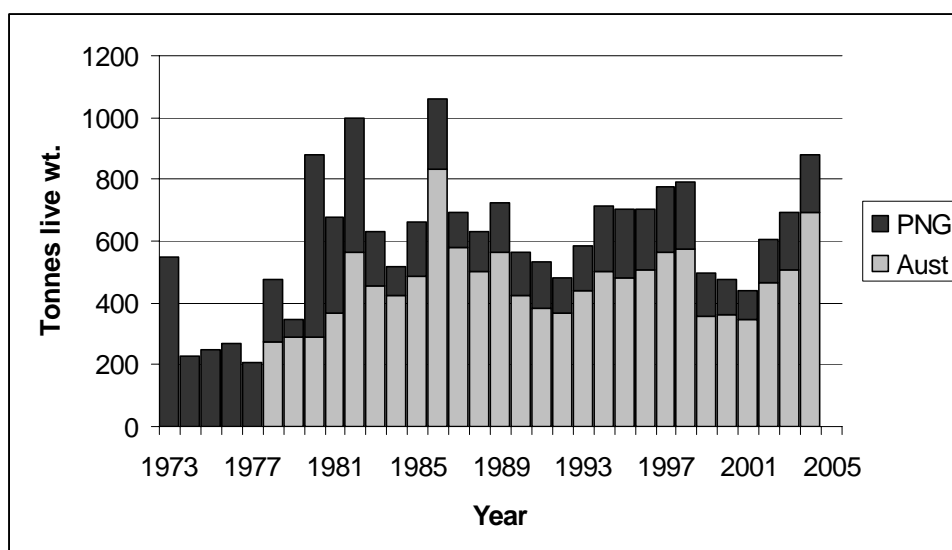


Figure 2. Catch history in the Australian and PNG fisheries. Note that Australian catch includes both community and non-community commercial fisheries.

### **3.4 Method of fishing**

TRL is harvested by divers using a gloved hand, spears and snares.

The early method of capture (still in practice today) is 'free diving'. Some sectors of the commercial TRL fishing industry now use a surface-supplied air device known as "hookah" to extend the depth range available to divers and maximise catch from time spent underwater.

### **3.5 Fishing Licensing Arrangements**

As a delegate of the PZJA the Queensland Department of Primary Industries and Fisheries (QDPI&F) issues all Torres Strait licences.

Traditional (subsistence) community fishing is generally conducted beyond the fringing reefs of islands from small outboard-motor powered dinghies (usually less than 6 metres in length). As the dinghies used are small, fishing activity is restricted by bad weather and distances that can be travelled from the home community.

Traditional fishing occurs relatively free of management restrictions, and is carried out by a variety of methods. A bag limit applies and a restriction on gear limits take to hand, spear, scoop or net.

#### **3.5.1 Commercial Fishing Boat Licences**

##### **3.5.1.1 Traditional Inhabitant Boat Licence (TIB)**

These licences are issued to Torres Strait Traditional Inhabitants only.

At its peak (2005) there were over 420 TIB licences with a lobster endorsement. At time of writing there are 390 licences. Many of the licences are unused. There is no limit on the issue of TIB licences.

##### **3.5.1.2 Transferable Vessel Licence Holder (TVH)**

With the ratification of the Treaty, commercial fishers who could demonstrate a history of operating in the fishery were granted licences under the *Torres Strait Fisheries Act 1984*. A number of additional licences were granted following the initial grant immediately after ratification but by 1988 no new licences have been granted.

A small number of these licences were also granted to Torres Strait Traditional Inhabitants to operate larger boats in the fishery (initially TIB dinghies did not need licences) and these were used in Torres Strait and on the east coast of Queensland. A large proportion of these licences changed hands from Traditional Inhabitants to non-Traditional Inhabitants through commercial transactions.

The TVH sector of the fishery is currently managed through input controls limiting licence numbers and associated fishing tenders. There are currently 24 Primary Vessel licences with 61 associated tenders and two non-transferable dinghy licences.

Non-Traditional Inhabitants wishing to obtain a licence for the TRL fishery in Torres Strait must purchase one of the TVH licences from an existing operator.

These licences are subject to boat replacement regulations limiting vessel size.

#### **3.5.1.3 Master Fisherman's Licence**

In addition to a primary vessel licence, associated tenders must be operated by the holder of a Master Fisherman's Licence (MFL).

In 1989, further restrictions applied to commercial operations, which limited boat replacements and prohibited the grant of MFLs to non-Traditional Inhabitants. This was to encourage employment opportunities in the fishery for Traditional Inhabitants who, on application, could obtain a MFL.

### **3.6 Effort reduction in the TVH sector**

#### **3.6.1 Latent effort reduction process**

Licence numbers remained relatively stable in the commercial sector until 2004 when the PZJA completed a latent effort reduction process.

This process removed 3 Primary Vessels (generally freezer boats), 13 tenders and six non-transferable dinghies. This process followed an investment warning that was published in February 2002 (Attachment 1).

#### **3.6.2 Reductions to number of tenders used**

During the 2003-2006 seasons, to further reduce fishing effort in the TRL fishery, a 30 percent reduction in the number of tenders (dinghies/dories) available to be used by TVH licences was applied. The reduction appears not to have been implemented consistently each year with actual reductions ranging from 20% to 50%. In 2004, the 30% reduction was not applied to licences with two tenders to compensate for the higher reduction in 2003.

Reductions were not applied to licences holding only one tender. This exemption was endorsed by Industry.

### **3.7 Seasonal Closures**

A spring tide closure (also known as 'moon closure') was added to the mix of management arrangements in 2005. This prevents fishers from working with hookah gear for approximately 7 days each month from February to September inclusive. Its introduction was expected to reduce effort by about 15% in the commercial sector but the exact effect is indeterminate because it cannot be known how fishers would have fished had there been no closure.

Unlike the 30% reduction in tenders this closure impacts both TIB and TVH sectors.

### **3.8 Spatial Closures**

The fishery has no permanently closed areas, however the deep water areas in the eastern Torres Strait where breeding lobsters are known to occur are deep enough (40 to 100 plus metres) to provide natural refuge from fishing due to the inability of divers to operate safely with adequate bottom time to be commercially viable.

### **3.9 Compliance in the TVH Sector**

Fisheries officers check for compliance with regulations such as size limits, closed seasons and hookah bans, as well as any unlicensed fishing for commercial purposes.

Fisheries officers also inspect boats endorsed under the catch sharing agreements with Papua New Guinea (PNG). Prawn trawlers are inspected for the presence of lobsters and landings to mainland ports are checked periodically with sophisticated equipment to detect any illegal retention of lobsters.

### **3.10 Fishery Logbook Data for the TVH Sector**

In 1985 a notice was issued introducing catch reporting in the tropical rock lobster fishery and requiring the “master of any boat being used to take tropical rock lobster” to report the catch in a form and manner prescribed. “Community” fishers were also required to supply catch information at the time of delivery of the catch to the master of a vessel (fishing, processing or carrying vessel) or a person operating a fish processing facility, whichever was relevant. PNG vessels operating in the area of Australian jurisdiction were added to this requirement in 1986.

The AAP was advised these catch reporting notices would have underpinned the collection of complete catch information from the TSPZ, but omitted the collection of effort information.

In 1989 subsequent notices revoked the arrangements above but required masters of processor vessels, vessels carrying catch, operators of fish processing facilities and pilots of aircraft to furnish information on the catches received by them. This notice effectively eliminated the need for commercial fishing vessels to furnish information which would have had obvious implications for the collection of consistent data from fishing vessels.

A further notice was gazetted in June 1997 requiring “boats” licensed to take tropical rock lobster to furnish logbook returns. However, “boat” was defined as “a boat used for fishing in the Torres Strait lobster fishery which has the capacity for lobsters to be frozen on board”. This effectively eliminated the need for smaller “day tripping” boats landing unfrozen product to furnish logbook returns. These smaller boats, which are licensed by the PZJA, constitute a significant number of the total boats active in the lobster fishery. There appear to be no records on which to evaluate this sector’s participation in the fishery by either means of catch or effort.

In 2002 the requirement to fill out logbooks was changed from vessels that had the capacity for lobsters to be frozen on board to all vessels in excess of 7 meters in length.

Catch and effort data from the fishery, particularly the commercial sector, are considered to be comprehensive and of relatively high quality from 2002 until the present.

Summary annual catch statistics for individual concession holders were provided to the AAP to assist in the formulation of the AAP recommendations.

## **4. CONSULTATION**

### **4.1 Public meetings**

In accordance with written notification to fishing licence holders and other interested persons and with advertisements in local media, public meetings were held in relation to the TRL fishery on Thursday Island on 27 June 2006 and in Cairns on 29 June 2006.

The meetings were attended by a total of 22 people. All persons present were given the opportunity to participate in discussion and to make oral submissions, whether at the public meeting or with the AAP immediately afterwards in confidence. Most attendees spoke openly at the meetings and some did so later in confidence one-on-one with the AAP.

### **4.2 Interviews**

Three licence holders were unable to attend the public meetings and met with the AAP in separate interviews to make an oral submission.

### **4.3 Written submissions**

A summary of the written submissions received is at Attachment 6.

Written submissions are held on behalf of the AAP by Mr Stephen Colquitt of the Australian Government Department of Agriculture Fisheries and Forestry.

### **4.4 Other information**

The AAP arranged to meet marine brokers in Cairns on 26 and 30 June 2006 and obtained information from them relating to the trade in TRL fishing licences.

Whilst on Thursday Island the AAP consulted with Mr Toshi Nakata on behalf of the Torres Strait Regional Authority.

The AAP also visited lobster processing facilities on Thursday Island.

## **5. ISSUES FOR CONSIDERATION**

### **5.1 Investment Warnings**

An investment warning was issued by the PZJA by mail and placed in local newspapers concerning the Torres Strait Tropical Rock Lobster, Line and Mackerel Fisheries on 14 February 2002 following it's the PZJA meeting on 3 October 2001 (Attachment 1). The Investment Warning stated:

'Existing and new operators are warned that any expansion of fishing effort or increased investment after today's date may not be recognised in assessing applications for new or continued access to the fishery following implementation of any new management arrangements.'

This warning was repeated on 2 September 2002 in a further investment warning published in the media.

At its meeting on 1-2 February 2005 (PZJA 17) the PZJA agreed 'to issue an investment warning for the TRL Fishery' but did not specify the terms of the warning.

On 4 April 2005 a further investment warning for the TRL was issued by Federal Fisheries Minister Ian MacDonald in the form of a media release and subsequently the PZJA Licensing Delegate sent a letter to licence holders on 8 April (Attachment 2). The media release and the letter drew attention to 'similar warnings' in February and September 2002 and the letter stated that 'persons considering increasing their fishing activities or making new or additional investments in the fishery should take note of these warnings'

None of these warnings made any specific reference to catch history.

At its meeting on 5-6 July 2005 (PZJA 18) the PZJA agreed that an investment warning be issued for the TRL Fishery:

- '(i) announcing that the basis for future allocation decisions have not been decided and that;
- (ii) should future allocation decision be based on catch history it will be based on catches prior to February 2002 being the date of the previous investment warning.'

The AAP understands that no formal written warning was issued but an announcement was made to the effect of the PZJA 18 decision at subsequent public meetings at which licence holders were present.

At the public meetings during the AAP consultation process there was a divergence of views concerning the February and September 2002 investment warnings and how, if at all, these warnings should be accounted for in the allocation process. Some licence holders, predominantly those who have held their licences for a long time, thought that the date of these investment warnings should be the strict cut-off date if catch history was to be included in the recommended allocation formula. Those that supported this view argued that they had adhered to the investment warning and

consequently had not increased their effort because they were committed to the long-term sustainability of the fishery.

Other views put forward, predominantly by those who have been more active in the fishery since 2002, considered that the investment warning of 2002 was a “knee jerk” reaction to a poor catching season in 2001 and did not take into account the natural fluctuations that occur in the fishery. They argued that they did not take the warning seriously and felt that they had been proven correct as the highest catching seasons on record have been in 2003-05.

## **5.2 Catch History**

At the public meetings, discussion on catch history was detailed and robust. Although there was widespread support for catch history to be included in an allocation formula, there was considerable disagreement about the period that should be used and the quality of the catch data that was recorded prior to 2002.

There was a strongly held view, particularly by those who had owned licences and had been fishing in the Torres Strait over a long period of time, that catch history should be taken into account but only catch history prior to the 2002 Investment Warning. There were a number of arguments put forward for this position, both in oral and written submissions, such as:

- It would “reward” those that chose to ignore the 2002 Investment Warning and penalise those who did take it into account and did not expand their effort or relative catch.
- It would reward those who had bought licences in the fishery after the 2002 Investment Warning who had the intention of making short-term gains due to high catches over the period 2003-2005 but had no long term commitment to the sustainability of the TRL fishery.
- Many of those with long catch histories prior to 2002 could be considered the pioneers of the fishery and had a demonstrated commitment to economic development in the Torres Strait because they were resident there.

There was also an equally strongly held view put forward by those who had high catch history in the years after 2002. There were a number of reasons put forward for this argument, both in oral and written submissions, such as:

- The 2002 Investment Warning was not based on realistic assumptions about the state of the fishery (ie overfished) and the high catches in 2003-2005 were proof of this.
- The logbook data prior to 2002 was erratic and of questionable reliability as not all vessels were required to submit logbooks and there was no verification process. Logbooks were made compulsory in the fishery after 2002 and the data is considered reasonably accurate from that time.



- Some licence holders who had bought licences after 2002 had been skippers or crew or lessors in the TRL fishery prior to 2002, which demonstrated a commitment to the fishery.

If catch history were to be used in determining allocation, there was general consensus that alternate verification processes such as sales or cold store dockets may be required. There was also concern expressed by some operators in relation to weight variations between those licences which have concentrated recently on 'live lobster' compared to those only producing 'lobster tails', should catch history be based on weight. Their argument was that by choosing to focus on live lobsters, their catch history (total weight) would be lower than those focusing on frozen tails although the unit value of the catch is higher<sup>2</sup>.

The AAP was also advised at port meetings that a number of commercial vessels in the fishery are physically longer than their recorded length, apparently confirmed by a recent measuring operation conducted by Queensland Boating & Fisheries Patrol, and this may have implications for the catch history of those vessels as they may have increased their catching capacity.

### **5.3 Market value of licences and attached tenders**

There was considerable discussion at stakeholder meetings relating to the market price of licences and whether there were premiums paid for catch history, additional MFLs and/or the number of tenders. There was general agreement at the public meetings that market price is primarily determined by the number of tenders attached to the licence, with each additional tender having approximately the same market price. Evidence put forward at the meetings suggested to the AAP that the market for licences has operated reasonably effectively and transparently. It was stated that supply has been constrained by the fixed number of existing licence holders and demand has been constrained by the number of potential buyers able or willing to operate in the Torres Strait. One written submission considered market price of licences to be undervalued.

During the meetings, there was no recollection from attendees that a price premium had been paid for catch history prior to the 2002 Investment Warning. Since the 2002 Investment Warning, licences have changed hands, and of those, some of the purchasers said that they had paid a premium for licences with a high catch history.

The AAP tested the hypothesis that licence price is related to catch history by seeking the opinions of licence brokers with experience in brokering transfers of TRL licences.

Brokers have a broader view of supply and demand than the typical industry participant and also have the advantage of observing a number of actual and potential (ie not completed) transactions. However, because they are interested parties in transactions, their opinions cannot be regarded as totally free of bias. In fact the AAP was advised that few licences had been sold

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<sup>2</sup> Conversion factor = 2.32 kgs of live for every 1kg of lobster tails.

through brokers. Even so, there was no consistently conclusive evidence from licence holders or brokers of a systematic relationship between recent licence prices and the catch history attached to that licence.

Both brokers consulted said that the general rule had been to price the licence at around \$100,000/tender but there was some variation within that, dependent on whether the licences were also endorsed for the East Coast Queensland lobster fishery and/or had additional MFLs attached to them. Broker A maintained that the variation in price is not related to catch history. Broker B believed that prices are primarily related to the level of interest in the fishery at any given time, which in turn, is related to current and expected aggregate catches. He claimed prices would be the same with or without catch history and are usually based on the number of tenders attached to the licence.

He conceded, however, that due to talk about management changes over the last three years, licences with catch history might attract a small premium (say, 10 to 15 per cent) if the seller could “talk up catch history”.

#### **5.4 Tenders**

Tenders (also known as dories or dinghies) were accepted throughout the consultation as representing the catching capacity of the licence holder and as a reasonable measure of effort in the fishery. The effort reduction process over 2003-2006, which reduced the number of tenders that licence holders were able to operate, supports this view.

There was some discussion as to whether the catching capacity of each additional tender was the same. Most operators attending the meetings considered catching capacity to be the same. Some felt that there were operating constraints (i.e. difficulty in finding MFLs to operate a tender) on those utilising more tenders, which tended to reduce the catches of these additional tenders.

There was also general support from the consultations that at least one component of an allocation formula should be the fact of holding a licence, in acknowledgement that licences have been freely tradeable. Two written submissions also supported allocation (partial or whole) on the number of tenders attached to a licence.

However, the weighting attached to this component varied according to the interests of licence holders. Understandably, those with low catch histories were in favour of a higher weighting accorded to the number of tenders held, while those with high catch histories preferred a higher weighting accorded to the past catch.

#### **5.5 Base Operational Unit**

On several occasions at both public meetings and in three written submissions the issue of a ‘base operational unit’ was raised equating to a minimum economic base or livelihood. There was general acceptance that this should be recognised as a primary licence plus one tender.

This was also seen as a way of supporting those licence holders who had fished for a long time in the fishery, whose primary source of livelihood was

lobster fishing but who had low catch history because they had made a lifestyle choice to operate that way. The AAP also notes that in the tender effort reduction policy applied in the fishery in 2003-2006 reductions were not applied to one-tender licences, which was a position endorsed by the TVH sector.

### **5.6 Residency in the Torres Strait and Longevity in the Fishery**

The issue of the relevance of residency within the Torres Strait and the longevity of the operator in the fishery were raised as matters that the AAP should take into consideration for weighting on allocation. The AAP was referred to Article 26, section 3 of the Torres Strait Treaty. The issue was also raised in four written submissions.

A number of licence holders at the meeting on Thursday Island advised the AAP that the fact that they are based in the Torres Strait and create employment opportunities, should be specifically recognised in any allocation. This was also raised in written submissions.

Licence holders also raised the issue of special consideration for those who have remained in the fishery since the period prior to the Treaty.

### **5.7 Non-Transferable Dinghy Licences**

There are two non-transferable dinghy (under 6 metres) licences remaining in the TVH sector, both of which are leased out by the owners to other operators. Their existence is a result of previous management decisions. Only one of these licence holders attended the public meetings.

The view put forward, which did not result in any opposition from other licence holders, was that these licences should be treated equally with the transferable TVH primary plus one tender licences.

### **5.8 Master Fisherman's Licence (MFL)**

The AAP was advised that some tenders had been formally relinquished from licences in the past in exchange for additional MFLs. This was acknowledged by many licence holders at the public meetings but was accepted as a 'sunk cost' for those licences.

## **6. ISSUES NOT FOR AAP CONSIDERATION**

There were a number of issues raised at the public meetings that the AAP draws to the attention of the PZJA. The AAP informed participants that these issues were beyond the scope of the AAP Terms of Reference.

### **6.1 Resource Allocation between the TVH, TIB and PNG Sectors**

There was a general view expressed at all meetings that the Federal Government policy to move greater resource allocation away from the TVH sector towards the TIB sector was not consistent with the overall development of the TRL fishery and of the Torres Strait region.

### **6.2 TRL Management Processes**

During the consultations a number of concerns were expressed in relation to the PZJA's policy and management decisions in the TRL fishery.

The AAP made it clear during the consultation process that it could not go beyond its terms of reference set by the PZJA and in performing its task the AAP had accepted that a management plan would be developed, that individual transferable quota units would be part of the Plan for the TVH sector and an apportionment was required to be made between the TVH licence holders.

### **6.3 Voluntary Tender Process**

Stakeholders were concerned about their lack of information and understanding relating to the nature and timing of the voluntary tender process that is scheduled to occur after the PZJA decides on an appropriate quota allocation formula.

### **6.4 Shore-based industries**

The AAP heard the concerns of two lobster processing operations that were worried about the implications of the TVH and TIB allocation on their sources of supply.

## **7. RECOMMENDED APPROACH TO THE ALLOCATION OF INDIVIDUAL TRANSFERABLE QUOTA UNITS**

### **7.1 Eligibility**

The first of the AAP's terms of reference require it to advise the PZJA on a method of determining who in the commercial fishing (TVH) sector in the Torres Strait TRL Fishery should be eligible for the grant of ITQ fishing rights. There was a common view among those consulted by the AAP that all persons currently holding fishing licences in the fishery should be eligible. The AAP also notes the PZJA policy has expressed in FMP2 that the fishing concessions that exist in a fishery at the time that management arrangements are proposed to change are the only concessions that will be taken into account under any allocation that may be required by the move from one management regime to another. The AAP has assumed that all persons currently holding licences will continue to do so at the time of the PZJA meeting scheduled for October 2006. "Licences marked "no boat" should be treated as no different from other transferable primary licences."

The AAP further understands that the tender process that will follow any PZJA decision to allocate ITQ units will result in the surrender of existing licences and not ITQ units and that the actual allocation of ITQ units will be made to persons with licences remaining after the tender process is completed.

The AAP therefore recommends that the persons eligible to be granted ITQ fishing rights are those persons to whom a licence has been granted under S36(2) of the Act where that licence is current at the time of the PZJA meeting scheduled for October 2006, provided that any such person ceases to be eligible upon the surrender of the licence prior to the allocation of the ITQ units.

### **7.2 The relative economic position of operators**

The AAP, in addressing its Terms of Reference and against the background of issues discussed in the preceding sections, is required to take into account information provided in PZJA Fisheries Management Paper (FMP) No.2 establishing *'Guidelines for the formation of Allocation Advisory Panels for the allocation of fishing licences in Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change'*.

It is stated in section 4 of FMP No.2 that when making any management changes the PZJA will ensure that any differential economic impacts of allocations on individual fishing concession holders are minimised unless there are reasons, justifiable with respect to the PZJA's legislative objectives, that dictate otherwise. The advice tendered to the PZJA by the AAP must conform to that requirement.

The AAP interprets "differential economic impact...minimised" to mean that the change in economic position of licence holders (*strictly relative to other licence holders in the TVH fishery*) prior to the proposed change of management arrangements compared to their relative economic position after the change of management arrangements is reduced as far as is practicable across the whole TVH fishery. Put simply, irrespective of the size of the TAC "pie" allocated to the TVH sector, the aim is to try and maintain each licence

holder's individual slice of pie at about the same proportion as the slice of the fishery pie they had before the management arrangements changed.

Experience in other allocation processes has shown that there is not one definitive way, applicable to every fishery, to estimate relative economic position and thus differential economic impact. This is because any selected method is dependent on the quantity and quality of data available, the legislative framework, the management context of the fishery and stakeholder opinions regarding acceptable allocation formulae.

The most commonly used ways to measure the relative economic position of licence holders in a fishery with fully transferable licences have been:

- The market price of the fishing licences; and/or
- Income dependence using a proxy, such as catch history

Both of these components, either individually or in combination, were suggested during the AAP public consultations.

### **7.2.1 Market price of licences and their associated tenders**

When a fishery such as the TRL fishery has transferable fishing licences prior to moving to a regime based on individual transferable shares of an annual total allowable catch, the value of those licences is an important component of the licence holder's economic position. This is because the licence has value as a tradeable asset, irrespective of whether or not the licence is used to earn income from fishing.

The theoretical underpinnings of this argument are as follows. In a reasonably competitive market, the licence is an asset which can be freely traded and divested of at any time. The market price of the licence should reflect the net present value of the stream of expected future profits (when operated by a reasonably efficient operator) from its use. In other words, how the licence has been used in the past is, in theory, not relevant to market value; what is relevant is how the licence can be used in the future. Market price will therefore be based on what potential buyers and sellers think can be earned from the licence in the future. This view was expressed by some operators in oral and written submissions.

It is possible, however, that not all licences command the same price at a given time. One reason why this might occur is that participants in the market require a higher price for licences with an 'acceptable' level of catch history over some period<sup>3</sup>. This might occur because participants know that changes to the management regime are possible and that catch history has played a part in the initial allocation of new rights in some fisheries. Therefore, asset value of licences with a catch history, particularly a high one, would be greater than that of a licence holder with lower catch history. The distribution of wealth after the change in management regime would be altered if the former fisher were not allocated a greater share of allowable effort than the latter.

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<sup>3</sup> Catch history is attached to the licence rather than the individual fisher.

However, based on the information in sections 5.1 and 5.2, the AAP believes that there is no compelling evidence to indicate that premiums have been consistently been paid for licences with high catch history (prior to the 2002 Investment Warning) or that a premium, if it had been paid, could be disentangled from the characteristics of the overall licence package purchased. Therefore the AAP gives no further consideration to a catch history premium.

Furthermore, the AAP investigated whether a premium was paid for additional MFLs attached to a licence and has concluded there was not enough evidence or information that a measurable premium was paid. Only two licence transfers involving MFLs were brought to the AAP attention.

Therefore the AAP view is that:

- TVH licences were freely transferable<sup>4</sup>;
- there was a market for licences;
- all tenders were generally regarded within the industry as having an equal market price at a given time, and;
- the main determinants of the trading price of a licence were the type of endorsements and the number of tenders attached to a licence

The AAP concludes that the market price of licences should contribute in some proportion to the allocation formula in order to reflect the asset value of the licence and its associated tenders.

### **7.2.2 Utilisation of licence/catch history**

In quota allocations in fisheries with fully-transferable licences, catch history has sometimes been used for determining the extent to which a licence is utilised and thus as a proxy for income as a contributor to relative economic position. In other words, market price in itself may not be a complete indicator of the relative economic position of an individual licence holder because more successful operators may place a higher value on their licence than the available market price because they earn, and expect to earn, above average profits. They would argue that they have chosen to utilise the permit more intensively or more effectively and would be disproportionately affected by an allocation based solely on the market value of a licence.

The inclusion of catch history either as the sole or partial determinant of allocation, was put forward in most oral and written submissions. Only one written submission argued against the use of catch history.

The AAP respects the view that relative economic position may be influenced by the degree of utilisation of a licence. If there were clear evidence of such an influence and a means by which it might be assessed other than in an arbitrary fashion, it would be appropriate to incorporate the relevant measure of utilisation, say catch history, into the allocation formula.

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<sup>4</sup>

With the exception of the non-transferable licences

However the AAP believes there are compelling arguments against the inclusion of catch history in the allocation of fishing licences in the TVH sector.

In reaching this view, the AAP:

- is guided by PZJA decisions including those from PZJA 18, at which it was decided that, should catch history be used in the allocation formula, only catch history prior to the 2002 Investment Warning should be considered for an allocation based on catch history.
- believes that because logbooks were not compulsory for all licence holders prior to 2002<sup>5</sup>, catch history based on logbook returns is not a sufficiently reliable indicator of utilisation of all TRL licences. Licence holders who were not required to submit logbooks would be disadvantaged by a catch history variable in an allocation formula unless there was some reliable means of verifying their catches.
- takes into account that some licence holders may have been operating with larger boats than they were licenced to use which might have an effect on their catch histories;
- believes that, should the PZJA change its decision and allow the inclusion of (more complete) post-2001 data in any catch history allocation, certain operators who adhered to the 2002 Investment Warning may be disadvantaged.
- considers that verification of logbook data and catches prior to 2001 across all licence holders would be a time-consuming and costly task that would substantially delay the voluntary tender process scheduled for November 2006. This is discussed further in section 8.3.

### **7.2.3 Base operational unit**

Compared to quota allocations in other fisheries, the AAP is faced with a unique situation in the Torres Strait Tropical Rock Lobster Fishery in that, irrespective of stock status, the TVH sector will face a significant reduction in resource availability through the tender process for redistribution of resources to the TIB sector. In many oral and written submissions, the argument was raised that there should be a base allocation to all licence holders to ensure that all licence holders have a base operational unit and to enable the smaller operators, particularly those based in the Torres Strait, to maintain their livelihoods given that there are few alternatives available to them. The proposed base operational unit, as described in section 5.5, is a primary licence and one tender.

The AAP is persuaded by this argument, particularly as the majority of stakeholders are in support of it. However the AAP considers that such an allocation is counter to minimising relative economic position in the TRL fishery and as such should be a consideration, but not the primary determinant, in any allocation formula. As an illustration, a licence holder who

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<sup>5</sup> AFMA has informed the AAP that there were three eligible licence holders not required to fill in logbooks – two of whom were holders on non-transferable licences.



is already operating as a base operational unit prior to allocation and retains that position post-allocation (in terms of actual tonnes of quota) would be in a materially better relative economic position than another licence holder with multiple tenders whose actual allocation is substantially reduced as a result of the allocation.

#### **7.2.4 Residency in the Torres Strait and Longevity in the Fishery**

The AAP believes that unless there are restrictions (and consequent management monitoring and actions) on future ITQ transferability, there would be no way to ensure that Torres Strait residents who are currently licence holders would remain in the fishery and not sell their quota to someone outside the Torres Strait. Making allocations based on Torres Strait residency of concession holders to enhance social and economic benefits to the Torres Strait cannot be assured. Indeed, the AAP believes that placing such transferability restrictions on ITQs would be counter to the objectives of introducing an ITQ management regime as transferability would be reduced.

#### **7.2.5 Licence holders entire economic position**

It has been argued by some licence holders that the “entire economic position” of licence holders should be taken into account. That is, if a licence holder has chosen to operate in another fishery for some or all of the time, this has affected his/her catch history in the Torres Strait. The AAP believes that it is not appropriate to look at the entire economic position of operators for the following reasons:

- This approach would not be equitable. A fisher’s entire economic position might include other fisheries, but might also (for instance) include non-fishery assets or income such as real estate or an office job; and
- The data requirements for this exercise could be enormous, intrusive and unavailable in practice.

## **8. RECOMMENDED METHOD FOR DETERMINING THE ALLOCATION OF ITQ FISHING LICENCES BETWEEN ELIGIBLE PERSONS IN THE NON-COMMUNITY COMMERCIAL FISHING SECTOR OF THE TRL FISHERY**

Term of Reference No 2 required the AAP to provide recommendations to the PZJA on determining allocation of ITQ fishing licences between eligible persons in the non-community commercial fishing sector in the TRL Fishery.

The AAP has addressed this term of reference on the basis that at some time in the future a total allowable catch will apply within the fishery. The AAP has not considered when the management controls should be applied nor the quantum of the TAC but has developed an apportionment formula(e) for application by the PZJA who will determine the timing of implementation of new management controls when sufficient evidence is available, including scientific supporting data.

In making this recommendation the AAP has taken into consideration the issues raised from submissions, consultations and other information made available or sought by the AAP throughout the process set out earlier in this report.

### **8.1 Consideration of different allocation formulae**

The AAP considered different allocation formulae based on the information and suggestions raised at the public meetings and in oral and written submissions. Some formulae, although counter to the AAP views on relative economic position, were included in this assessment as the AAP thought it prudent. Where a combination of independent variables was included in a formulae, different weights attributed to each variable were also evaluated.

Impacts were analysed using the individual annual catch and effort data over the period 1997-2005, made available to the AAP by AFMA, and commercial-in-confidence information on market prices of licences provided by licence holders and brokers.

Relative economic position was estimated using available catch data over the period 1997-2005 (taking into account the AAP views on the application of the 2002 Investment Warning) as well as the market prices of licences.

Alternative formulae options were then evaluated to determine which one most closely met the objectives set out in PZJA Fisheries Management Paper No.2 and minimised the differential economic impact on licence holders.

The formulae evaluated are shown in Table 1 (below).

**Table 1 Allocation formulae assessed by the AAP**

<b>Options</b>	<b>Allocation Formula</b>	<b>Comment</b>
<b>A</b>	100% of TAC allocated equally among tenders attached to a licence	All licences in one class (defined as number of tenders per licence) assumed of equal asset value. No allocation provision for utilisation (catch history).
<b>B</b>	30% of TAC allocated equally among licence holders (including first tender), and 70% of TAC allocated equally among remaining tenders attached to a licence in February 2002	30% of the TAE allocated as a base allocation and remaining 70% of the TAC allocated to additional tenders on the assumption that they account for 70% of the value of the fishery (as cross-checked by catches). No allocation provision for utilisation (catches) of licence.
<b>C</b>	Base allocation of a total of 50% of the TAC per tender attached to a licence in February 2002 and remaining 50% of the TAC allocated based on the best three years of verified catch history for the five year period 1997- 2001	Asset value component 50% of the TAC and 50% of the TAC on utilisation (catches) of licence.
<b>D</b>	Best of base allocation of 1% per tender attached to a licence in February 2002, or the best three years of verified catch history for the five year period 1997- 2001 scaled down to equal the remaining TAC after base allocations are accounted for	Licence holders choose an allocation (based on their individual circumstances) of either asset value of licence (based on number of tenders) or utilisation of licence (catch).

**8.2 Recommended formula**

In recommending an allocation the AAP has:

- endeavoured to minimise any adverse differential impacts on individual licence holders in terms of licence value and utilisation of licence (catches) both prior and subsequent to the 2002 Investment warning by choosing a formula which most closely achieves this outcome;
- applied PZJA 18 decision concerning the use of catch history only prior to the 2002 Investment Warning only
- taken into account the incomplete catch and effort data over the period 1997-2001.

The AAP recommends that the formula which most closely meets the objectives set out in PZJA Fisheries Management Paper No.2 is:

**Option B:**

- 30% of TAC allocated equally among licence holders (including first tender) as a base allocation, and
- 70% of TAC allocated equally among remaining tenders which were attached to a licence in February 2002 on the assumption that these remaining tenders account for 70% of the catches (as cross-checked by catches over the period 1997-2001 and 2002-2005).

An illustrated example of the application of this formula on an imaginary TAC of 400 metric tonnes is shown in Table 2.

**Table 2 Example of the formula recommended by the AAP**

TAC = 400 mt				
Number of tenders	Number of licences	Base Allocation (30% of TAC)	Variable Allocation (70% of TAC)	Allocation per licence holder
		mt	mt	mt
1	9	41.5	0.0	4.6
2	5	23.1	35.9	11.8
3	6	27.7	86.2	19.0
4	4	18.5	86.2	26.2
5	1	4.6	28.7	33.3
7	1	4.6	43.1	47.7
<b>TOTAL</b>	<b>26</b>	<b>120</b>	<b>280</b>	

Note: The TAC used in this example has been invented for demonstration purposes only. The application of the allocation formula in this example has been carried out based on the current licences that exist in the fishery. Based on advice provided by the PZJA Agencies, the AAP recognises that the available TAC in the fishery may change following the planned tender process to fund payments for the surrender of fishing licences and the associated reallocation of resources to the Community fishing (TIB) sector and accounting for PNG catch sharing entitlements.

### 8.3 A comment about catch history

The AAP would like to draw to the attention of interested stakeholders that we carefully considered the inclusion of catch history as a component in an allocation formula as many oral and written submissions considered catch history to be an important component of any recommended formula. However the issues raised in this report concerning the use of catch history (see Section 7.2.2) gave the AAP little confidence that catch history could be included as an independent variable or verified in a consistent and timely manner for all licence holders. With regard to verification of catch history, the AAP notes that:

- there were three eligible licence holders not required to complete logbooks: alternative verification in addition to sales dockets would have to be carried out.
- five eligible licence holders were required to, but appear not to, have submitted logbooks over the period 1997-2001.
- dual endorsed licence holders (Torres Strait and East Coast Queensland) would have to verify that catches as recorded on sales dockets were not taken from the East Coast Queensland fishery. This will apply to 19 of the 26 TVH transferable licence holders.

#### **8.4 Exceptional circumstances**

In the opinion of the AAP special circumstances apply to non-transferable licences restricted to dinghies less than 6m in length. The AAP is satisfied that these licences operate as a base operational unit despite not being attached to a larger primary vessel and believe that they should, for allocation purposes, be treated as equivalent to a primary vessel and single tender.

The AAP is of the view that various other considerations which stakeholders sought to draw its attention (e.g. residency, length of time in the fishery) do not amount to special circumstances within the AAP terms of reference.

## **9. PUBLIC COMMENT ON DRAFT REPORT**

The AAP has provided this draft report for a period of public comment. Public comments received by 21 September 2006 will be considered by the AAP with a view to finalising the report to be provided to the PZJA.

Comments should be provided in writing to:

Allocation Advisory AAP Secretariat  
Attn: Mr Stephen Colquitt  
Torres Strait Fisheries Section  
GPO Box 858  
Canberra ACT 2601  
Phone (02) 6272 3752  
Fax (02) 6272 4875  
Email [PZJA.Allocation@daff.gov.au](mailto:PZJA.Allocation@daff.gov.au)

**This draft report is presented to the PZJA by the members of the Torres Strait Tropical Rock Lobster Independent Allocation Advisory Panel.**

**The Hon Jeffrey Miles AO**

**Ms Sevaly Sen**

**Mr Brett McCallum**

## Attachment 1 Investment Warning for Torres Strait Tropical Rock Lobster Fishery

15 - 21 February, 2002

### Beautifying Seisia Through RAP Funding

Seisia is set to benefit from more than \$51,000 in Commonwealth funding to develop and beautify their promenade, Federal Member for Leichhardt, Warren Entsch announced last week.

Mr Entsch said the funding had been granted under the Regional Assistance Program (RAP) to aid the area's growing tourism industry.

"Seisia Community Council applied for this funding to assist with their overall planned improvements to the region to help the growth of the tourism industry in the region," he said.

"It is expected that once the project is complete that the promenade will act as a catalyst

to encourage new economic opportunities into the region."

Mr Entsch said this project demonstrated how a partnership between government and the community could enhance local employment opportunities in our region.

"RAP is administered by the Department of Transport and Regional Services and provides funding for innovative, quality projects facilitating local solutions to local issues," he said.

"For more information about RAP please contact my office on free call 1800810332 or Grantslink either by calling 1800026222 or logging onto [www.grantslink.gov.au](http://www.grantslink.gov.au)."

### Websites for groups looking for funding

[www.tgo.gov.au](http://www.tgo.gov.au) is a Tasmanian Government website, which lists in one database about 350 federal government funding programs. [www.fed.gov.au](http://www.fed.gov.au) is another Federal Government site. [www.grantslink.gov.au](http://www.grantslink.gov.au) lists a wide range of grants programs available from 15 Commonwealth Government agencies. Also free call 1800 026 222. [ourcommunity.com.au](http://ourcommunity.com.au) is the website for a monthly newsletter detailing grants funding available

to non-profit groups.

[www.philanthropy.org.au](http://www.philanthropy.org.au) is the website for Philanthropy Australia, a national association which represents Australia's leading grantmaking bodies, including private, family and corporate trusts and foundations. It produces a journal among other publications. [westir@pnc.com.au](mailto:westir@pnc.com.au) is the website of the Western Sydney Information and Research Service. It produces a directory of community funding sources.

### Customers Show Their Outback Spirit

Ergon Energy's customers in Queensland's Far North showed their true outback spirit last year by raising over \$8,000 for the Royal Flying Doctor Service (Qld) through Ergon Energy's voluntary donation scheme.

Regional Operations Manager Geoff Bowes announced that more than 3,000 Ergon Energy customers in the Far North chose to add a donation to their electricity account to show their appreciation and support of the vital service provided by the RFDS.

All the funds raised through the scheme are used to either

upgrade RFDS medical equipment or go towards the Aircraft Replacement Program.

"Like the RFDS, Ergon Energy provides a 24-hour, 7-day a week service to people living in Queensland."

He said the company hoped to increase community awareness and support for the RFDS in 2002 – the Year of the Outback.

"Since the scheme was launched in May 2000, we have been overwhelmed by the response across the state, with more than 22,000 Ergon Energy customers donating to the RFDS," said Mr Bowes.

Torres Strait

PZJA

Protected Zone  
Joint Authority



Queensland  
Government

### Investment warning for the Torres Strait Rock Lobster, Line and Mackerel Fisheries

Potential investors, current commercial fishers and boat owners in the Torres Strait rock lobster, line and mackerel fisheries are warned that future catches and investment in these fisheries from today's date may not be recognised in long-term management arrangements being developed for these fisheries.

This investment warning follows a decision made by the Torres Strait Protected Zone Joint Authority (PZJA) in October 2001 to review long-term management arrangements for these fisheries. The PZJA is a joint Commonwealth-Queensland authority responsible for the sustainable management of Torres Strait fisheries.

A sub-committee, which will consist of representatives from the Commonwealth and State Governments, the commercial fishing industry and the Torres Strait Islander community, will be established to review long-term management arrangements in these fisheries. The Australian Fisheries Management Authority (AFMA) and the Queensland Fisheries Service (QFS) will jointly coordinate the review which is to be completed within 12 months.

Existing and new operators are warned that any expansion of fishing effort or increased investment after today's date may not be recognised in assessing applications for new or continued access to the fishery following implementation of any new management arrangements.

Persons not already involved in the Torres Strait rock lobster, line or mackerel fisheries in a significant way should note this warning when buying into the fishery and are encouraged to seek their own independent advice prior to making any investment decisions.

#### Further information:

Kim Parkinson, Senior Manager (Fisheries), AFMA, phone (02) 6272 5381, Jim Gillespie, General Manager, Fisheries Resource Management, Queensland Fisheries Service, phone (07) 3225 1839.

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TORRES NEWS 13

## **Attachment 2 Investment Warning April 2005**

8 April 2005

Dear Licence Holder

### **Investment warning for the Torres Strait rock lobster fishery**

Following concerns about safeguarding the future of the Torres Strait tropical rock lobster fishery, the Torres Strait Protected Zone Joint Authority (PZJA) has released an investment warning. This follows on from investment warnings released in February 2002 and September 2002.

Persons or parties considering increasing their fishing activities, or making new or additional investments in the fishery should take note of these warnings. A copy of this latest investment warning is enclosed for your information.

If you require any further information regarding this matter, please do not hesitate to contact me on telephone 07 3225 1851 or email [John.Kung@dpi.qld.gov.au](mailto:John.Kung@dpi.qld.gov.au)

Yours sincerely

Dr J Kung  
Fisheries Management Officer (Torres Strait Fisheries)  
Fisheries Resource Management



**Senator the Hon. Ian Macdonald**  
**Minister for Fisheries, Forestry and Conservation**

DAFF05/48M

4 April 2005

## **Investment warning — tropical rock lobster**

The Protected Zone Joint Authority (PZJA), of which I am the Chair, has today issued an investment warning for the Torres Strait Tropical Rock Lobster Fishery (TRLF).

The PZJA, which includes the Queensland Fisheries Minister Henry Palaszczuk, and the Chair of the Torres Strait Regional Authority, Toshie Kris, is tasked with managing all fisheries in the Torres Strait Protected Zone, and is committed to the sustainable harvest of fisheries resources in the region by both the Traditional Inhabitant and non-Traditional Inhabitant sectors.

Assessments by the Australian Government's Bureau of Rural Sciences (BRS) indicate that the tropical rock lobster is an 'overfished' species, and the PZJA is bound to take management action to ensure that fishing returns to sustainable levels. This position has important implications for investors in the fishery

Fishing effort has increased markedly in the TRLF over the past few years, and the PZJA has set a target of reducing that level of fishing effort to 2002 levels. Management arrangements have been put in place for 2005 to reduce fishing effort to safer levels. Additional measures are also likely to be needed for the 2006 fishing season.

The PZJA has also agreed to investigate the feasibility of introducing a quota system into the TRLF, beginning next year. It is anticipated that any such new arrangement will give licensees greater security.

The PZJA has consulted extensively with stakeholders on this issue, and will continue to do so to help strengthen management arrangements in this important fishery.

There will also be a letter to all licence holders from the Queensland Department of Primary Industries and Fisheries, which takes care of fisheries licensing arrangements on behalf of the PZJA.

Today's investment warning follows similar warnings issued for the Torres Strait Tropical Rock Lobster Fishery in February 2002 and September 2002.

Further information:

Senator Macdonald's office David Crisafulli (07) 4771 3066 or 0400 144 483



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

March 29 2006

**Terms of Reference**

The Torres Strait Protected Zone Joint Authority (PZJA) was established under the Torres Strait Fisheries Act 1984 (the Act). It is responsible for monitoring the condition of designated fisheries within the Torres Strait Protected Zone (TSPZ) and for the formulation of policies and plans for their management. The PZJA 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 has resolved to develop statutory management plans for Torres Strait Tropical Rock Lobster (TRL), Prawn and Finfish Fisheries. These statutory management plans are being developed by PZJA Agencies for consideration by the PZJA.

The PZJA has decided the TRL fishery will move to an individual transferable quota (ITQ) system to be implemented for the 2007 fishing season. These arrangements will be embodied in the management plan for the fishery.

The PZJA has established this Independent Allocation Advisory Panel (AAP) to provide advice on the movement of fishing concessions from one sector to another and from input control management to the ITQ system in the non-community commercial fishing sector.

The need for such advice stems from the 9 November 2005 announcement of the PZJA relating to the allocation of fishing resources between the Traditional Inhabitant commercial (community) fishing sector and the non-community commercial fishing sector. After taking account of Papua New Guinea (PNG) entitlements under the Treaty, the PZJA is moving to a 50/50 share of Australian commercial fishing concessions between the two Australian sectors. This will be achieved through a voluntary open tender process.

The AAP should note that further terms of reference concerning resource allocation in the Torres Strait Prawn and Finfish Fisheries will be provided when relevant PZJA management decisions are finalised. Timeframes for the completion of written reports on ensuing terms of reference will be established at the time the terms of reference are distributed.

The initial terms of reference are as follows.

## Terms of reference

The AAP is to advise the PZJA on:

1. A method for determining who in the non-community commercial fishing sector in the Torres Strait TRL Fishery should be eligible to be granted ITQ fishing concessions.
2. A method for determining the allocation of ITQ fishing concessions between eligible persons in the non-community commercial fishing sector in the Torres Strait TRL Fishery.
  - An ITQ fishing concession is a right to one of a number of equal portions analogous to shares in a fishery
  - The value of each ITQ fishing concession depends on an annual Total Allowable Catch (TAC) to be determined by the PZJA in accordance with the TRL Management Plan.
  - The Torres Strait Tropical Rock Lobster Fishery is based on a single species, the ornate or tropical rock lobster (*Panulirus ornatus*)
3. Any exceptional circumstances that should be taken into account in the allocation of ITQ fishing concessions in the Torres Strait TRL Fishery.
4. Any appropriate rules for transfers, amalgamation or separation of fishing concessions to maintain the intent of the allocation process.
5. The AAP should provide its draft written report (prepared by the panel members) pertaining to the terms of reference to the Chair of the Standing Committee of the PZJA by 21 July 2006.
6. The report will then be revised by the panel and released for a 28 day period of public consultation. The panel will consider stakeholder submissions before finalising the report.
7. The final report must be provided prior to the 20<sup>th</sup> PZJA meeting (scheduled for October 2006.)

## Allocation Advisory Panel Process

In undertaking these tasks, the AAP is required to:

1. Take into account information provided in PZJA Fisheries Management Paper establishing 'guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change'.
2. Consult with relevant parties and any person/s or organisations with appropriate knowledge or experience;
  - The Panel will consult directly with holders of fishing concessions, Traditional Inhabitant representatives and other stakeholders affected by the allocation decisions. This consultation shall take place at advertised meetings that will be held in appropriate locations in the Torres Strait and Cairns.
  - The panel will meet (at a place determined by the panel) to confer on relevant allocation issues. At such meetings the panel may seek advice/input from relevant legal, economic or statistical experts or PZJA Agencies on matters relating to the required allocation(s).
3. Identify any data necessary to support the allocation decisions, whilst ensuring that data can be cost effectively collected and verified;
4. Explain and justify the recommended allocation system to the PZJA in the form of a 'written report of recommendations'

5. The panel will seek written submissions on its 'draft report' during a 21 day public comment period (as defined by the Panel) and then provide its final report to the PZJA, including copies of all written submissions
6. The AAP draft and final reports will be publicly available following consideration by the PZJA.
7. Provide advice to PZJA Agency officers appearing as witnesses before tribunals or courts in any challenge to the recommended allocation system if implemented by the PZJA;
8. Maintain full records of all activities undertaken by the Panel; and
9. Identify in the allocation process any exceptional circumstances that should be taken into account in the allocation of fishing concessions relevant to the terms of reference.

### **Factual Brief(s)**

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

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

#### **Attachment 4 List of Attendees at Port Meetings**

The APP arranged to visit a number of ports across the extent of the fishery. The ports chosen were to best provide access to the interested parties, mainly industry.

The ports chosen were Cairns and Thursday Island.

The content of the report contains summary comments from the port visits, are deliberately brief and only attempt to give a broad overview of the remarks and opinions received at the various meetings.

The Presiding member (Hon. Jeffrey Miles) made it clear that minutes as such were not being kept of each meeting but AAP members did take notes and these are reflected in the content of the draft report.

##### **Thursday Island, 27<sup>th</sup> June 2006**

<b>Name</b>	<b>Concession Holder</b>
Ray Moore	yes
Peter Geagea	yes
Brian Millett	yes
Thomas Fuji	yes
Phil Hughes	yes
Lindsay Pearce	yes
Geoff McKenzie	yes
Toshi Nakata	no
Ned David	no
Jim (George) Allison	yes
Ken McKenzie	yes
Bob Slyney	not specified
Peter Ahloi	yes

##### **Cairns, 29<sup>th</sup> June 2006**

<b>Name</b>	<b>Concession Holder</b>
Ross Woodley	yes
Mark Woodley	yes
Brett Arlidge (MG Kailis)	yes
Daniel Takai	no
Chris Robb	yes
Lesley Guy	yes
Tony Vass	no
Mathew Bruce	yes
Bill Morin	yes
Shaun Morin	yes
Gary Duff	yes

## **Attachment 5 Letters and Notices to Stakeholders**

### **MEDIA RELEASE**

**SENATOR THE HON. ERIC ABETZ**

**Minister for Fisheries, Forestry and Conservation**

Liberal Senator for Tasmania

14 June 2006

### **Torres Fisheries Allocation Advisory Panel**

The Protected Zone Joint Authority (PZJA) has set up an independent AAP to advise on the allocation of concessions in the non-Traditional Inhabitants sectors of the Torres Strait Tropical Rock Lobster and Finfish Fisheries, Australian Fisheries Minister, Senator Eric Abetz, announced today.

Senator Abetz, who is also the Chair of the PZJA, said the Allocation Advisory Panel would comprise former Federal Court Judge Jeffrey Miles AO, respected fisheries economist Sevaly Sen, and an independent fisheries representative, Brett McCallum, from the Pearl Producers Association.

"They have the skills and experience to provide the PZJA with independent advice on the most appropriate ways of allocating the transferable quota and effort units in these fisheries that form part of new management measures that will be introduced in 2007," he said.

"We also want to hear the views and suggestions of industry stakeholders. With that in mind, there will be public meetings later this month in Cairns and Thursday Island.

"People can let the panel know first-hand how they believe the allocation process should take place. They will also have the chance to pass on other comments the panel may need to take into consideration before it provides its advice to the PZJA.

"I encourage all stakeholders to attend the meetings, and ensure your voice is heard and your views taken into consideration."

Meeting schedule:

- Cairns — Sunday 25 June (Finfish Fisheries)
- Thursday Island — Monday 26 June (Finfish Fisheries)
- Thursday Island — Tuesday 27 June (Tropical Rock Lobster Fishery), and
- Cairns — Thursday 29 June (Tropical Rock Lobster Fishery).

People wanting to attend one of the meetings or provide a written submission should contact the Allocation Advisory Panel Secretariat Officer on (02) 6272 3752 or email [PZJA.Allocation@daff.gov.au](mailto:PZJA.Allocation@daff.gov.au).

All licence holders  
Torres Strait Tropical Rock Lobster  
Spanish Mackerel and Reef Line Fisheries

08 June 2006

**Important notice on the proposed allocation of transferable vessel holder commercial fishing concessions in the Torres Strait Tropical Rock Lobster, Spanish Mackerel and Reef Line fisheries**

Dear licence holder,

The Torres Strait Protected Zone Joint Authority (PZJA) has established an Allocation Advisory Panel to provide advice on the allocation of commercial fishing concessions in the transferable vessel holder (non-community) commercial fishing sectors of the Torres Strait Tropical Rock Lobster, Spanish Mackerel and Reef Line Fisheries.

I am pleased to invite you to participate in public meetings scheduled by the Allocation Advisory Panel on 25, 26, 27 and 29 June 2006. A schedule for the various public meetings that will be held in both Cairns and the Torres Strait, is included at Attachment 1.

The panel consists of three members who are independent of any interest in the PZJA or the Torres Strait fisheries in question. I will chair the panel in my capacity as a retired judge. The other panel members are an economist, Ms Sevaly Sen from FERM - Fisheries Economics, Research and Management Pty Ltd, and a fishing industry representative, Mr Brett McCallum from the Pearl Producers Association.

The panel will advise the PZJA on how Transferable Vessel Holder entitlements in these Torres Strait fisheries should be allocated under new fisheries management plans that will commence in 2007. In undertaking these tasks, the Allocation Advisory Panel is required to consult widely with relevant parties, persons and organisations with appropriate knowledge and experience in the fisheries before making our recommendations in the form of written reports. The panel will also take into account PZJA Fisheries Management Paper No 2 - Guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change significantly, which will be made available on the PZJA website [www.pzja.gov.au](http://www.pzja.gov.au).

When the method for the allocation of transferable vessel holder commercial fishing concessions is devised, the Allocation Advisory Panel will aim to minimise changes to the relative economic position of individuals, unless grounds exist under the *Torres Strait Treaty* or the *Torres Strait Fisheries Act 1984* that would indicate otherwise.

During these public meetings the panel will outline the task being conducted and stakeholders are invited to express opinions on:

- preference as to the method of allocation of transferable vessel holder commercial fishing concessions; and
- other issues that the Allocation Advisory Panel may need to take into consideration.

To assist with administrative arrangements for the public meetings, if you are interested in attending one or more of these meetings, I ask that you please confirm your interest by contacting the Allocation Advisory Panel Secretariat (see below). More information on this process is available on the PZJA website.

In addition to the scheduled public meetings, the Allocation Advisory Panel will also be accepting written submissions from stakeholders up until 7 July 2006. Information contained in a written submission may be published by the Allocation Advisory Panel in the course of its work unless information in the submission is marked "commercial in confidence".

Examples of commercial in confidence information may include:

- Information about specific licences held by individuals/groups;
- Personal information concerning years operating in the fishery, specific techniques, catch history, etc; and
- Financial information relating to personal finances and business transactions.

Written submissions should be provided through the Allocation Advisory Panel Secretariat. Please also note that a "pro forma" has been provided for stakeholders to use when preparing written submissions to assist in concentrating information provided and to ensure that "commercial in confidence" material is identified and handled accordingly. The pro-forma is included in Attachment 2.

Following this initial public consultation round, the panel will release a draft report for further public comment. This draft report is anticipated for public release around the 4 August 2006. The final advice of the Allocation Advisory Panel will be provided to the PZJA for its consideration at the meeting scheduled for 25-26 October 2006.

On behalf of the Allocation Advisory Panel, I encourage you to participate in this consultative process and I look forward to hearing your views. I will be contacting the Queensland Seafood Industry Association and the Queensland Rock Lobster



Association so that they can inform their members about these public meetings but I would also encourage you to inform other interested persons so they may participate in this process.

Yours sincerely

Jeffrey Miles AO  
Chair  
Allocation Advisory Panel

**PUBLIC MEETING SCHEDULE FOR INDUSTRY CONSULTATION CONDUCTED BY THE  
ALLOCATION ADVISORY PANEL (Cairns/Torres Strait)**

<b>DATE</b>	<b>Meetings</b>	<b>Location</b>
Sunday 25 <sup>th</sup> June	<ul style="list-style-type: none"> <li>- <u>9:00am - afternoon</u></li> <li>- AAP public meeting on allocation of individual transferable effort units in the Torres Strait Spanish Mackerel and Reef Line Fisheries</li> </ul>	<ul style="list-style-type: none"> <li>- Cairns RSL Club</li> <li>- 115 The Esplanade Cairns 4870</li> </ul>
Monday 26 <sup>th</sup> June	<ul style="list-style-type: none"> <li>- <u>3.00pm - evening</u></li> <li>- AAP public meeting on allocation of individual transferable effort units in the Torres Strait Spanish Mackerel and Reef Line Fisheries</li> </ul>	<ul style="list-style-type: none"> <li>- Australian Fisheries Management Authority board room.</li> <li>- Pearls building, Thursday Island</li> </ul>
Tuesday 27 <sup>th</sup> June	<ul style="list-style-type: none"> <li>- <u>9:00am - afternoon</u></li> <li>- AAP public meeting on the allocation of individual transferable quota units in the Torres Strait Tropical Rock Lobster Fishery</li> </ul>	<ul style="list-style-type: none"> <li>- Australian Fisheries Management Authority board room.</li> <li>- Pearls building, Thursday Island</li> </ul>
Thursday 29 <sup>th</sup> June	<ul style="list-style-type: none"> <li>- <u>2pm - evening</u></li> <li>- AAP public meeting on the allocation of individual transferable quota units in the Torres Strait Tropical Rock Lobster Fishery</li> </ul>	<ul style="list-style-type: none"> <li>- Cairns RSL Club</li> <li>- 115 The Esplanade</li> <li>- Cairns 4870</li> </ul>

Please note:

The Allocation Advisory Panel Secretariat contacted industry representatives from the finfish fisheries concerning a proposed meeting on Yorke Island. The Secretariat was advised that a meeting on Yorke Island would not be required.

**PRO FORMA FOR PREPARATION OF WRITTEN SUBMISSIONS TO THE ALLOCATION ADVISORY PANEL.**

Information should be addressed to: Allocation Advisory Panel Secretariat Attn: Mr Stephen Colquitt Torres Strait Fisheries Section
By mail: GPO Box 858 Canberra ACT 2601
By fax: (02) 6272 4875
By email: <a href="mailto:PZJA.Allocation@daff.gov.au">PZJA.Allocation@daff.gov.au</a>
<p><b>Part A - Addressing stakeholder's preferred methods for the allocation of transferable vessel holder commercial fishing concessions in the Torres Strait Tropical Rock Lobster/Spanish Mackerel/Reef Line Fishery. Please note that information provided in this section will be made publicly available by the Allocation Advisory Panel and may be published on the PZJA website.</b></p> <p>1. As stated in PZJA Fisheries Management Paper 2, the existing fishing concessions in place at the time when management arrangements are changed will be the only concessions taken into account for the allocation of fishing concessions in the non-community commercial fishing sector in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries. Should there be any further eligibility criteria that the Panel should take into account when recommending a method for the allocation of fishing concessions?</p> <p>2. What method do you prefer for determining the allocation of transferable fishing concessions between eligible persons in the non-Traditional Inhabitants commercial fishing sector in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries, and why is this your preferred method?</p> <p><i>When indicating your preference for the method of allocation of fishing concessions in a specific fishery please consider, but not necessarily limit your response to the following possibilities:</i></p> <ul style="list-style-type: none"> <li>- Equal allocation split between eligible persons</li> <li>- Allocation based on catch history</li> <li>- Allocation based on number of years operating in fishery</li> <li>- Allocation based on gear/investment/number of dories (tenders) attached to licences</li> <li>- Allocation based on other factors, or</li> <li>- Allocation based on a range of factors.</li> </ul> <p>3. Are there any exceptional circumstances that should be taken into account in the allocation of transferable fishing concessions in the non-Traditional Inhabitants commercial fishing sector in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries?</p> <p>4. What rules should be used to administer the transfer of quota/effort units between individuals to maintain the intent of the PZJA resource allocation process between the community fishing (Traditional Inhabitants) and non-community commercial fishing sectors in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries? Are there any additional rules that should be considered for the administration of licence amalgamation or separation.</p> <p><b><i>Part B - Identified "Commercial in confidence" information. (Will be considered by the Allocation Advisory Panel but specific details will <u>not</u> be made publicly available or included in panel reports)</i></b></p>

## Attachment 6 Summary of Submissions

A total of eleven (11) submissions were received from the first call for submissions which closed 7<sup>th</sup> July 2006.

<b>Written Submissions to AAP Following Initial Consultation July 2006</b>	
<b>TIB sector</b>	<b>Summary of comments</b>
Charles David IAMA Community Council	<ul style="list-style-type: none"> <li>- Supports maintenance of Master Fisherman Licence policy.</li> <li>- Not fair to include catch by Traditional Inhabitants persons working in the TVH sector in the allocation of TIB quotas.</li> <li>- Does not support TVH licence holders being able to fish on QLD East Coast and Torres Strait TRL fisheries. Supports surrender of one licence.</li> <li>- Consideration of Article 10, Section 3 of the Treaty.</li> <li>- Supports consideration of the impact of [allocation decisions] on the livelihood and traditional way of life of Torres Strait Traditional Inhabitants.</li> <li>- Information provided on preferred vessel sizes (management decision).</li> <li>- Provides comment on eligibility for non-Traditional Inhabitants licence holders (unclear).</li> </ul>
<b>TRL sector</b>	<b>Summary of comments</b>
Raymond Moore	<ul style="list-style-type: none"> <li>- Been fishing in Torres Strait for over 26 years, (started prior to existence of Treaty).</li> <li>- Various Government actions have decreased area that they historically fished.</li> <li>- Management of fishery has caused long term operators to be disadvantaged: In 1986 a 'freeze' of non-Traditional Inhabitant sector; increased effort in fishery as Traditional Inhabitants sold licences and continued to fish under community fishing; and formation of large East Coast operations (southern based vessels).</li> <li>- Being forced into new management arrangement because of a drive to reallocate resource to Traditional Inhabitant sector and inability to control catch effort due to political agendas.</li> <li>- Special consideration must be given to long-term operators, who have not caused problems but whose livelihoods (and way of life) are at stake.</li> <li>- Allocation must take into account history of various licences.</li> <li>- Catch and effort after the 2002 investment warning should not be taken into consideration.</li> </ul>

	<ul style="list-style-type: none"> <li>- Summary of use of investment warning; PZJA 18 decision “should future allocation decisions be based on catch history, it will be based on catches prior to February 2002 being the date of the previous investment warning”.</li> <li>- Should also be noted that QDPI&amp;F stated that QLD fishery will go to quota management. QLD allocation will be based on history prior to a 2001 investment warning. Should be same for both fisheries.</li> </ul> <p>Additional Attachments</p> <ul style="list-style-type: none"> <li>- History of the QLD Rock Lobster Fishery.</li> <li>- Email to AAP re: consideration of catch history in allocation decisions; in regards to PZJA precedent of removing licences with limited catch history during latent effort process. If all licences were of equal value irrespective of history, all licences removed in latent effort process would legally have to be reinstated or owners compensated.</li> </ul>
Theo & Elfreda Petrou	<ul style="list-style-type: none"> <li>- Apologies for not attending public meeting.</li> <li>- Commercially fished for TRL since 1982, 10m licence with one tender and fishing before community licences and treaty.</li> <li>- Quota distributions should be based on years of operation before commencing in TRL fishery.</li> <li>- Licences that were bought after investment warning and have no history should not be taken into consideration.</li> <li>- Problem currently is Torres Strait Traditional Inhabitants selling licences to non-Traditional Inhabitants/TVH.</li> <li>- Want consideration as a special case, as only operate a one tender vessel. Express concerns over high cost of living and rising fuel costs in the Torres Strait. If they don't get enough quota they will lose livelihood.</li> </ul>
Philip Hughes	<ul style="list-style-type: none"> <li>- Fishing Torres Strait since 1975. Fishing provides complete livelihood, and family lives in region.</li> <li>- Consideration should be given to group of fishermen that have fished licences since prior to the</li> </ul>

	<p>Treaty. Quotes the treaty “the desirability of promoting economic development in the Torres Strait area and employment opportunities of people in the region”.</p> <ul style="list-style-type: none"> <li>- Have previously been given assurances that their livelihood will be secure.</li> <li>- Supports shift towards quota system for TRL and a resource allocation that will provide security and equity for people in the region.</li> <li>- A small group of fishers in the TVH section of TRL Fishery that should be eligible for a minimum economic base. Reiterates long-term operators that have been assured of financial security in future.</li> <li>- Recommends that a base economic subsistence catch should be allocated to fishers that meet the requirement of having fished and been granted a licence prior to the Treaty (1985).</li> <li>- Remaining allocation should be distributed amongst tenders operating in fishery prior to Feb 2002 investment warning. Individual tender allocations should be determined by history over as long a period as practicable prior to Feb 2002.</li> </ul> <p>Additional Attachments</p> <ul style="list-style-type: none"> <li>- Media Release, the Hon Ian Macdonald ‘Investment warning – Tropical Rock Lobster’ 4 April 2005.</li> <li>- Email cover letter.</li> </ul>
Jim Allison (Maori George)	<ul style="list-style-type: none"> <li>- Fished in Torres Strait since 1973. Bought boat with another fisher in 1982. parted company but partner still fishes to this day. Also fished with another licence holder in a dinghy.</li> <li>- Joined QLD Commercial Fishing Organisation in 1983 and granted a licence to fish for all species.</li> <li>- Lives on island in TS and fishes from a dinghy, with sole income coming from TRL fishing.</li> <li>- Wants consideration that when allocation is decided for TRL in TVH sector, he is able to maintain an allocation that would allow the continuance of current way of life.</li> </ul>
Brett Arlidge (MG Kailis Group)	<ul style="list-style-type: none"> <li>- Existing commercial fishing concessions should be the only concessions taken into account.</li> <li>- Prefers allocations using a range of factors: does not support base allocation for primary</li> </ul>

	<p>licence; indicates that majority of allocation should be made to individual licences/dories based on catch history, history period should be as long as possible, however, due to unreliability of logbooks would not support use of logbook data prior to 1997.</p> <ul style="list-style-type: none"> <li>- Supports catch history period between Feb 1997- Feb 2005. Feb 2005 is the date the PZJA made decision to move to quota management system (requiring allocation of “quota”).</li> <li>- Additional allocation should be done equally by dory recognising relevant investment in the fishery.</li> <li>- Argues that primary licences are not a measure of effort or activity in the fishery and should not be used in allocation.</li> <li>- Supports historical catch as basis of allocation as this recognises relative activity and share of each licence in the fishery. Supports use of most recent and robust catch history data available.</li> <li>- Provides further information on catch history in submission (lengthy).</li> <li>- Notes exceptional circumstances should be considered with caution as it poses a risk in undermining consistent application of guidelines.</li> <li>- If further transfers of quota are made to the community sector, supports quota units retaining full transferability (ie - should be transferable back to TVH fishers).</li> <li>- Further information on company’s position on moving towards 70/30 is provided. This is summarised as “there should be no trading rules on the transfer of quota units from the non-community sector to the community sector and that any such transfers should be left to the open market”.</li> </ul> <p>Additional Attachments</p> <ul style="list-style-type: none"> <li>- Commercial-In-Confidence information.</li> </ul>
Paul Green	<ul style="list-style-type: none"> <li>- Summary of 20 years of fishing in the Torres Strait. Owns the largest freezer and TRL processing plant in Torres Strait. 2 Primary licences with 12 tenders purchased in 1988. Currently has one 14m primary vessel with 2 tenders.</li> <li>- Request that Torres Strait TRL licence remains in present state.</li> <li>- Has been pro-active in management of fishery in the past. Supports introduction of quota</li> </ul>

	<p>system.</p> <ul style="list-style-type: none"> <li>- Realises reduction in effort is essential to sustain fishery. Has previously surrendered tenders voluntarily to help reduce fishery effort.</li> <li>- Allocation of fishing concessions should be based on history and that ensures that latent effort licences are removed from the equation.</li> </ul>
Peter and Zipporah Geagea	<ul style="list-style-type: none"> <li>- Summary of history; Owned 2 licences, surrendered one licence with long history as a show of good faith to reduce effort in fishery, within months of surrender there was talk of history determining catch quota in future. Would not have surrendered licence unless recognition of catch history and time in the industry were taken into account.</li> <li>- Believe that all Torres Strait licences should be treated as the same value.</li> <li>- 50% of the TAC should be divided equally between Primary Licences, with other 50% divided between the Primaries tenders.</li> <li>- Supports protecting the smaller licences at the same time rewarding larger licences with more tenders.</li> <li>- Entire livelihood is invested in fishery, wish to remain so.</li> </ul>
Brian Millett	<ul style="list-style-type: none"> <li>- Provided summary of history in the Torres Strait TRL fishery.</li> <li>- Leases non-transferable dinghy licence to operator. Is concerned that catch history on licence is not accurate.</li> <li>- Supports base allocation that will facilitate 'reasonable income for a yearly period'.</li> </ul> <p>Additional Attachments</p> <ul style="list-style-type: none"> <li>- Commercial-In-Confidence information</li> </ul>
Peter Ah Loy	<ul style="list-style-type: none"> <li>- Provided summary of history in the Torres Strait TRL fishery.</li> <li>- Thinks quota allocation is unfair, discriminating and putting pressure on Torres Strait crayfishermen.</li> <li>- Part of the text in the faxed letter is missing (obscured)</li> </ul>



	<ul style="list-style-type: none"> <li>- Describes differences in QLD east coast fishery and PNG, stating that Torres Strait fisherman have more restrictions placed on them. All fisheries should have same controls as they are all fishing the same stocks.</li> <li>- Supports allocation decided by catch history. Licences bought after investment warning with no history should not be considered.</li> <li>- Need to consider that most Traditional Inhabitants (TIBs) are part time fishermen. When they aren't fishing, they receive CDEP (Community Development Employment Program). This explains the difference in the catch per tender.</li> <li>- Disapproves of the 'southern' (Cairns) boats coming up to Torres Strait and taking as much as they can in the 8 month period. Wants more support for local boats who support Torres Strait economy and have been fishing waters for many years.</li> </ul>
Thomas Fuji	<ul style="list-style-type: none"> <li>- written submission to clarify some matters</li> <li>- commercial fisher for whole career</li> <li>- has a licence that allows upgrade of vessel size.</li> <li>- has raised family, educated family and still paying off his house</li> <li>- concerned allocation process may leave him unviable</li> <li>- concerned that unlimited TIB licences will lead to over harvest</li> </ul>

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>DATA FOR ALLOCATION PURPOSES – CALCULATING SECTORAL CATCH RATIOS IN THE FISHERIES</b></p>	<p>Agenda Item No. 5.3</p>

## **THE TSFMAC RECOMMENDS**

### **5.3.1 That the PZJA NOTES that:**

- (a) data from logbooks and docket books and other relevant sources has been entered into the AFMA databases;
- (b) there have been ongoing and unexpected delays in data processing/correction;
- (c) the AFMA Data Section in Canberra is currently undertaking a number processes to correct data that were submitted either incorrectly or incompletely so that they can be used for the purposes of establishing catch ratios of the community and non-community sector;
- (d) AFMA Systems Section has installed software in the Thursday Island office which will make it possible for the final corrections to be made to the data; and
- (e) it will not be until the correction work has finally commenced that it will be possible to forecast the time that will be needed to complete the work.

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

- (a) the success of this part of the project will hinge on individuals cross validating the figures provided by AFMA with their own records; and
- (b) submitting figures to AFMA to assist in any corrections that may need to be made quickly.

## **BACKGROUND / DISCUSSION**

Fisheries data are collected by two methods in the Torres Strait. The first and standard approach is to collect data using catch and effort logbooks. There has been a requirement for some but not all licence holders to provide the catch and effort returns by logbooks on a continuous basis since 1997. The requirement to submit logbooks depended on the fishery and in the tropical rock lobster fishery on the primary boat's specifications.

The logbooks hold most of the data from the fisheries because those licence holders who had an obligation to report in them caught most of the product. However, the majority of the licence holders (TIBs) did not have an obligation to use a logbook.

In the lobster fishery the problem of only some people reporting by logbook was addressed by recording the total catch as the product that was shipped from the Torres Strait by sea or by Sunstate/Qantas Link. It was impossible to accurately calculate the catch of the community and non-community sectors by this method. In the Finfish Fishery there were simply no records of the community sector's catch until the records were recovered from the various processors.

Since late 2003/early 2004 the docket book system was introduced. This is a voluntary system that depends on the cooperation of the buyer and seller to record the catches sold and ancillary information about the fishing operation. It has been successful in many respects however there are some problems:

- buyers activities change without notice and the AFMA office needs to learn of these changes to collect comprehensive records;
- sellers names are recorded in various ways making the identification of a single seller problematic (need local knowledge of the sellers);
- the boats are not all licensed and therefore the symbols are not always recorded making it difficult to identify the boat and effort;
- the docket books are used to record the purchases of catch from two groups of people – those who use a logbook to report their catches and those who do not. It is essential that a catch recorded in a logbook is identified as such on the docket book so that the catch is not double counted.

It is the last issue that is of greatest concern and causing the biggest problems in the TRL fishery.

In the Finfish Fishery there are several additional issues:

- the data collected from the Island Community freezers (pre-docket book) is not held by AFMA. AFMA paid CRC Reef to collect, process, and report on the data but it does not hold the raw data which makes reporting on it next to impossible;
- in regard to the logbook data Queensland logbooks were used to collect the reefline fishery data until the TSF01 logbook was introduced in 2003 (Spanish mackerel fishery data were collected by AFMA). AFMA has received copies of the data from Queensland in the past that were apparently incomplete and only recently received complete data. These data have yet to be fully 'explored' to discover what issues there may be.

A very significant issue has been that once the data were processed in Canberra they have been unavailable to staff in Torres Strait to explore, correct and report on. Systems have now been implemented to resolve this issue. The new systems are critical to the work needed for the purpose of establishing the catch ratios of the two sectors in Torres Strait, because many of the issues listed above can only be resolved locally by staff familiar with the fisheries and fishers. This data correction work is expected to start immediately once the data are available to Torres Strait staff.

As soon as possible data will be provided to fishers for them to validate that the data held by AFMA are accurate. The success of this will depend on fishers completing a form and returning it to the AFMA office identifying errors or confirming that the data are accurate.

This process has taken far longer than anticipated. It has involved various sections of AFMA, testing several approaches and the writing and testing of new software. The delays have been caused by a wave of other equally important work that has had to be done for the supporting the Ministerial Direction of late 2005 for Commonwealth- managed fisheries.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b> <b>26-27 September 2006</b></p>
<p><b>ALLOCATION ISSUES</b> <b>Community Fishing Sector – Options</b></p>	<p>Agenda Item No. 5.4</p>

## THE TSFMAC RECOMMENDS

- 5.4.1 That the PZJA **NOTES** that the Indigenous fishing sector would like to work under a competitive TAC for the first two years of a quota system while they assess other options for internal quota allocation; and
- 5.4.2 That the PZJA **APPROVES** the TSRA-funded consultancy requested by the Community Fisher Group, with the report to be completed by, and provided to, PZJA 21 (July 2006).

## BACKGROUND

With the move to more sustainably managed fisheries, it will be necessary to decide how to allocate catch within each of the Torres Strait fishing sectors. The non-Indigenous fishing sector has already begun this process by appointing an independent Allocation Advisory Panel (AAP) to explore the best method of allocating catch. The basic premise of allocation within the non-Indigenous fishing sector is that each license holder will have a tradable units of a total sustainable catch allocated to them directly. In the case of the Tropical Rock Lobster Fishery this will be Individual Tradable Quota units or ITQ units. In the case of the Finfish Fishery this will be a conversion of catch into Individual Tradeable Effort units or ITE units.

The Indigenous fishing sector did not want to go directly into this framework, and asked that their quota be allocated as a single Total Allowable Catch (TAC) for the entire Indigenous fishing sector. Fishing would continue in the Indigenous sector under a competitive system until the TAC was reached each season (the Olympic model). The PZJA agreed to this in principle in relation to the Finfish fishery under PZJA decision 19.4.2(b)(i).

Under PZJA decision 19.2D.2, the PZJA requested that the PZJA agencies prepare background material and proposals highlighting preferred administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to Community fishers. This should include:

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

In addition, as discussed under agenda item 4.1, the Australian Government Minister for Fisheries, Forestry and Conservation wrote to Community Fishery representatives on 18 August 2006 and asked the TSRA “to develop options for PZJA 20 on how to increase the Islander share of the resources and how to allocate the Islander’s share of resources to maximise their economic potential. This should include options for seeking assistance from Indigenous Business Australia”.

## **DISCUSSION**

The Community Fisher Group (CFG) recently met to discuss a range of issues, including their stance on internal quota allocations. The CFG noted that the Olympic model may not be the best model for the fishery in an economic sense, and that other models for internal resource allocation needed to be explored. That said, the CFG agreed that their policy continued to be that for the first two years of a quota system, the Indigenous fishing sector would work under an Olympic model (competitive TAC). They further note that during this period of time a decision on their final internal quota allocation should be made.

The CFG further noted that their ability to reach a 70:30 resource allocation through a self-funded process was an untested theory, and would also depend upon the internal allocation structure in place. The CFG felt that answers to both of these questions were critical information, and that they tied in together.

The CFG agreed that a consultancy should be established to look at whether a 70:30 resource allocation could be achieved under a self-funded process. Within this consultancy, several different methods of internal quota allocation should be tested to provide some indication of relative economic capacity. The TSRA has agreed to fund this consultancy on behalf of the CFG. A Terms of Reference will be drawn up by TSRA Fisheries staff in the near future and presented to the CFG and the PZJA for consideration.

The Australian Bureau of Agricultural and Resource Economics (ABARE) has proposed to undertake a survey of both Islander and non-Islander fishers in the Torres Strait TRL and Finfish fisheries. A key purpose of the survey would be to identify areas that can assist Islander fishers to obtain similar economic benefits to non-indigenous fishers in the future. A first step in this process is a literature review of existing work conducted on impediments to Islander development of their fisheries resources.

The TSRA, DAFF and Indigenous Business Australia (IBA) have also been in discussions to assess whether and how IBA might consider providing assistance to advance Islander aspirations.

For all of these reasons, a consultancy is a good idea. The consultant would maintain contact with ABARE and seek to address questions being asked by the CFG and the previous information requests from PZJA decision 19.2D.2 and the Minister on 18 August 2006. This information might include:

- Who is eligible to be out there fishing under a TIB licence?
- Who is out there fishing (who has a TIB licence)?
- Where are they fishing?
- What species are they catching?
- Who are full-time fishers and who are part-time fishers?
- Who is catching most of the quota?

- Who should be eligible to be out there fishing using Islander quota?
- What are the options for quota allocation?
- What balance of quota allocation would be most equitable?
- What process of quota allocation would give the greatest economic potential?
- What are the additional capacity building programs that are available to support this process?

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p style="text-align: center;"><b>Meeting No. 8 26-27 September 2006</b></p>
<p><b>UPDATE OF PROJECT PLAN</b></p>	<p style="text-align: center;">Agenda Item No. 6</p>

### **THE TSFMAC RECOMMENDS**

6. That the PZJA **AGREES** to:
  - (a) endorse the revised Project Plan as attached; and
  - (b) encourage all stakeholders to actively participate in implementing stage four of the Project Plan, especially with regard to consultation and development of management mechanisms for the fisheries.

### **BACKGROUND**

Following the July 2005 PZJA 18 meeting, a broad Project Plan containing an indicative timetable, traditional inhabitant and industry communication strategy and explanation of the PZJA's expectations was prepared by PZJA agencies. The Project Plan sets out the approach for developing management arrangements for the Tropical Rock Lobster (TRL) Fishery, Finfish Fishery and Prawn Fishery.

At PZJA 19 in April 2006, the PZJA was advised that Stages 1-3 of the Project Plan had been completed and also that significant constraints to completing Stage 4 had been identified. The two main constraints affecting the meeting of Project Plan milestones were effective consultation with stakeholders and the required legislative amendments.

Both concerns have now been realised, and the Project Plan timelines have been revised accordingly.

### **DISCUSSION**

The Finfish and TRL Working Groups have not been able to make significant progress due to sectoral contention over aspects of the allocation decisions of PZJA 17 (mainly the 50:50 decision in the TRL fishery). The Working Groups are the primary forum for development of the management plans. The management agencies are presently working to resolve these issues, however the remainder of 2006 will be required for the Working Groups to develop and agree on details of the management arrangements.

Significant legislative amendment to the *Torres Strait Fisheries Act 1984* is required before the respective fishery management plans can be implemented. Revised timelines to coordinate with Commonwealth legislative processes have now been identified and incorporated into the revised Project Plan. Further details of the proposed legislative amendments and the timing of these are provided in agenda paper 12.

The revised 2008 implementation dates for the fishery management plans will also allow better infrastructure planning, development and implementation (i.e services relating to licensing, quota monitoring, compliance, logbooks and Vessel Monitoring Systems).

## **PROJECT PLAN FOR DEVELOPING 2007 MANAGEMENT ARRANGEMENTS**

April 2005 - Amended

It is clear following the July 2005 PZJA 18 meeting that new resource allocation, and management arrangements to underpin that resource allocation, are required in the Tropical Rock Lobster (TRL) Fishery and the Finfish Fishery. As agreed at PZJA 17 (February 2005), new arrangements are also required to reduce effort in the Torres Strait Prawn Fishery to a sustainable level.

These new arrangements should provide certainty to industry, give effect to Australia's fisheries obligations to Papua New Guinea (PNG) and Torres Strait Islanders under the Torres Strait Treaty, deliver equitable resource distribution between the commercial and community fishing sectors and achieve improved fisheries resource sustainability consistent with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In accordance with the decisions made at PZJA 18 (Attachment A), the following statements outline a broad project plan, indicative timetable, traditional inhabitant and industry communication strategy, and explanation of the PZJA's expectations.

### **Tropical Rock Lobster (TRL) fishery:**

- **A quota management system (QMS) will be implemented in 2008.**

The exact commencement date will be from the start of the quota season, which will be defined after developing details of the QMS in conjunction with the Working Group. Relevant considerations of the quota season start date include:

- Ability of researchers to prepare and present stock assessment results;
- Seasonal and market conditions; and
- Administrative capacity of agencies.

- **Details of the QMS will be developed by the PZJA agencies in consultation with stakeholders, commencing in 2006.**

Consultation with stakeholders on details of the proposed QMS will commence in early 2006 after the PZJA 18 decisions are publicly announced. The consultation will be an iterative process, involving TRL Working Group meetings and other discussions.

- **The QMS will apply to all commercial fishers catching TRL.**

The QMS will cover both non-indigenous commercial and indigenous commercial fishing for TRL in the Australian area of the Torres Strait Protected Zone. PNG's fishing rights under the Torres Strait Treaty will be taken into consideration in developing the QMS.

- **The QMS will not apply to traditional (non-commercial) fishing for TRL.**

The traditional take of TRL by indigenous people and general recreational fishers will not be monitored, since this is thought to be a very small quantity, and will be accounted for in



setting TACs (by considering whatever information is available) but will not form part of the formal QMS.

- **At the commencement of the QMS, shares of the Australian TAC will be allocated 50:50 between traditional inhabitants and non-traditional inhabitant commercial fishers.**

This initial adjustment to 50:50 is to be achieved through a voluntary tender process, prior to the commencement of the QMS.

- **In the longer term, the share of the Australian TAC will move towards 70:30 between traditional inhabitants and non-traditional inhabitant commercial fishers.**

This move to a greater traditional inhabitant share of the fishery will be achieved through an open market and stakeholder self-funded process, following commencement of the QMS in 2007. In order to facilitate such a move the PZJA will establish trading rules.

- **Advice on interim arrangements that could be implemented in 2007 as part of the progression to a QMS will be provided to the PZJA in October 2006 (PZJA 20).**

There is insufficient time available to consult in late 2005 following public release of the PZJA 18 decisions. However, some interim arrangements, such as catch reporting documentation and monitoring requirements, could be trialled in 2007.

- **Advice will be provided to the PZJA on the effort restrictions that would need to be applied in 2007 in order to pursue a more sustainable level of catch prior to the introduction of a QMS.**

Although we will not have the mechanisms in place to enforce a TAC in 2006, we will be carrying out stock assessment surveys in November/December 2005 to provide a basis for estimating the relative size of the TRL stock. Based on the survey results, we aim to estimate a 'nominal TAC' based on a sustainable catch level, and note catches in 2006 against this, as a result of the existing effort controls.

- **An independent Allocation Advisory Panel will report to the PZJA, no later than mid-August 2006, with recommendations for how quota should be allocated to commercial fishers (individuals or licences).**

Composition, Terms of Reference and timings for the Allocation Advisory Panel will be decided upon at PZJA 19.

Advice will be sought from the TSRA on whether this Allocation Advisory Panel, or some other TSRA process, should be used to provide recommendations on quota allocation within the traditional inhabitant commercial sector.

- **Details of the proposed QMS will be packaged into an implementation plan and submitted to the PZJA for consideration in July 2007 (PZJA 21).**

The package will include: principles and the process for setting the TAC, an allocation process for both the traditional and non-traditional inhabitant sectors, quota management arrangements, and trading rules to facilitate the transfer of access from non-traditional inhabitants to traditional inhabitants. This package will be fully costed and in a suitable format to go forward as drafting instructions for a formal management plan under the *Torres Strait Fisheries Act 1984*.

Details of the allocation formula will be finalised in October 2006, and a TAC recommended in April 2007, both for decision by the PZJA at its meeting in July 2007.

## **Finfish (reef line and Spanish mackerel) fishery:**

- **Longer term management arrangements for Finfish will be developed to commence in 2007.**

Unlike the Tropical Rock Lobster fishery, it is yet to be decided whether these arrangements will be in the form of a catch quota, or effort management system. Agencies will develop a preferred option as soon as possible in 2006. It is likely that agencies will also provide interim advice to PZJA members of the preferred option to identify any significant Member concerns prior to April 2006.

A progress report on the preferred option and proposed management arrangements to give effect to the option will be presented to PZJA in April 2006 (PZJA 19). This will be developed into a single packaged document including: principles and the process for setting the TAC or TAE, an allocation process for both traditional and non-traditional inhabitant sectors, quota management arrangements, and trading rules to facilitate the transfer of access from non-traditional inhabitants to traditional inhabitants. This package will be fully costed and in a suitable format to go forward as drafting instructions for a formal management plan under the *Torres Strait Fisheries Act 1984* for consideration in 2007.

- **At the commencement of the longer term arrangements in 2007, shares of the Australian TAC or TAE will be allocated 50:50 between traditional inhabitants and non-traditional inhabitant commercial fishers.**

This initial adjustment to 50:50 is to be achieved through a voluntary tender process, prior to the commencement of the longer term management arrangements in 2007.

- **In the longer term, the share of the Australian TAC or TAE will move towards 70:30 between traditional inhabitants and non-traditional inhabitant commercial fishers.**

This move to a greater traditional inhabitant share of the fishery will be achieved through an open market and stakeholder self-funded process, following commencement of the longer term management arrangements in 2007.

- **An independent Allocation Advisory Panel will be formed during 2006 to provide recommendations to the PZJA on how quota or effort units of access should be allocated to commercial fishers (individuals or licences).**

Advice will be sought from the TSRA on whether this allocation advisory panel, or some other TSRA process, should be used to provide recommendations on allocation within the traditional inhabitant commercial sector.

- **During 2006 there will be further discussion on implementation of the 10nm exclusion zone (agreed at PZJA 18) for non-traditional inhabitant commercial fishers in eastern Torres Strait for 2007 implementation. Community (traditional inhabitant commercial) fishers would be allowed to continue fishing in these exclusion zones.**

The 10nm exclusion zone will apply to the area around Murray (Mer), Darnley (Erub), Yorke (Masig) and Stephen (Ugar) Islands and will close waters within a radius of 10nm from the mid point of the islands; with the centre point to be described in degrees and decimal minutes in accordance with the WGS84 datum.

- **The potential for a live Finfish fishery will be further considered once the new Finfish management arrangements and resource allocation decisions have been implemented in 2007.**

Following the implementation of the management system and achievement of the change in resource allocation, the PZJA expects to consider a live fishery for Finfish in Torres Strait.

### **Torres Strait Prawn Fishery:**

- **The Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF), on behalf of the Australian Government has concluded an agreement for the permanent surrender of Torres Strait Islander prawn access rights.**
- **PNG has advised that it is not prepared to sell existing prawn access rights back to the Australian Government.**

The Australian Government has therefore committed to seeking access rights from Australian Commercial fishers to formalise the access rights held by PNG.

- **The PZJA has decided to reduce effort in the Prawn fishery in line with scientific advice.**

Current scientific advice is that the maximum total amount of fishing effort that is considered sustainable is 9,197 days (for all participants in the TS Prawn Fishery, including PNG). The Department of the Environment and Heritage has also made it clear that effort reductions according to a clear timeframe will be required and the process to achieve this must commence by 2006 – this plan gives effect to DEH's recommendation.

The PZJA has agreed that:

- Licences will be granted for the 2006 season with pro-rata reductions to an overall cap of 9,197 days, which is consistent with scientific advice;
  - The fishery will move to a unitised system where fishing access is a proportion of the sustainable available resource. These new management arrangements will be developed over the course of 2007 to commence in the 2008 season;
- **The Australian Government has agreed to offer to fund the surrender of fishing entitlements from Australian commercial fishers equivalent to PNG's share of the prawn fishery**

Together with developing a unitised system, the Australian Government will fund payments through an tender process to ensure that the Australian Government is able to fully meet its obligations to Papua New Guinea under the Treaty without making further calls on fishing rights allocated to domestic operators (as announced on 27 July 2005). This is scheduled to occur in the first half of 2006.

- **Details of the proposed new management arrangements will be packaged into a single document and submitted to the PZJA for consideration in July 2007 (PZJA 21).**

The package will include details of the proposed new management arrangements, including the transition process for moving from the existing system of fishing nights to the new system involving units and access as a proportion of the total pool of available fishing nights. This package will be fully costed and in a suitable format to go forward as drafting instructions for a formal management plan under the *Torres Strait Fisheries Act 1984*.

## **Other Torres Strait Fisheries:**

- **The PZJA agencies will continue to develop appropriate management arrangements for all other Torres Strait Fisheries as necessary, noting that these were not subject to specific mention or priority, from the PZJA at PZJA 18.**

There are significant issues in relation to management of the turtle and dugong fishery and other fisheries such as sea cucumber, pearl shell and trochus, which are very important to Torres Strait traditional inhabitants. It is acknowledged that management of these other fisheries must continue, while the agencies keep a clear priority on meeting the PZJA expectations for the TRL, TS Prawn and Finfish fisheries.

## **Governance arrangements and project delivery:**

A PZJA cross-agency team (Management Arrangements Team 2007), with a member from each agency, will coordinate the various components of developing the new management arrangements, including consultations with the TSFMAC and Working Groups, and the preparation of draft documents for the PZJA Standing Committee and ultimately the PZJA.

The PZJA Standing Committee, consisting of a Senior Executive Officer from each of the four PZJA agencies (TSRA, DAFF, AFMA, QDPIF), was established in early 2005 to assist with the coordination of papers and recommendations going to the PZJA. The PZJA Standing Committee will be used throughout this project as the main avenue for supporting the PZJA delivery of the project.

The agencies have agreed to act as project coordinators in assisting the PZJA with implementing the following aspects of the PZJA Project Plan:

- a) AFMA – management arrangements (including consideration of compliance and monitoring requirements) for the Tropical Rock Lobster and Prawn Fisheries;
- b) QDPIF – management arrangements (including consideration of compliance and monitoring requirements) for Finfish;
- c) DAFF – legislative amendments, the allocation panel process, funding payment to the Torres Strait Islanders in return for their Torres Strait Prawn Fishery licences, implement the Australian Government's 27 July 2005 press release for PNG access to the Australian share of the Prawn Fishery, tender processes in the TRL and Finfish fisheries, and developing trading specifications;
- d) TSRA – information management and resource allocation within the Torres Strait Islander community.

The administrative supporting arrangements for the PZJA are outlined in Figure 1 below.

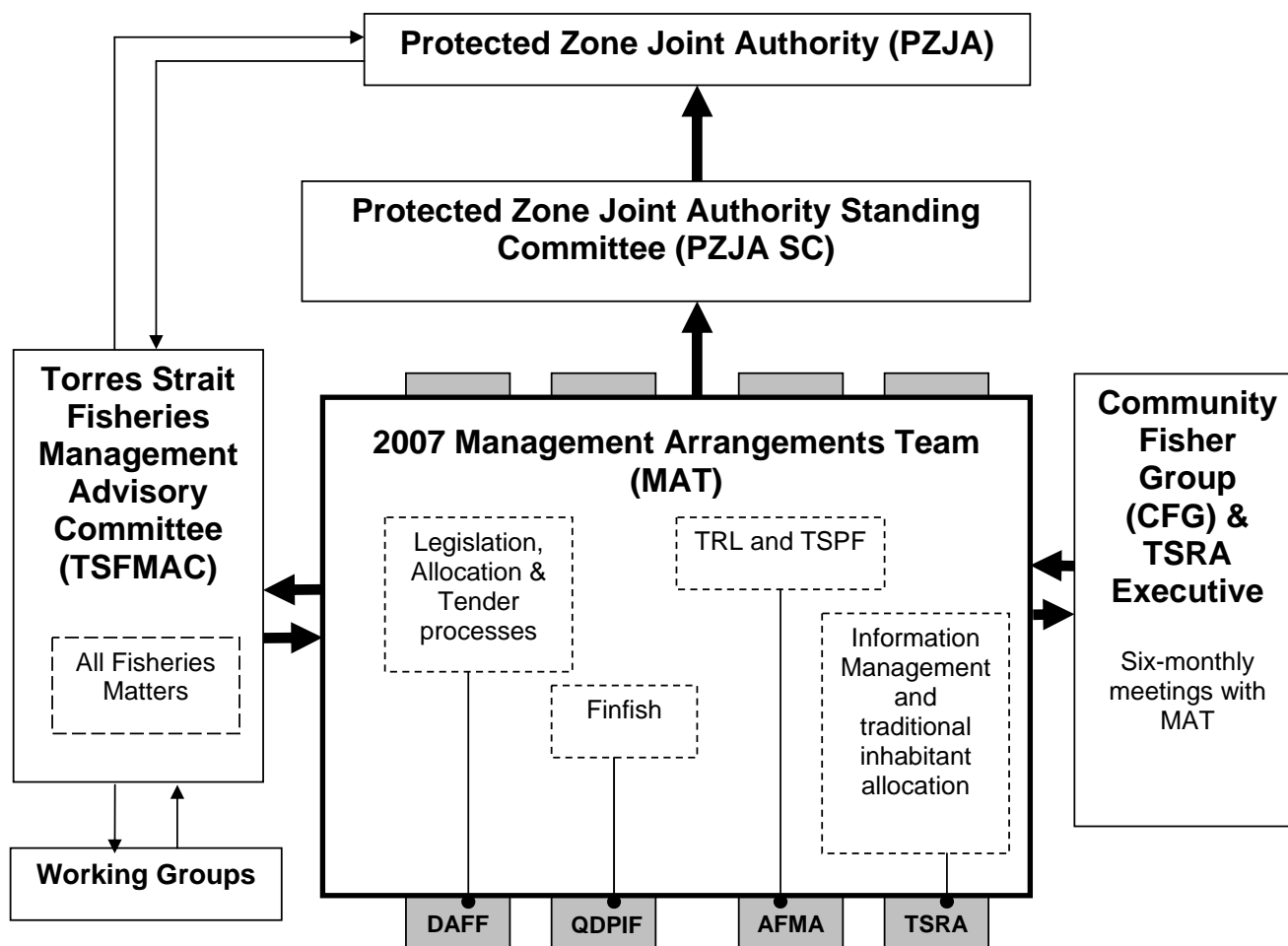


Figure 1. A diagram showing the key administrative linkages involved in delivering the PZJA 2007 management arrangements project.

### Indicative timetable and key decision points for the PZJA:

The PZJA Agencies have developed the following indicative timetable, showing key processes and meeting times required for PZJA further decisions on details of the proposed management arrangements. It is critical that the relevant PZJA decisions are made at the times indicated in the following five-stage process, and that those decisions are publicly announced within preferably two weeks of the meetings, if the proposed new management arrangements are to be implemented in 2007.

## **Commencement: July 2005**

PZJA 18 Meeting - July 2005

Decisions were made regarding future management arrangements and resource sharing

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### **Stage 1: July to October 2005**

Agencies: Develop a project plan, timetable and articulate their understanding of the PZJA's expectations

Key documents for PZJA consideration:

Project plan, timetable and statement of expectations

PZJA decisions required:

1. Confirm funding commitments for resource allocation and timing of prawn tender process
2. Clarify that the project plan meets the PZJA expectations
3. Agree to the proposed timetable and schedule of future PZJA meetings
4. Agree to public release of future PZJA decisions within preferably two weeks
5. Public release of the outcomes of PZJA 18

PZJA - Out-of session decisions – November 2005

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### **Stage 2: November to December 2005**

Agencies: Consult with the Prawn Working Group to about implementation of the PZJA prawn decision on a fishing effort cap of 9,197 days for 2006 and to move to unitisation, together with open tender process to account for PNG entitlements under the Treaty.

Advise all stakeholders of the PZJA July 2005 decisions and the process for developing 2007 management arrangements through port meetings in November as shown in Table 1.

Consult TRL and Finfish stakeholders of proposed 2006 management arrangements through port meetings as shown in Table 1.

**Table 1. Proposed consultative schedule**

Date	Location	Meeting
Monday 7/11	Yorke Island	Finfish Port Meeting
Tuesday 8/11	Thursday Island	TRL Port Meeting
Wednesday 9/11	Thursday Island	CFG meeting
Thursday 10/11	Cairns	PWG (1.30 pm – 7 pm)
Friday 11/11	Cairns	TRL & Finfish Port meeting

Key documents for PZJA consideration:

Recommendations for 2006 management arrangements for TS Prawn, TRL, Finfish and other fisheries

Description of a draft generic Management Plan (under the *Torres Strait Fisheries Act 1984*)

Terms of reference, composition and timings for an independent Allocation Advisory Panel to determine options for allocation within non-islander commercial fishing sectors.

Documentation necessary to conduct a tender process for the prawn fishery.

PZJA decisions required:

1. Agree to the ToR, composition and timing of the Allocation Advisory Panel
2. Agree to 2006 management arrangements for the TRL fishery (including a nominal TAC, to be implemented through equivalent effort controls). The expected arrangements are outlined in Attachment B
3. Agree to 2006 management arrangements for the Finfish fishery. The expected arrangements are outlined in Attachment C
4. Agree on the documentation necessary to conduct a tender process for the prawn fishery.
5. Approve agencies to undertake consultation on the future management mechanism (TAE or TAC) for the Finfish fishery and develop an option for the April 2006 PZJA meeting.
6. Note progress on the description of a draft generic management plan
7. Agree to public release of the decisions of this meeting within preferably two weeks

PZJA Meeting –December 2005 (Held out of session)

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### **Stage 3: January to April 2006**

Agencies: Implement the PZJA decisions on arrangements for the 2006 fishing seasons in TRL, TS Prawn, Finfish and other fisheries

Commence tender for prawn fishery

Finalise the prawn tender process

Key documents for PZJA consideration:

Drafting principles for the legislative amendments required to *Torres Strait Fisheries Act 1984* (TSFA)

Policy for AAPs, membership and terms of reference for AAP for allocation between sectors, and membership and terms of reference for AAP for allocation within TVH sector

Progress report on the development of Finfish arrangements

PZJA decisions required:

1. Agree to amendments to the TSFA in order to implement new management arrangements and that DAFF should prepare drafting instructions
2. Agree to endorse the policy on AAPs
3. Agree to form AAPs to decide allocation between sectors, and allocation within the TVH sector
4. Note progress on developing draft management plans for 2007 for the TS Prawn, Finfish and TRL fisheries
5. Agree to public release of the decisions of this meeting within preferably two weeks

PZJA 19 Meeting – 27-28 April 2006

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## Stage 4: May to October 2006

Agencies: Develop Regulation Impact Statements (RISs) for the TS Prawn, TRL and Finfish fisheries in consultation with the Office of Regulation Review

Consult with stakeholders to develop advice on 2007 management arrangements (including compliance and monitoring) for TS Prawn, TRL and Finfish

Consult with stakeholders and communities on management options for TS Prawn fishery

Run the Allocation Advisory Panel process to develop advice for the PZJA

Key documents for PZJA consideration:

Detailed proposals (including consultation materials) for proposed amendments to *Torres Strait Fisheries Act 1984* (TSFA) for approval

Final recommendations of the independent Allocation Advisory Panel

Progress report on development of TS Prawn, TRL and Finfish management plans

Comment [A1]: Is this prawn?



PZJA decisions required:

1. Agree on the allocation formula for transferring to the new fishery access rights in the TS Prawn, TRL and Finfish Fisheries
2. Agree to public release of the decisions of this meeting within preferably two weeks

PZJA 20 Meeting – 25-26 October 2006

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## **Stage 5: November 2006 to July 2007**

Agencies: Consult with stakeholders and communities on management options for TRL and Finfish fisheries

Consult with stakeholders and Attorney General's Department to prepare final draft management plans (including compliance and monitoring) for the TS Prawn, TRL and Finfish fisheries

Consult with stakeholders on draft legislative amendments to the *Torres Strait Fisheries Act 1984*, including consultation on a Bill and RIS (if available)

Consult with stakeholders and finalise the strategic assessments for the TS Prawn, TRL and Finfish fisheries

Finalise strategic assessments for the TS Prawn, TRL and Finfish fisheries, taking into account DEH advice

Finalise the RIS for the TS Prawn, TRL and Finfish fisheries. Seek final approval from ORR on each RIS

QDPIF to seek re-phasing of funding for TRL and Finfish tender processes to 2007/08 financial year

DAFF to seek re-phasing of funding for TRL and Finfish tender processes to 2007/08 financial year

DAFF to finalise requirements for the tender process (including tender documents) for TRL and Finfish and arrange funding agreements with TSRA and QDPIF

Key documents for PZJA consideration:

Documentation required by DEH to confirm ongoing strategic assessment approval, following the commencement of changed management arrangements for the TS Prawn, TRL and Finfish fisheries

Final legislative amendment Bill to following public consultation process

Final draft management plans for TS Prawn, TRL and Finfish fisheries

Final RIS for the TS Prawn, TRL and Finfish fisheries

Final strategic assessment documentation for the TS Prawn, TRL and Finfish fisheries

Arrangements for allocation within TIB sector

PZJA decisions required:

1. Approve release of documentation required by DEH to confirm ongoing strategic assessment approvals (TS Prawn, TRL and Finfish fisheries) (OOS)
2. Approve legislative amendment Bill and RIS (OOS)
3. Agree on final draft management plans for TS Prawn, TRL and Finfish
4. Agree to interim 2008 TAC in the TRL and Finfish fisheries, and TAE for Prawn fishery
5. Approve final strategic assessment documentation for the TS Prawn, TRL and Finfish fisheries
6. Approve the RISs for the TS Prawn, TRL and Finfish fisheries
7. Agree to public release of the decisions of this meeting within preferably two weeks

**Comment [A2]:** We need an indication of what this will be to complete the tender process. In addition on a nine month PZJA cycle, they wont meet again until after the commencement of the 2008 fishing season.

PZJA 21 Meeting – July 2007 (exact date to be advised)

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## Stage 6: August 2007 to October 2007

**Agencies:** Following PZJA endorsement of draft management plans, release tender documents and run the tender process for TRL and Finfish (subject to agreement from Australian and Queensland Governments to rephrase funding to 2007/08 financial year)

Run stock assessments in consultation with stakeholders and develop recommendations to the PZJA for a 2008 TRL TAC, 2008 TS Prawn TAEs and 2008 TACs or TAEs for the Finfish fishery

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## Stage 7: October 2007 to April 2008

**Agencies:** Following successful completion of tender process, allocate fishery access rights in accordance with the allocation formula agreed to by the PZJA (PZJA 20) in accordance with the management plans for TS Prawn, TRL and Finfish fisheries

Legislatively commence the management plans for the TS Prawn, TRL and Finfish fisheries

Seek the Minister for the Environment and Heritage's decision on the strategic assessments of the TS Prawn, TRL and Finfish fisheries

Prepare information for PZJA decision on the allocation of access rights through new fishing licences in accordance with the management plans for TS Prawn, TRL and Finfish fisheries

Manage any appeals, following the allocation of 2008 fishery access rights in the TRL, TS Prawn and Finfish fisheries

Key documents for PZJA consideration:

Stock assessment reports and recommendations for implementing a 2008 TRL TAC, 2008 TS Prawn TAEs and 2008 TACs or TAEs for the Finfish fishery

Progress reports on the commencement of the management plans, tender process documents, decisions by the Environment and Heritage Minister on strategic assessments, implementation of licensing arrangements and any appeals

PZJA decisions required:

1. Agree on a 2008 TRL TAC, 2008 TS Prawn TAEs and 2008 TACs or TAEs for the Finfish fishery
2. Agree that the PZJA agencies will accept successful tender bids and notify unsuccessful applicants
3. Note progress on the commencement of the Management plans, decisions by the Environment and Heritage Minister on strategic assessments, implementation of licensing arrangements and appeals
4. Agree to public release of the decisions of this meeting within preferably two weeks

PZJA 22 Meeting – early 2008 (exact date to be advised)
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## **Information flow, consultation and managing stakeholder expectations**

Success in developing and implementing these new management arrangements will require a high level of consultation and commitment to ongoing communication with all stakeholders involved in the Torres Strait fisheries.

The PZJA consultative process of working group meetings, TSFMAC meetings and stakeholder forums will be used to provide information to all stakeholders involved in the Torres Strait fisheries. Port visits will also be used to provide information to those industry stakeholders who may not be part of the established consultative process.

In addition to the routine PZJA consultative processes that are already in place for all stakeholders, the Torres Strait Regional Authority has primary carriage of an information strategy for Torres Strait indigenous inhabitants and will work closely with the other PZJA agencies in working with other stakeholders. The TSRA will maintain constant contact with traditional fishers to ensure their involvement in the implementation process.

The information management strategy will commence with the official announcement of the PZJA 18 decisions and this Project Plan. In addition to direct ongoing dialogue with all stakeholders, the PZJA Agencies will provide information through the Torres Strait Community radio, Media Releases, TSRA Newsletter and Chairman's column in the Torres Strait News.

It is proposed that the Management Arrangements Team meets and consults with the traditional inhabitant Community Fisher Group (CFG) and TSRA Executive on Thursday Island at six monthly intervals, with the first meeting on 9 November 2005.

Consultations will also need to be taken to the communities by an AFMA/TSRA/CFG delegation with timing to be agreed on between AFMA and TSRA.

Supplementary information will be provided to explain the significance of the decision to the Torres Strait and the traditional inhabitants and to keep them informed of the steps being taken to implement the decision. There is very limited understanding of quota management and effort management arrangements being contemplated in Torres Strait Fisheries and TSRA will need to encourage Community Fishers to look for a way forward by discussing the approaches needed to achieve the desired outcome.

## ATTACHMENT A - Relevant PZJA 18 Decisions

The Torres Strait Protected Zone Joint Authority (PZJA), as the body responsible for fisheries management in the Australian area of jurisdiction of the Torres Strait Protected Zone (TSPZ) has recognised the imperative for new management arrangements in the TRL and Finfish Fisheries in the following decisions.

### Resource Allocation in Torres Strait Fisheries

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

- 1 For the Tropical Rock Lobster fishery to transition towards greater traditional inhabitant allocation on the following basis:
  - a) as soon as practically achievable a 50:50<sup>1</sup> resource allocation with adjustment to be achieved through the purchase of non-islander licences in the Australian share of the fishery by an open tender process. Funding to be provided in equal shares by the three PZJA members subject to relevant Treasury and Finance approvals; and
  - b) in the longer-term a target of 70:30<sup>2</sup> through an open market and self funded process. Trading rules to facilitate the transfer from the non-traditional inhabitant sector to the traditional inhabitant sector will be developed and considered by PZJA in mid 2006.
- 2 For the Reefline and Spanish mackerel fisheries to greater traditional inhabitant allocation:
  - a) as soon as practically achievable a 50:50<sup>3</sup> resource allocation with adjustment to be achieved through an open tender process. Funding subject to Commonwealth Finance approvals;
  - b) in the longer-term a target of 70:30<sup>4</sup> through an open market and self funded process. Trading rules to facilitate the transfer from the non-traditional inhabitant sector to the traditional inhabitant sector will be developed and considered by PZJA in mid 2006;
  - c) implement a 10 nm exclusion zone<sup>5</sup> for non-traditional inhabitant fishers in the area around Murray (Mer), Darnley (Erub), Yorke (Masig) and Stephen (Ugar) Islands;
  - d) to develop and implement arrangements to cost effectively control the commercial take of fish (consistent with PZJA 18 decision 3(b) on effort and catch controls in Finfish Fishery) by end of 2006 to be recommended by the FWG; and

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<sup>1, 2, 3, 4</sup> traditional inhabitant: non-traditional inhabitant

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

- e) a decision to revisit the issue of a live fish fishery in the Torres Strait, subject to achievement of 2(d), at PZJA 20

#### Tropical Rock Lobster Fishery Quota Management

2. That the PZJA AGREED to implement a full quota management system in TRL Fishery for 2007 onwards.
3. That the PZJA AGREED that fisheries managers consult with the TRL Working Group members to develop:
  - a) a detailed implementation plan and costing for PZJA 19 consideration including:
    - i. ensuring the system is appropriate to the scale and status of the fishery;
    - ii. capacity for effective enforcement;
    - iii. implications for stocks and fishers in adjacent jurisdictions;
    - iv. research to support setting of a TACC; and
    - v. legislative changes required.
  - b) Following the development of a detailed implementation plan and costing, officials are to report back to PZJA out-of-session for a decision on those aspects of a QMS that can be introduced and funded for the 2006 season.

#### Finfish Fishery Working Group and TSFMAC Recommendations

3. The PZJA agreed:
  - b) to refer the issue of identifying an appropriate catch or effort control mechanism back to the Working Group to explore the merits of ITQs and ITEs; and
  - c) that the Working Group develop a detailed implementation plan and costing of their preferred mechanism for consideration at PZJA 19 with a view to implementing them as per the PZJA decision 2(d) on resource allocation. The implementation plan will include:
    - i. ensuring the system is appropriate to the scale and status of the fishery;
    - ii. ensuring capacity for effective enforcement;
    - iii. assessing implications for stocks and fishers in adjacent jurisdictions;
    - iv. conducting research to support setting of a Total Allowable Commercial Catch (TACC) or Total Allowable Commercial Effort (TACE); and
    - v. identifying legislative changes required.

#### Torres Strait Prawn Fishery – Progress on Negotiations with TSI and PNG

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

## **ATTACHMENT B – Tropical Rock Lobster Fishery – management arrangements for 2006**

The following outline of the 2006 management arrangements for the Tropical Rock Lobster Fishery will be discussed with stakeholders through open discussions (such as port meetings rather than a formal Working Group meeting) and their feedback provided to the PZJA for decision at its December 2005 meeting on the arrangements that will apply for 2006.

The proposed key management arrangements for 2006 will include continuing with the basic management arrangements that applied in 2005 with 2 proposed changes for 2006 (outlined below).

There will be no change to TIB conditions in 2006; the “30% reduction” in tender months, spring tide closures for seven days of each month and the cap on TIB boats greater than 6m will all be maintained for 2006. In continuing with the basic management arrangements from 2005, we will continue to work with stakeholders to address the Strategic Assessment recommendations (from the Department of Environment and Heritage).

### **Proposed changes for 2006:**





























































































































































- 1. The 30% reduction in tender months will continue in 2006, however TVH operators will be asked to provide feedback to the PZJA 19 (December 2005) on 3 alternative options for implementing this reduction in 2006.**





The 30% tender reduction was developed to manage effort in the fishery until a quota system can be implemented. An earlier stock assessment demonstrated that the fishery was made more resilient to high fishing pressure by increasing the minimum size of the lobsters and the closure in October and November and banning hookah in December and January. However the same study showed that overfishing occurs at fishing mortality rates above 0.5. Therefore fishing should be controlled to keep fishing mortality less than this figure.

The following three implementation options will be put to TVH licence holders seeking their advice for the PZJA 19 (December 2005) meeting. If no clear TVH licence holder advice can be agreed, then the default option is expected to be Option 3 (which is the mechanism used in 2005):

- Option 1 licence holders nominate which 7 consecutive fishing months they wish their licences to be valid (7/10 months of season) commencing on 1 January or ending on 31 December (but including at least one hookah ban month); or
- Option 2 licence holders nominate which 6 months they want to use hookah; or
- Option 3 licence holders nominate which dinghies they intend to use for the tender months they have (in a system like the 2005 season)

Table 1: Three alternative options for implementing the 30% tender reduction in the 2006 fishing season. The following table shows how the three different options would apply to a standard 3 tender boat licence.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Hookah months	Total months
<b>Option 1</b> (7 consecutive months)													6	6
													6	6
													6	6
													6	6
													<b>18</b>	<b>18</b>
<b>Option 2</b> (6 hookah months)													6	7
													6	7
													6	7
													<b>18</b>	<b>21</b>
													6	7
													6	7
													6	7
													<b>18</b>	<b>21</b>
													8	10
													8	10
													0	1
													<b>16</b>	<b>21</b>

Legend:  no fishing periods for the licence  hookah diving months  
 free diving only  closure period

**2. Commencement, on a trial basis, of any initiatives that are necessary for the introduction of the quota management system in 2007.**

During 2006, it may be useful to trial certain aspects of the proposed arrangements, such as quota monitoring and reporting procedures. The TRL Working Group will be encouraged to trial (and where possible, commence) the necessary supporting arrangements for the quota management system during 2006.



## **ATTACHMENT C – Finfish Fishery – management arrangements for 2006**

The following outline of the 2006 management arrangements for the Finfish Fishery will be provided to stakeholders through open discussions (such as port meetings rather than a formal Working Group meeting) and their feedback provided to the PZJA for decision at its December 2005 meeting on the arrangements that will apply for 2006.

The key proposed management arrangements for 2006 will include continuing with the basic management arrangements that applied in 2005. In “rolling over” these arrangements, we will continue to work with stakeholders to address the Strategic Assessment recommendations (from the Department of Environment and Heritage) for the Finfish fishery.

Further changes to the management arrangements, including the 10nm closures and other possible closures around particular reefs and islands, will be discussed with all stakeholders during 2006, as part of the move towards developing 2007 management arrangements.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b> <b>26-27 September 2006</b></p>
<p><b>REVIEW OF FMP NO. 1 (COMMITTEES &amp; WORKING GROUPS) AND FAP NO. 1 (FISHERIES ASSESSMENT GROUPS)</b></p>	<p>Agenda Item No. 7.1</p>

## **THE TSFMAC RECOMMENDS**

### **7.1 That the PZJA AGREES:**

- (a) that responsibility for the appointment of advisory committee and Working Group members should be delegated to the PZJA Standing Committee;
- (b) to the revised policies for the operation and administration of advisory committees and Working Groups (Attachment 1) and Fishery Assessment Groups (Attachment 2) to reflect this and other changes;
- (c) that Resource Assessment Groups, in the absence of TAC subcommittees, should be recognised as the primary source of advice on Total Allowable Catches for the Torres Strait Fisheries; and
- (d) to the TSFMAC's recommended option for the consultative structure of Torres Strait RAGs, and that the TSFMAC should be provided with a reasonable opportunity to comment on the TAC advice from the RAG in relation to social, economic and operational issues before the PZJA makes a final decision but that this process should not delay decision making.

## **BACKGROUND**

Fisheries Management Paper No. 1 (FMP 1) outlines the policy for operation of the Torres Strait Fisheries Management Advisory Committee and associated advisory committees and Working Groups. Fisheries Administration Paper No. 1 (FAP 1) outlines the policy for operation of Torres Strait Resource Assessment Groups (RAGs) (there is currently only a RAG for the TRL fishery).

Both policies include general terms of reference and the selection/appointment procedure for the Chair and members of the various groups.

## **DISCUSSION**

### ***Appointments of Chairs and Members of PZJA subcommittees***

Subsection 40 (7) of the *Torres Strait Fisheries Act 1984* (the Act) allows that the PZJA may establish advisory committees, and Subsection 40 (8) states that subject to this section, the PZJA may adopt its own rules of procedure. At the present time, appointments to committees and Working Groups are made by the PZJA. However, in view of the PZJA's strategic decision-making role, the PZJA agencies believe that the PZJA should not be obligated to make decisions on what are essentially operational matters. Instead the PZJA agencies propose that the PZJA Standing Committee be charged with the responsibility of making decisions on appointments to Torres Strait advisory committees and Working Groups.

The relevant policy papers (FMP 1 and FAP 1) must be revised to reflect this change, as well as to provide the agencies with more flexibility in the operation of advisory committees and to reflect recent changes to the Torres Strait consultative structure (including the change from Torres Strait Prawn Working Group to Torres Strait Prawn Management Advisory Committee). Revised copies of FMP 1 and FAP 1 are included at Attachment 1 and Attachment 2.

### ***Consultative Processes for RAG Advice***

#### **Options**

There are several options for the consultative structure of Torres Strait RAGs. TSFMAC's advice is sought on the following:

- Option 1 – Torres Strait RAGs make recommendations for Total Allowable Catches directly to the PZJA but the TSFMAC is granted a reasonable opportunity to comment on the recommendation,
- Option 2 – following the consideration of RAG advice, TSFMAC makes recommendations for Total Allowable Catches to the PZJA,
- Option 3 – Torres Strait RAGs make recommendations for Total Allowable Catches to the PZJA through TSFMAC, which endorses the RAG recommendation.

The current consultative structure for AFMA advisory committees and RAGs allows RAGs to provide advice both to the MAC and directly to the AFMA Board. This acknowledges the different roles of the committees and ensures the provision of independent advice to the AFMA Board, which can then make its decisions based on all available evidence and views. While this approach has much merit, the infrequency of both TSFMAC and PZJA meetings and the need to set TACs in a timely manner may require a slightly different operational approach in PZJA fisheries.

Neither of the relevant policy papers (FMP1 and FAP1) specifies the exact duties that Torres Strait advisory committees are expected to perform. This allows for flexibility in the advice and recommendations the different committees are expected to provide and scope to adapt the responsibilities of the committees to suit individual fisheries. For example, there is presently only one RAG (for TRL), which means that advice on TAC/TAE-setting in other fisheries can only be provided by the Working Group and/or TSFMAC. The broad terms of reference in the policy papers do not prevent this role being performed by advisory committees other than the RAG, but instead promote the development of specific terms of reference for each advisory committee.



## **FISHERIES MANAGEMENT PAPER No. 1**

# **TORRES STRAIT MANAGEMENT ADVISORY COMMITTEES AND ASSOCIATED COMMITTEES AND WORKING GROUPS**

**September 2006**

**Draft**

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

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# **TORRES STRAIT MANAGEMENT ADVISORY COMMITTEES 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 Torres Strait Prawn Management Advisory Committee (TSPMAC) and Working Groups of individual fisheries. This is a generic policy covering the operations 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 (TSPZ). 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 (QDPIF) 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.

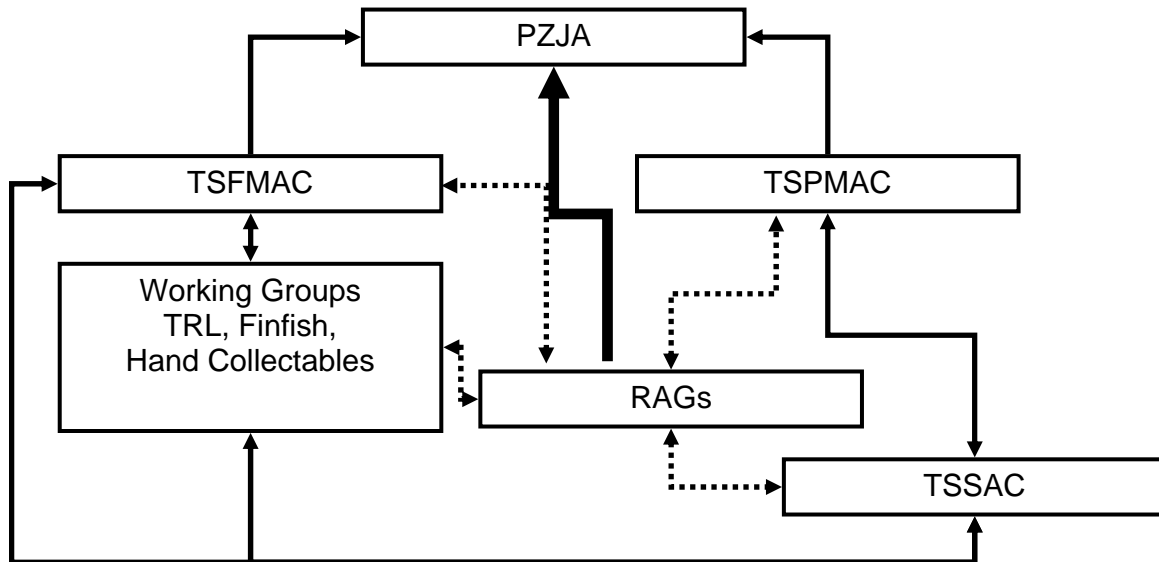
The PZJA is advised by the Torres Strait fisheries Management Advisory Committee (TSFMAC) and Torres Strait Prawn Management Advisory Committee (TSPMAC). The TSFMAC consists of representatives of traditional inhabitants and commercial fishers, fisheries managers from PZJA Agencies and the Chairman of 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, QDPIF, 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 TSFMAC and TSPMAC are advised on scientific and research matters by TSSAC, and on management issues of individual Torres Strait fisheries by Working Groups for the fisheries.

The consultative structure for Torres Strait fisheries incorporates Australian Traditional Inhabitant commercial and traditional fishers, non-Traditional Inhabitant commercial fishers, Australian Government and Queensland officials, and technical experts (Figure 1) and was updated to include Torres Strait Resource Assessment Groups following the decision of PZJA 18 in July 2005.



**Figure 1.** The consultative structure of the Torres Strait Protected Zone Joint Authority and relevant advisory committees and Working Groups. Solid lines and dashed lines indicate primary and secondary lines of communication respectively.

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 and TSPMAC are the main means for the PZJA to obtain advice and information, they are 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 other fisheries and representatives of the broader community.

### 3.1 Role and functions of TSFMAC and TSPMAC

The role of TSFMAC and TSPMAC is to advise the PZJA on management issues for the fisheries managed under the Act. It provides the forum where issues relating to the

fisheries are discussed, problems identified and possible solutions developed. The outcome of these deliberations determines the recommendations TSFMAC will make to the PZJA concerning the management of relevant fisheries.

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

**TSFMAC and TSPMAC are expertise-based, advisory in nature, and make recommendations to the PZJA on management and operational issues.**

### **3.2 Role and functions of TSSAC**

The role of TSSAC is to provide advice to TSFMAC, TSPMAC and the PZJA on scientific and research issues in the TSPZ.

To be completed.

### **3.3 Role and functions of Working Groups**

To assist in the operations of TSFMAC and TSPMAC, Working Groups have been established to advise 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 TSFMAC and TSPMAC.

## **4. Terms of reference**

The following terms of reference are to be utilised by MACs 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
  - 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. MACs 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. MAC and Working Group membership**

### **5.1 Composition**

TSFMAC comprises:

- a Chair
- a Research Member
- 2 staff members from AFMA
- 2 staff members from QDPIF
- 5 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
- 5 Industry Members

TSPMAC comprises:

- a Chair
- 1 member of staff from QDPIF
- 2 members of staff from AFMA
- a Research Member

- a Compliance Member
- a Torres Strait Regional Authority support Member
- a Torres Strait Regional Authority Board Fisheries portfolio Member
- 3 traditional fishing representatives
- 5 industry representatives (including a processor member)

Working Groups comprise:

- a Chair
- 6 traditional fishing representatives
- 3 industry representatives
- 1 member of staff from QDPIF
- 1 member of staff from AFMA

The PZJA Standing Committee has ultimate responsibility for determining the membership of MACs and Working Groups and considers membership in relation to the needs of the Torres Strait fisheries.

## **5.2 Term of appointment**

The PZJA Standing Committee makes all appointments to MACs 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. MAC 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 organisation, interest group or regional concern

- they must be prepared to observe confidentiality and exercise tact and discretion when dealing with sensitive issues
- they must contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest
- they must be prepared to make the necessary commitment of time to ensure that they are fully across matters which are the subject of consideration by the MAC or 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 as necessary with members of industry through port-level associations, regional associations and peak industry bodies.
- Traditional Inhabitant 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 as necessary with members of community through local associations and meetings.

## **6.2 Reaching consensus**

A co-operative approach to MAC 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 MACs) or MAC (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**

MAC 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 MAC 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, TSRA 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 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 MAC 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 the disclosure can normally wait until that meeting, but where the conflict relates to decisions already made, Members must be informed immediately. If there is any doubt, a specific conflict of interest and its nature should be declared and recognised in the discussions of the 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 MAC and Working Group meetings, it is suggested that conflicts of interest are dealt with at the start of each meeting. Members receive the 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 leave 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 MAC and Working Group Members**

Members must:

- act in good faith, in the best interests of the PZJA
- act honestly and exercise a reasonable degree of care and diligence in the discharge of their duties
- 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 unauthorised 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**

MAC 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 MAC 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 MAC 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**

MAC 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                           | ▪ marital status   |
| ▪ religion                       | ▪ pregnancy  |
| ▪ gender                         | ▪ social origin  |
| ▪ political or union affiliation | ▪ criminal record  |
| ▪ sexual preference              | ▪ age  |
| ▪ political opinion              | ▪ physical, intellectual or mental disability or impairment. |

Behaviour that 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 MAC 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 include where there is an implication that the public comment, although made in a private capacity, is in some way an official comment of a MAC or Working Group. Members should avoid making private statements about a MAC or Working Group matters 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. MAC and Working Group Members – role and appointment procedures**

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

### **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, MACs 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 the TSPMAC and 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 MAC Chair) or the TSFMAC (in the 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 objectives and ensuring that the MAC or Working Group considers these objectives when making recommendations to avoid any conflict with them
- 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 MACs) 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 Standing Committee for consideration and approval.

### **8.1.3 Acting Chair**

The PZJA Standing Committee may appoint a person to act as the Chair of a MAC 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.

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 QDPIF and AFMA Members of MACs and 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 QDPIF Members are to be considered those of their relevant organisations.

### **8.2.2 Selection/Appointment Procedure**

AFMA and QDPIF will each appoint two officers to each MAC 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 MACs 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 MAC or Working Group activities, including the issues being dealt with and the possible solutions being considered.

### **8.3.2 Selection/Appointment Procedure**

The PZJA considers the selection of the Industry Members to MACs and Working Groups to be critical to the success of the MACs and 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 MAC 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 the MAC or Working Group
- an Assessment and Ranking Panel will be formed to consider nominations and make recommendations to the PZJA Standing Committee. 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, the requirement to conduct interviews may be waived in the interests of cost-effectiveness.

- The PZJA Standing Committee 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 affect:

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

- the applicant's credibility with industry or other stakeholders,

it may advise the PZJA Standing Committee 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 the MAC or Working Group.

While the PZJA Standing Committee 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 the MAC 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 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 organisations at the highest level

- not have financial interests in the fishery, or be employed by or represent an entity 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 MACs. Nominations may also be sought from appropriate individuals
- the PZJA Standing Committee 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. The TSPMAC includes three Traditional Inhabitant Members and 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 MAC or Working Group
- contribute fisheries expertise to achieve the best management of the fishery
- regularly report to and liaise with other traditional inhabitants in the 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 the community through local associations and meetings as necessary.

In addition to these Members, the MACs include a TSRA Support Member, and TSPMAC also includes a TSRA Board Fisheries portfolio 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 Standing Committee 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 Torres Strait Fisheries, the PZJA Standing Committee may appoint other Members to the MACs or Working Groups, 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.

## **9. MAC and Working Group Members – termination or resignation**

### **9.1 Termination of appointment**

The PZJA Standing Committee 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 the MAC or Working Group; or
- the Chair is absent, except with the leave of the PZJA Standing Committee, from two consecutive meetings of the MAC or Working Group; or

- a Member is absent, except with the leave of the Chair, from two consecutive meetings of the MAC or Working Group.

Termination of appointment under this section will take effect when:

- the Member has been warned by the MAC or Working Group Chair, or the PZJA Standing Committee Chair (?) in the event of MAC or Working Group Chair non-compliance, that:
  - they have not complied with one or more of their obligations or responsibilities, and
  - the non-compliance is unacceptable;
- the PZJA Standing Committee Chair (?) is satisfied the Member has a case to answer for non-compliance with their obligations or responsibilities, warranting termination of appointment;
- the PZJA Standing Committee Chair (?) has asked the Member in writing to show cause why his/her appointment should not be terminated; and
- after at least 14 days have elapsed, the PZJA Standing Committee has considered the matter, including any response by the Member, and made a decision on the Member's continuation in his/her position.

## 9.2 Resignation

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

## 10. Other MAC and Working Group participants

### 10.1 Permanent Observers

The PZJA Standing Committee may also appoint other persons who can be expected to make a meaningful contribution to a MAC or 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 Standing Committee's preferred approach is that there is a general move towards appointing Permanent Observers as full Members where possible and appropriate.

As with Members, the contribution of Permanent Observers to MAC 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 MAC 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 interest for which a Member has been appointed.

As for MAC 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 **Standing Committee Chair (?)**, with a copy to the MAC 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 the TSPMAC or Working Groups.

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

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 MAC and Working Group meetings. Wherever possible, individuals should seek the agreement of the MAC 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 that 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 MAC or Working Group Chair.

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

## **11. Support for MACs and Working Groups – Executive Officers**

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

### **11.1 Role**

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 that a Chair's Summary of the MAC or Working Group meeting is prepared and cleared within **five working days** after 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 MAC 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.

### **11.3 Selection/Appointment Procedure**

The Executive Officer is appointed by the PZJA Agencies, not by the MAC or Working Group. Executive Officers may be 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. MAC and Working Group Meetings**

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

## **13. Communication**

### **13.1 General Communication and Liaison Issues**

The MACs and Working Groups are expected to develop effective two-way communication with the PZJA and any individuals or organisations that have an interest or are engaged in Torres Strait fisheries, including PZJA Agencies.

The MAC 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 MAC 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 MAC 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, MACs, 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 MAC 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**

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

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

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

### **13.2.1 Chair's summary**

The PZJA expects MAC Chairs to provide it with a formal report (MAC Chair's Summary) after each MAC meeting. Working Group Chairs 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 MAC 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.

MACs and 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 the MAC or Working Group to provide advice and make recommendations to the PZJA with respect to the management of the fishery
3. Ability of the MAC (or Working Group) to provide advice and make recommendations to the PZJA (or TSFMAC) on research priorities and projects for Torres Strait fisheries
4. Standard of liaison by the MAC 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 the MAC's views and recommendations are conveyed effectively to the PZJA, or that Working Groups' views are conveyed to TSFMAC
10. Rating the dynamics of the MAC or Working Group when in session over the last year.

## **14. Financial Management**

### **14.1 Fishery Budgets**

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

The draft budget will show the cost of managing Torres Strait fisheries, including surveillance, logbook collection and processing and general administration costs. It will

also include the cost of MAC meetings and other specific activities or projects that have been commissioned by MACs.

Comments received from MACs and 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 fishers.

#### **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 MACs, to assist it in the performance of its functions.

#### **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 the .....MAC/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**

Torres Strait Management Advisory Committees (MACs) and Working Groups will operate in accordance with the following procedures.

### **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 with.

The notice shall be sent to every Member of the MAC or 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 website should be made to assist in the communication of papers and other relevant information concerning the MAC/Working Group.

### **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.

### **Agenda**

An agenda is more than a list of items or a guide to matters to be dealt with at a meeting. It provides a program to aid consideration of each item and allow the business of the MAC 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 timeframes 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](mailto: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
- 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 MAC 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.

### **Attendance of Casual Observers**

Casual Observers are welcome to attend MAC 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 MAC 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.

### **Rules of Debate**

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

In the case of MAC 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.

## **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 MACs) 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, and free from ambiguity or uncertainty. Where there is, by necessity, substantial and significant detail covered in the MAC 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, colloquialisms or unnecessary detail.

The Minutes need to include:

- day and date of meeting
- place of meeting
- names of those present
- apologies
- reference to the Minutes of the previous meeting and the signing of them as a correct record of the proceedings of that meeting by the Chair
- record of agenda items discussed, including agreements reached, action required, and the TSFMAC 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](mailto: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 (MAC) Members are provided with travel allowances at meetings of MACs 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 Committees and Working Groups who are employed by a Commonwealth or State organisation that has its 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.

DRAFT



# **TORRES STRAIT FISHERIES ADMINISTRATION PAPER 1**

## **FISHERIES ASSESSMENT GROUPS – ROLES, RESPONSIBILITIES AND RELATIONSHIPS WITH TORRES STRAIT FISHERIES WORKING GROUPS, TORRES STRAIT MANAGEMENT ADVISORY COMMITTEES, AND THE TORRES STRAIT SCIENTIFIC ADVISORY COMMITTEE**

**September 2006**

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## **1. DEFINITIONS**

For the purposes of this Fisheries Administration Paper:

<b>TRL WG</b>	means the Torres Strait Tropical Rock Lobster Working Group
<b>TSPMAC</b>	means the Torres Strait Prawn Management Advisory Committee
<b>TSSAC</b>	means the Torres Strait Scientific Advisory Committee. A committee of the PZJA with responsibility for scientific and research processes and advice

## **2. PRINCIPLES**

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

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

## **3. FUNCTIONAL GUIDELINES**

### **3.1 Torres Strait Management Advisory Committees**

The Torres Strait Fishery Management Advisory Committee (TSFMAC) and the Torres Strait Prawn Fishery Management Advisory Committee (TSPMAC) are the principal source of advice on fishery-specific management issues. The two MACs operate independently of each other, but inform each other of meeting outcomes. The TSFMAC, its Working Groups and the TSPMAC have specific functions that support the decision-making process.

The TSFMAC and TSPMAC advise the PZJA on fishery objectives, strategies, reference points, risk profiles and management arrangements for achieving fishery-specific goals. For the PZJA to be able to make decisions based upon TSFMAC and TSPMAC advice, the PZJA has to be confident that its MACs have put in place rigorous processes to determine the best package of measures in pursuit of the PZJA's objectives. Good governance and business efficiency demand that

the PZJA is normally able to approve its MACs' advice without delving into the MACs' business details, or needing to seek clarification from the relevant MAC.

There are presently Working Groups for the tropical rock lobster and finfish fisheries. The establishment of a Hand Collectables Working Group has been approved but is yet to be established. Ordinarily the Working Groups and TSPMAC deal with the fishery-specific issues, including the specification of management objectives, research priorities, management issues and strategies and compliance issues. In addition to these tasks the Working Groups and TSPMAC deal with a range of *ad hoc* issues. These are reported to the TSFMAC and TSSAC as appropriate.

Papua New Guinea has observer status on the tropical rock lobster Working Group, TSPMAC and TSFMAC, and meetings of these committees are often attended by PNG delegates. This is an important opportunity to engage PNG in the management of these stocks.

### **3.2 Torres Strait Scientific Advisory Committee**

The PZJA has an established Scientific Advisory Committee to deal with technical matters. In summary, the TSSAC provides the technical expertise for the PZJA, TSFMAC, its Working Groups and the TSPMAC to identify the research and data requirements for effective management decision-making. The TSSAC advises the TSFMAC and TSPMAC on research priorities and assesses the relative returns on investments in research and data collection.

### **3.3 Resource Assessment Group (RAG)**

The main role of Resource Assessment Groups is to provide advice on the status of fish stocks, substocks, species (target and non-target species) and on the impact of fishing on the marine environment. Advice provided by RAGs should address biological and wider ecological factors impacting on the fishery. A RAG may also provide advice in relation to the economics of particular fisheries.

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

Torres Strait RAGs are bodies appointed by the PZJA Standing Committee. The PZJA has involvement in the funding and conduct of RAGs through the PZJA member agencies, which provide the budget for Torres Strait fisheries management. The PZJA Standing Committee ensures that the RAG includes the best team of people to provide the advice it needs (ie. fishery scientists of varying disciplines, economists and stakeholders with relevant skills and knowledge).

The RAG reports to both the PZJA and the respective MAC but is distinct from the TSFMAC or TSPMAC. This is to ensure that the potential conflict of interest generated by the assessment role of RAGs and management advisory role of the MACs does not impact on the quality of advice provided to the PZJA. The TSPMAC or TSFMAC, including its Working Groups, and the RAG will have some common membership, therefore it is essential that members' roles be recognised and differentiated by the respective Chairs.



RAGs in other Commonwealth fisheries are partially (75%) government funded through the AFMA Research Fund (ARF) and partially (25%) industry funded through levies. This issue will be resolved in Torres Strait when cost recovery is decided in all fisheries (see section 3.6).

### **3.3.1 Terms-of-Reference for Resource Assessment Groups**

A RAG's Terms-of-Reference (TOR) should be tailored according to its specific requirements. However, general TOR for RAGs are:

- 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<sup>1</sup>. This includes providing advice on confidence limits or risk levels associated with particular management / harvest strategies.**
- iv. **Assist the TSPMAC, TSFMAC, and the Working Groups 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 collaborative stock assessments with adjacent jurisdictions where appropriate.**
- 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.**

### **3.4 RAG / Working Group and MAC Interactions**

Although RAGs, Working Groups, the TSFMAC and TSPMAC have different functions and advisory roles, there are occasions on which the bodies should interact. In particular, the RAG may have expertise that can assist the Working Group or MAC in the setting of reference points. The scientific members of the RAG should be involved in advising whether it is feasible to set and report against reference points for specific fishery parameters, taking into account the levels of available knowledge.

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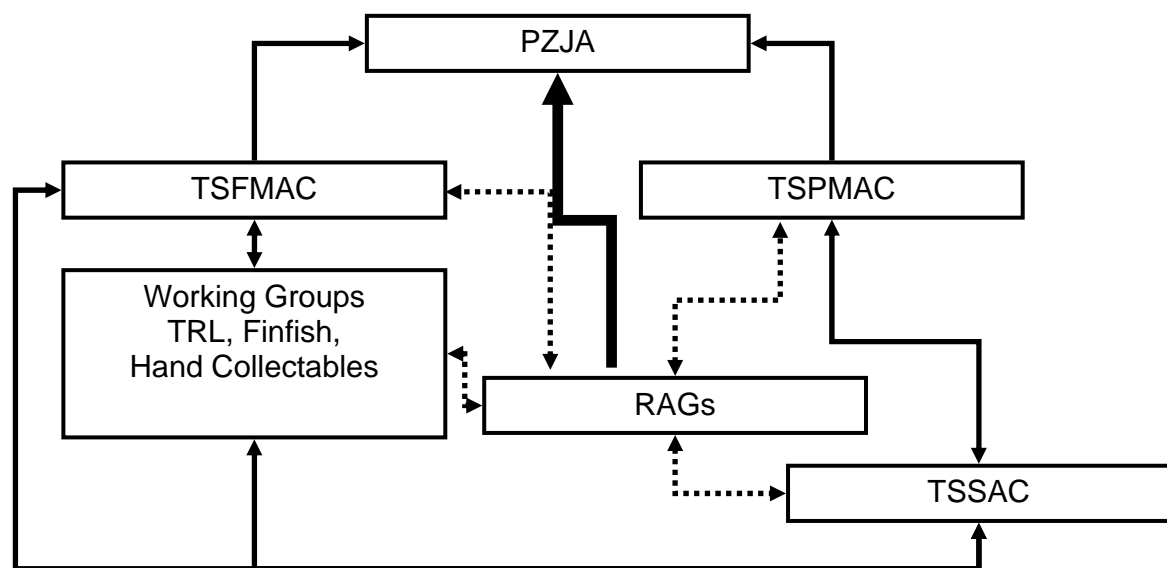
<sup>1</sup> The RAG will recommend TACs in output-controlled fisheries for which there are no TAC subcommittees. However the RAG should provide its advice to each relevant advisory body including the rationale for the recommended TAC and giving the body(s) time to comment on the TAC advice before the PZJA makes a final decision.

RAGs and the relevant Working Group, TSFMAC or TSPMAC should also interact in the setting of performance indicators for fisheries. The validity and measurability of performance indicators is a matter that requires considerable expertise. Reference points or performance indicators must be practical if the RAG is to report against them. The Working Group, TSFMAC or TSPMAC may also need to press a RAG to formulate new advice to enable each body to pursue its respective responsibilities.

In order to meet these responsibilities, RAGs require information on which to conduct assessments and report on status and trends. An important role of RAGs is to identify information gaps and to advise on the relative priorities for filling those gaps. It is the role of the MAC, generally through the TSSAC, to put in place monitoring and research programs to generate the information required by RAGs.

As a matter of good practice, it is proposed that the RAGs and their respective Working Group or MAC meet jointly if possible at least once a year. Holding a joint meeting will make it easier for respective Chairs to identify areas of common interest and to identify and ensure those functions that should be kept separate. Ensuring that each body maintains a suitable record of business that is distributed to its associate committees would also facilitate the separation of functions.

### 3.5 Consultative structure



**Figure 1.** The consultative structure of the Torres Strait Protected Zone Joint Authority and relevant advisory committees and Working Groups. Solid lines and dashed lines indicate primary and secondary lines of communication respectively.

### 3.6 Cost recovery

Under the existing Australian Government cost recovery policy, MACs and their subcommittees (Working Groups) are funded largely by industry levies, as their functions are attributable to industry as the principal beneficiary. In Torres Strait only the costs of the prawn fishery are presently attributed to industry and recovered. However it should be noted that the PZJA agreed in principle that cost recovery should extend to other Torres Strait fisheries in line with AFMA's Cost Recovery Impact Statement (CRIS). A draft policy on cost recovery is being developed for the PZJA's consideration.

## **4. OPERATIONAL GUIDELINES**

### **4.1 Reporting arrangements for Torres Strait RAGs**

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 (or TSPMAC for the prawn fishery), 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 formal 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 to identify 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, QDPIF and TSRA libraries.
- 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 the PZJA logos, 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 MAC.

### **4.2 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 should be formal in nature.

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, industry (Islander and non-Islander) members to ensure that different perspectives and knowledge sources are recognised and brought to the table. Normally minimum membership would consist of a Chair, a management agency member, two industry members and at least one scientific member providing stock assessment expertise. It is preferable that, where required, RAGs include a conservation member with a good knowledge of ecology.

Like the selection procedure for the Chair of the MACs, the Chairmanship of the RAG will be offered to an expert of high standing. The PZJA Standing Committee will formally appoint RAG Chairs.

Appointments to RAGs will be expertise-based, usually by selecting from nominations provided by the relevant MAC. Nominations of suitable experts may come from any of the PZJA advisory bodies, agencies supporting the PZJA or the fishing sector. The PZJA Standing Committee, upon consideration of the nominees and advice from a panel comprising a member of a management agency, and fishers from the Islander and non-Islander sectors, will decide the formal appointment of members<sup>2</sup>. The normal appointment period will be three years. Subsequent re-appointments will be permitted.

### **4.3 Roles, obligations and responsibilities of members**

Generic roles, obligations and responsibilities of RAG members are set out in Torres Strait Fisheries Management Paper No. 1 (FMP 1). Specific obligations and responsibilities of RAG members are set out below.

#### **4.3.1 Confidentiality and non-disclosure**

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

The Chair should warn members when matters of a confidential nature are tabled, and ensure that discussion documents are not used for any purpose not related to the business of the RAG. Exceptions should only occur with the written consent of the RAG Chair. However, all members are obliged to pay regard to standards of confidentiality and non-disclosure relating to data. Note that industry members, non-government organisation personnel (NGO), and other fishery stakeholders may not be given access to confidential data.

Scientific members who are custodians of data for the purposes of analyses, must apply best practice to ensure security, confidentiality, and non-disclosure of the data<sup>3</sup>. This includes prevention of loss, theft, corruption and unapproved duplication. All data that are the property of PZJA are to be returned to PZJA following completion of the analyses.

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

#### **4.3.2 Annual work planning and budget preparation for RAGs**

It is an obligation of all RAG members to assist in developing an annual, costed work plan for the RAG. The relevant Working Group and MAC should be consulted and provide comment on whether the budgeted work plan best meets the assessment needs for the fishery. The PZJA Standing Committee must approve

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<sup>2</sup> A RAG may include members from adjacent and related fisheries jurisdictions. It is expected that such members would be appointed to the RAG having gone through an analogous process.

<sup>3</sup> Standards equivalent to the treatment of in-confidence data in the Commonwealth Protective Security Manual and the Defence Signals Directorate ASCI-33 should be observed.

the annual work plans and accompanying budgets. The application pro forma can be obtained from AFMA's Research Administrator.

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

#### **4.4 Procedural matters**

Procedural matters for members and Chairs of RAGs are set out generically in FMP 1. These matters include attendance at meetings, conduct in meetings, alternate or deputy members, observers, the agenda and responding to minutes or reports.

#### **4.5 Remuneration and travelling allowances for members**

##### **4.5.1 Travelling expenses**

PZJA members of RAGs travelling on RAG business will be paid travel expenses reasonably incurred in connection with RAG business. Normally this is reimbursement of airfares at the economy class rate, reimbursement of receipted expenditure for accommodation costs, meals and incidental expenses as prescribed for AFMA staff.

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

##### **4.5.2 Remuneration for inter-sessional work**

The *Torres Strait Fisheries Act 1984* makes no provision for the remuneration of members on PZJA committees. Hence it follows that members of RAGs cannot normally claim sitting fees. However, it is expected that a significant amount of RAG work will be conducted between formal meetings. The PZJA Standing Committee will consider claims for reimbursement for such inter-sessional work where it can be demonstrated that a member's contribution to RAG inter-sessional work is outside the normal business of the member's agency providing the services. This is a matter for consideration by the PZJA when determining budgets for RAGs. Remuneration provision for inter-sessional work will be specified in member contracts at the time of appointment where appropriate.

Claims for inter-sessional work benefiting a RAG should be budgeted and reasonable. Remuneration can be claimed by lodgement of a tax invoice with AFMA and should be supported by a documentary record of the actual staff time inputs to RAG work. AFMA, on behalf of the PZJA, reserves the right to inspect such records, before approving payment of claims for inter-sessional work.

##### **4.5.3 Remuneration for RAG Chairs**

The PZJA accepts that the duties of RAG Chairs require high-level skills and carry obligation and responsibility. In order to attract and retain suitable chairpersons for RAGs, remuneration for chairperson's duties may be considered. The level of remuneration is will be the same as for other Commonwealth MAC or RAG Chairs,

as determined from time to time by the Remuneration Tribunal. Approved Chair remuneration will be specified in the Chair's contract at the time of appointment.

#### **4.5.4 Consultancies**

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

Consultants should be engaged under an AFMA contract, on behalf of the PZJA. Preparation of such a contract is the responsibility of the AFMA Research Manager in consultation with the RAG Chair. (For further information on contracts contact the AFMA Research Manager)

#### **4.6 Indemnity of members**

Members of RAGs are not regarded as officers for the purposes of the *Commonwealth Authorities and Companies Act 1997*. Therefore, liability insurance is not regarded as necessary as it is improbable that members of these committees could be held liable for actions taken or statements made in their capacity as a committee member.

#### **4.7 Resignation of membership**

Members of a RAG may resign at any time by giving a signed notice of resignation to the Chair of the PZJA Standing Committee. Upon receipt of such a written resignation, AFMA will, unless otherwise agreed, initiate action to fill the vacancy left by the resigning member.

#### **4.8 Cancellation of membership**

Membership of RAGs may be cancelled at any time for misconduct or non-performance. Misconduct includes non-observance of confidentiality eg. disclosure of data, results or other materials prior to an agreement to circulate, conflict of interest, misleading or misinforming, and making fraudulent travel or expense claims. Non-performance includes excessive unexplained absences from meetings, repeated non-performance of assigned tasks or failure to participate in discussions in an objective, impartial and constructive manner.

The PZJA Standing Committee may cancel membership of Australian members upon receipt of a written recommendation from the RAG Chair setting out the reasons for cancellation. Cancellation of membership may be appealed. The PZJA Standing Committee will consider any appeals. These appeals must be addressed to the PZJA Standing Committee Chair and lodged in writing within 21 days after receiving notice to stand down. In the case of members from other jurisdictions, it would be expected that the authority responsible for the appointment would, on receipt of advice from the RAG Chair, cancel the membership.

*September 2006*

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>PROCESS FOR BRINGING MATTERS TO THE PZJA</b>	<b>Agenda Item No. 7.3</b>

## **THE TSFMAC RECOMMENDS**

- 7.3 That the PZJA **AGREES**, as a first preference, that matters to be brought before the PZJA be referred through the appropriate PZJA consultative mechanism, noting that the PZJA consultative mechanisms, including specific working groups, provide a robust and transparent avenue for input into PZJA decisions and communication with PZJA Members.

## **BACKGROUND**

Over the course of 2006, stakeholder groups have made a number of direct approaches to PZJA members with a view to revisiting or amending decisions of the PZJA after they have been made. These approaches are generally related to PZJA 18 Resource allocation decisions regarding a 50:50 share of the commercial resource in the finfish and tropical rock lobster (TRL) fisheries and proposed 10 nautical mile “area closures” around four islands affecting the finfish fishery.

## **DISCUSSION**

PZJA’s consultative mechanisms are designed to seek the views of all sectors in the Torres Strait Protected Zone fisheries.

The practice of approaching Members of the PZJA (particularly the Chair) after decisions have been made has only served to delay implementation of decisions rather than changed the decisions themselves. These delays have caused uncertainty to operators in both commercial fishing sectors across all fisheries.

It is important for PZJA stakeholders to have the capacity to communicate with PZJA Members. It is anticipated that there will be continued direct approaches to PZJA members.

Nonetheless, the PZJA has an established and robust consultative framework so that stakeholders can put their views on the table in a structured and transparent manner.

In addition, while direct approaches to the PZJA Chair have generally copied other PZJA Members, the task of coordinating a response on matters out of session should not be underestimated.

Experience has shown a preference for the Chair to refer matters back to the PZJA. The recommendations in this paper would formalise this practice as a preferred approach of the TSPMAC.

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>OUTCOMES OF TSPMAC MEETING (13-14 JUNE 2006)</b>	<b>Agenda Item No. 8.1</b>

## **THE TSFMAC RECOMMENDS**

- 8.1 That the PZJA **NOTES** the formal outcomes of the first meeting of the Torres Strait Prawn Management Advisory Committee (TSPMAC 1) on 13-14 June 2006 and a verbal update on the outcomes of TSPMAC 2 on 19-20 September 2006.

## **BACKGROUND**

At the April 2006 PZJA meeting, the PZJA agreed to upgrade the Prawn Working Group to a Management Advisory Committee. The new TSPMAC was to report directly to the PZJA but keep the TSFMAC informed of decisions and issues in the prawn fishery.

The TSPMAC had its first meeting in Cairns on 13-14 June 2006 and its second meeting on 19-20 September 2006. Formal minutes from TSPMAC 1 are provided at Attachment 1. Formal minutes from TSPMAC 2 will not be available for TSFMAC8, but a verbal update will be provided on the outcome of the meeting.

## **DISCUSSION**

At the first meeting of the TSPMAC a number of key issues were discussed, including:

- Unit System for 2007
  - *Rationale for unitisation*
  - *Options paper for units*
- Management Plan
  - *Objectives for the fishery*
  - *Process for Plan development and implementation*
- Spatial Management Options
- Research
  - *Research funding and priorities*
  - *RAG costing and funding options*
  - *Ecological Risk Assessment/Data plans*
- Observer program
  - *2005 Trip report and 2006 program update*
  - *2007 program planning/options*
- National Plan of Action (Shark)
- TED Fisheries Management Notice



- Finances
  - *2006/2007 Final Budget*
  - *Australian Government levy relief*

## **Torres Strait Prawn Management Advisory Committee - Final Record 13 -14 June 2006 Cairns Cruising Yacht Squadron**

### **Attendance**

The following members and observers were in attendance at the Torres Strait Prawn Management Advisory Committee (TSPMAC) meeting:

#### **Members**

Mr Jim Gillespie (Chair)  
Mr Ken Bedford (CFG – Darnley Island)  
Mr Charles David (CFG - Yam Island)  
Mr Lota Warria (CFG – Yorke Island)  
Mr Barry Wilson (Industry)  
Mr Mark Millward (Industry)  
Mrs Rosemary Millward (Industry)  
Mr Toshi Nakata (TSRA)  
Mr Mick George (AFMA)  
Ms Dorothea Huber (AFMA)  
Mr Shane Gaddes (QDPI&F)  
Mr Lyndon Peddell (QB&FP)  
Mr Clive Turnbull (QDPI&F)  
Mr Don Mosby (TSRA)

#### **Observers**

Mr Stephen Colquitt (DAFF)  
Mr Robert Ferguson (DEH)  
Mr Dan Sweeney (QB&FP)  
Mr David Galeano (ABARE)

### **Opening**

The Chair opened the meeting at 900 hrs acknowledging that this was the first meeting of the TSPMAC after it was upgraded from its previous status as the Prawn Working Group. Members introduced themselves.

### **Apologies**

Apologies from the following members were noted:

Mr Bob Robins (Industry)  
Mr Rob Giddins (Industry)  
Mr Lester Baule (NFA PNG)  
Mr Phil Polon (NFA PNG)

### **Adoption of meeting agenda**

The Agenda was adopted. The Chair proposed an additional item be added to the agenda, specifically the creation of a document summarising the historic management arrangements used in the fishery.

### ***Action Arising***

- ***Draft a summary of the historic management arrangements in the Torres Prawn fishery.***  
***Responsibility - QDPI&F / AFMA / Industry***

#### **1. Ratification of previous meeting record**

The record of the previous working group meeting was ratified without amendment.

#### **2. Actions arising from previous meeting**

Members noted the actions arising from the 10 November 2005 Prawn Working Group Meeting.

#### **3. Outcomes of PZJA meeting 19**

This item was delayed until after Item 6.2 due to the official record of PZJA 19 not having been signed.

Mr Colquitt advised that the record had been signed by the Commonwealth Minister the Hon. Eric Abetz on behalf of the PZJA. The major issues affecting the TSPF were:

- The creation of the TSPMAC (including membership),
- The amendment of the Fisheries Management Notice for TEDs,
- The Statement of Management Arrangements,
- Amendment of the trading rules for allocated fishing days,
- The administration of surrendered entitlements,
- The allocation of days to PNG.

Mr Colquitt advised members that the open tender run by the Australian Government resulted in the acquired licences being cancelled and the allocated fishing days held by DAFF pending the outcomes of the Bilateral meeting.

Members discussed the involvement of PNG stakeholders on the MAC, particularly as PNG was entitled to access 25% of the fishery. It was noted that anything above observer status may not be legal, however PNG should be encouraged to participate in all future MAC meetings and management forums.

### ***Action Arising***

- ***That the MAC should ensure good communication occurs with PNG stakeholders.***  
***Responsibility – Chair***
- ***Encourage PNG stakeholders to attend future MACs and participate in future management forums.***  
***Responsibility – Mick George***

#### **4. TSPMAC Members**

Mr George spoke to this item. Members were each provided a copy of Fisheries Management Paper No.1 which outlined the operation of the MAC and advised that official letters of appointment would be forthcoming.

The Chair stressed the need for the MAC to operate efficiently and encouraged members to act in the best interests of the fishery. It was requested that members be provided with a copy of the QDPI&F MAC guidelines in addition to FMP No.1.

Members discussed the nomination process, specifically whether membership was based on a specific position within an organisation or based on the relevant expertise of the actual person. In light of this discussion Mrs Millward requested clarification whether her position needed a nomination as it was not rolled over from the Working Group like the other members' positions.

### ***Action Arising***

- ***Provide MAC members with the QDPI&F MAC guidelines***  
***Responsibility: Shane Gaddes***
- ***Determine why Mrs Millward's position on the MAC was not rolled over from the Prawn Working Group as per other members***  
***Responsibility: Mick George***

### **5. Unit system for 2007**

Ms Huber spoke to this item. Members were informed of the rationale behind unitising the fishery for the 2007 season. Unitisation of the fishery would allow greater flexibility for adjusting individual licences when changes to the Total Allowable Effort (TAE) were made. This would effectively reduce that administration required when a change was made as a decision would not need to be made on every licence.

Members discussed the strengths and weaknesses of an unitisation system in depth. Industry members expressed a view that the fishery already had a form of unitisation with allocated fishing days per licence and pointed out that changes to individual licences had already been made when the TAE was adjusted. Further concerns were raised regarding the possibility that financial institutions would need to reassess mortgages if a significant change to the current system occurred.

Ms Huber outlined the options for an unitisation system and the nature of each. These included:

- Individual Transferable Quotas
- Tradable Time units
- Gear based units (as used in NPF)
- Effort units

After an in-depth discussion regarding the unitisation of the fishery, members agreed that the preferred option at this time would be to formalise the current system as "time based effort units".

Members recommended that the time-based effort unit should be allocated to existing operators in the TSPF on a 1:1 basis dependant on the number of days allocated on the individual TSPF fishing licences at the time the management plan is implemented. Time based effort units are acknowledged to equate to an overall percentage of the sustainable total fishing effort in the TSPF, also known as a TAE that will be set for the fishery. The TAE will be set by the PZJA.

When licenses are issued by the PZJA the licences will reflect a number of allocated fishing days available under the fishery TAE, this should also be represented as an overall percentage of the fishery.

E.g. "XXX allocated fishing days which equates to X.XX% of the TAE for the TSPF"

Members recommended that in the case where partial days are calculated based on the time based effort units held by individual licences, allocated days will only be issued as whole days. A system for rounding up or down the allocated fishing days was to be considered by a management plan working group and it was recommended that the possible systems be tested against the existing fishery data.

### ***Action Arising***

- ***That the working group formed to progress the management plan models certain scenarios for the rounding up or down of days and reports back to the MAC***  
***Responsibility: Shane Gaddes, Working Group***

## **6. Management Plan**

Mr George presented a draft management plan for the fishery to members. Primarily members were requested to agree on a set of objectives for the fishery on which the process for drafting the rest of the management plan could be based.

Mrs Millward noted that in order to draft the management plan, it would be appropriate for the MAC to consider all previous management notices and PZJA decisions.

Ms Huber briefed members on the Ministerial direction to AFMA that Commonwealth managed fisheries be returned to sustainable and profitable circumstances in the medium term. The Ministerial direction also outlined a "Commonwealth Harvest Strategy Policy" which was designed to put an end top overfishing and ensure that overfished stocks are rebuilt within reasonable timeframes. A copy of the direction was provided to members.

Members re-drafted the set of proposed objectives for the fishery noting those already approved for the Tropical Rock Lobster Fishery Management Plan. A brief discussion on the "measures by which objectives are to be attained" was also held. The objectives were discussed and developed are included as Table 1 below.

Members discussed the timeframes associated with implementing the management plan. Mr George advised that at this time the goal was to have the process completed by mid 2007 with PZJA approval and an implementation date in early 2008. The goal for PZJA 20 was for a quality draft management plan, draft consultation documents, a draft Regulation Impact Statement, draft Cost Impact Statement and draft Small Business Statement to be ready for discussion.

Mr Millward queried whether an Allocation Advisory Panel (AAP) was required as part of the implementation of the new management arrangements and advised that Industry was opposed to an AAP and did not wish to pay for it. Members consequently

discussed the need for an AAP and noted that it would only be required if there was a significant change caused by the unitisation method introduced to the fishery.

Members agreed that a small working group be set up to progress the draft management plan out of session. The working group would be tasked with expanding the “measures by which objectives are to be attained” and the “performance criteria/indicators to assess measures taken” sections. The aim would be to complete the work via email/phone conference as much as possible with a second draft of the Management Plan considered by the MAC out of session.

Mr Mosby expressed concerns about not being able to identify the agency responsible for removing/remediating sunken trawl vessels. Mr Gaddes undertook to find out and get back to him.

**Table 1 – Management Plan Objectives and Performance Measures discussed at TSPMAC meeting June 2006**

MANAGEMENT OBJECTIVE (PROPOSED)	PERFORMANCE MEASURE	PROJECTS REQUIRED/PROGRAMME
1. To maintain fishing mortality for all target species below the point where MSY (BMSY/EMSY) is achieved accounting for all sources of fishing mortality.	(a) setting the total allowable effort each year in the fishery, as necessary taking into account target and reference limits; (b) implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery; (c) establishing an effective program of catch monitoring and surveillance of the fishery to ensure compliance with the Management Plan; (d) developing a series of biological, economic and other data that can be used to assess the fishery	<ul style="list-style-type: none"> <li>• Stock assessments</li> <li>• Observer program</li> <li>• Industry participation in management</li> </ul>
2. To give regard to the rights and obligations conferred on Australia by the Treaty and in particular to the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing)	(a) To maximise/maintain/promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. (b) To promote/assist/encourage appropriate commercial and employment opportunities that are socially and culturally appropriate for the Torres Strait.	<ul style="list-style-type: none"> <li>• Needs further discussion at CFG as to appropriate measure</li> </ul>
3. To provide for cooperative and cost efficient management of the resource, with PNG and Queensland.	(a) granting transferable fishing licences for the fishery; (b) directing licence holders, as necessary, not to engage in fishing to ensure the sustainability of the resources of the fishery; (c) setting the total allowable effort each year in the fishery, as necessary; (d) implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery; (e) developing a series of biological, economic and other data that can be used to assess the fishery; (f) complimentary management measures in place	<ul style="list-style-type: none"> <li>• Data sharing (PNG, frequency)</li> <li>• Compliance issues/obligations PNG</li> </ul>

4. To minimise impacts associated with interactions between the prawn and all other fisheries – impacts on other fisheries	<ul style="list-style-type: none"> <li>(a) complimentary management measures in place</li> <li>(b) implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery;</li> <li>(c) establishing an effective program of catch monitoring and surveillance of the fishery to ensure compliance with the Management Plan;</li> <li>(d) developing a series of biological, economic and other data that can be used to assess the fishery</li> <li>(e) incidental catches of non-target commercial and other species in the Fishery is reduced to a minimum</li> </ul>	<ul style="list-style-type: none"> <li>• Observer program</li> </ul>
5. To maintain appropriate controls in the fishery so as to minimise the impacts on the environment	<ul style="list-style-type: none"> <li>(a) Minimise bycatch discard (TEDs, BRDs, hoppers)</li> <li>(b) Check closures</li> <li>(c) Regional marine planning implications</li> </ul>	<ul style="list-style-type: none"> <li>• Link to strategic assessment and BAP</li> <li>• Risks to environment?</li> </ul>
6. To (maximise /maintain /promote) economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants.	<ul style="list-style-type: none"> <li>(a) To promote/assist/encourage appropriate commercial and employment opportunities that are socially and culturally appropriate for the Torres Strait.</li> </ul>	
7. Optimise the profitability of the fishery	<ul style="list-style-type: none"> <li>(a) Catch/effort set below MSY (MEY)</li> <li>(b) Management regime to minimise fishing costs</li> <li>(c) Maximise catch</li> </ul>	<ul style="list-style-type: none"> <li>• Mechanisms to manage for all species not just vulnerable spp – alternative management arrangements</li> </ul>



### **Action Arising**

- ***Undertake an audit of Fishery Management Notices and PZJA decisions for consideration during the drafting of the Management Plan.***

***Responsibility: Shane Gaddes / Mick George***

- ***Form a working group to progress the draft management plan. Issues that can't be dealt with by the working group are to be referred back to the MAC.***

***Responsibility: Mick George (Chair), Shane Gaddes, Toshi Nakata, Barry Wilson, Clive Turnbull, Kenny Bedford, David Galeano (If required)***

- ***Find out which agencies are responsible for sunken trawlers in the Torres Strait region and report to Islander members.***

***Responsibility: Shane Gaddes***

Day 2

### **7 Spatial Management Options**

Mr George spoke to this item. The ABC Landline program on the Spencer Gulf Fishery was not available for this meeting due to a mix-up with the ABC.

Members discussed the summary of the Alternative Management Workshop contained in the TSPF handbook.

Industry members noted their support for the management options proposed at the workshop. However, they argued that these options could not be used in addition to the 32% reduction in fishing days. Components proposed by the workshop would only be acceptable to industry if it increased the TAE for the fishery.

Members noted the research funding provided by the Australian Government was aimed at assisting a possible move towards spatial management. In particular, it was noted that an endeavour prawn stock assessment was required to implement a spatial management system.

Mrs Millward stressed that this issue needed to be progressed as a matter of priority as industry members could not wait three years under current economic conditions for an increase in the TAE.

Members discussed the benefits of a system like that used in the Spencer Gulf fishery. It was agreed that there were clear benefits too such a system. However the remote nature of the fishery and the significant training required for skippers would make it more difficult to implement in the TSPF.

Mr David proposed a closure to trawling in area around Deliverance Island. He advised that the area was very rarely trawled and was a valuable area for turtle and dugong populations. This matter was to be reconsidered under Item 15.2.

### **Action Arising**

- ***That the implementation of a spatial management system be considered at the next MAC meeting. In the longer term, consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.***

**Responsibility: MAC**

### **8.1 Research funding and priorities**

Mr Colquitt spoke to this item. He advised of the funding that had been made available by the Australian Government to identify other options for the management of the TSPF. In particular, the funding was to be used to increase the TAE within the sustainability limits based on the results of research.

Industry members pointed out some errors in the agenda item and requested these be addressed in for future meetings.

In light of the proposal to move towards an adaptive spatial management system, Mr Turnbull outlined the premise for the spatial management model using a trigger for effort directed at the tiger prawns. After the trigger is reached, the main tiger prawn grounds would be closed and effort would be applied to the southern endeavour prawn grounds where the fishing mortality on tiger prawns is much lower. In this fashion it may be possible to apply effort greater than the EMSY as a proportion of the effort is predominantly directed at endeavour prawns.

Mr Turnbull expressed that opinion that tagging had already been done and was no longer required. He also indicated the areas that he thought required further research and advised that the spatial survey would be of value, as would an endeavour prawn stock assessment.

Industry members indicated that any such research program should have Mr Turnbull involved, as he has a great deal of experience with the fishery.

Members discussed the following potential projects:

<b>Project</b>	<b>Timeline</b>	<b>Funding</b>
Tiger stock assessment (update)	November 2006	Currently funded
Endeavour Stock Assessment	1 <sup>st</sup> Half 2007	DAFF
Spatial survey (and Scenario Modelling)	March 2007 – 2008	DAFF
PNG Survey	2007 -2008	DAFF
Research Support	2006-2008	DAFF

Members agreed that the research plan needed to be discussed further with industry before the tender documents for research agencies were drafted. Industry was requested to provide a contact to DAFF for further discussions about the research plan.

Ms Huber requested that members be provided with quarterly updates on the progress of the research plan.

### ***Action Arising***

- ***That the MAC notes industry concerns regarding inaccuracy in agenda papers and prevents inaccuracies in the future.***  
***Responsibility: AFMA, DAFF, DPI&F***
- ***That a survey of prawn stocks in PNG waters is added to the Bi- Lateral talks agenda.***  
***Responsibility:DAFF***
- ***An industry contact is nominated for discussions with DAFF regarding the research plan. Nomination required by 20/6/06***  
***Responsibility:Mark Millward***
- ***Quarterly updates on the progress of the research plan are provided to the MAC.***  
***Responsibility:Stephen Colquitt***

### **8.2 Resource Assessment Group costing and funding options**

Mr George spoke to this item. Members were informed of the need for a resource assessment group (RAG) for the provision of scientific advice and the review of research and stock assessments.

Members discussed the costs associated with the RAG and the benefits associated with having the extra scientific expertise available for specific projects. The ability to use the SAC rather than the RAG for this purpose was also considered, as it would save a considerable amount of money.

Members supported the RAG in-principle but to be more cost effective agreed:

- To try to utilize the SAC as much as possible; and
- To hold research meetings from time to time as required, but preferably back-to-back with MAC meetings.
- To decide a sub-membership or working group on a case-by-case basis.

It was also recommended that this action be reported to the SAC with a recommendation that the role of the SAC be expanded accordingly.

### **8.3 Ecological Risk Assessment & Data Plan**

Mr George updated members on the Ecological Risk Assessment (ERA) progress to date. The ERA began in 2001 and was due for completion in 2006. A two day workshop was scheduled for late 2006.

Mrs Millward expressed concerns that there was a lot of duplication between the Bycatch Action Plan, Strategic Assessment and ERA and that all these documents need thorough industry reviews.

Mr Turnbull noted that while there was duplication, the ERA has a much wider coverage and draws on the other processes as inputs to the assessment.

## **9 Observer program**

### **9.1 2005 Trip report and 2006 program update**

Mr George informed members that the observer reports had been drafted but not finalised and were due for completion in August. The 2006 season was off to a good start with operators willing to take observers onboard their vessels. The second part of the observer program for 2006 was due to begin in August.

Mr Millward asked if the same boats were used every season or if different boats were used. He indicated that it would not be representative if the same boats were used consistently. Mr George agreed to check on this.

Mr David requested the qualifications required for employment as an observer. Mr George indicated that most have science degrees and agreed to provide the selection criteria from the last recruitment process.

#### ***Action Arising***

- ***Investigate the boats that observers use each year to determine if a representative sample of the fleet is achieved or if the same boats are being used each year.***

***Responsibility: Mick George***

- ***Send 2005 and 2006 observer reports to members when they are completed.***
- ***Future observer reports are to be sent to MAC members on completion for out of session comment***

***Responsibility: Mick George***

- ***Send selection criteria for observer positions to Charles David.***

***Responsibility: Mick George***

### **9.2 Observer program – 2007 Program Plan**

Members agreed that the 2007 program plan would need to be deferred until the 2005 report is complete.

## **10 National Plan of Action (NPOA) for Sharks**

Mr Gaddes spoke to this item. The previous working group meeting requested that the synergies between the NPOA for sharks, the bycatch action plan and the recommendations from the strategic assessment be analysed.

Members noted that the only issue that required immediate attention was the creation of a Code of Practice for the handling of sharks at sea to increase survival. It was agreed that a code of practice would be developed with industry input and included in the next handbook.

Members agreed that the NPOA for sharks should be considered again after the completion of the ERA if any shark species are identified as being at a high risk of overexploitation.

### ***Actions Arising***

- ***Draft a code of practice for handling sharks for inclusion in the next Handbook.***  
***Responsibility: Shane Gaddes/Industry***
- ***Reconsider the NPOA for sharks after the ecological risk assessment has been completed.***  
***Responsibility: MAC***

## **11 TED Modification**

Members discussed the draft Fisheries Management Notice (FMN). The major issue of discussion was the issue of flotation with industry members concerned that the content of the FMN was not consistent with the advice provided by US delegates during a visit to Innisfail earlier this year.

It was also noted the East Coast Trawl Fishery (ECTF) had let the US accreditation lapse due to difficulties with negotiations. Members agreed to seek further advice from the US and reconsider the FMN when this advice had been provided.

### ***Action Arising***

- ***Seek further clarification regarding the TED flotation issue from US gear technologist***  
***Responsibility: Mick George***
- ***Reconsider draft fisheries management notice at next meeting after US advice on flotation has been provided.***  
***Responsibility: MAC***

## **12 Finances**

### **12.1 2006/7 Final Budget**

Ms Huber informed members of the outcomes of a budget meeting with industry in March 2006 and briefed members on the key budget items for 2006/7. The MAC noted that the budget had increased significantly on the previous year.

Industry members expressed concerns with the increase in the budget and the inability of agencies to provide specific itemised reasons for these increases. Further concerns were raised about the process undertaken when the budget was finalised and not all the required information was available (e.g. Queensland budget).

Mr Colquitt advised members that while the budget represented a significant increase on the previous year, the Australian Government was providing levy relief to decrease the impact of this rise on Industry.

Mr Gaddes undertook to review the increases in the QDPI&F component of the budget and report back to industry.

Industry also argued that PNG should be responsible for 25% of the budget as it was afforded 25% of the catch. This view was noted by Mr. Colquitt as the DAFF representative and he requested that this view be expressed in writing to the Australian Government.

Mr George advised that the Australian Government policy on such matters was that full cost recovery would occur until catch sharing arrangements have been accepted by all signatories.

### ***Action Arising***

- ***AFMA and DPI&F to liaise and jointly provide future budget information to industry for comment prior to the budget being finalised.***  
***Responsibility: AFMA/DPI&F***
- ***Provide industry members with further details regarding the 2006/07 QLD budget and reasons for increases on last year's figures.***  
***Responsibility: Shane Gaddes***
- ***DPI&F managers to discuss budget issues with Industry members***  
***Responsibility: Shane Gaddes, Dan Currey, Jim Gillespie***

## **12.2 Australian Government Levy Relief**

Members noted the levy relief funding and discussed whether there would be any benefit in spreading the funding over three years. Mr Colquitt advised that the second year's funding could be split over two years if any benefit could be identified.

## **13 Compliance**

Mr Peddell provided an update on the compliance activities in the fishery. Resources have been reduced with QBFP no longer having access to the Customs vessels or Aircraft. The targets for inspections were reached with no breaches reported.

Mr Peddell indicated that while the fleet as a whole was co-operative with the QBFP, there were cases of individual fishers not co-operating. Mr Sweeny advised that Torres Strait issues were becoming a higher priority and that more Department of Transport inspections could be expected in the future.

Mr Mosby expressed concerns regarding crew being deserted or abandoned on islands with no means of returning to the mainland. Mr Millward undertook to write to entitlement holders asking them to ensure crew have transport arranged before leaving the vessels.

### ***Action Arising***

***Send a notice to Torres Strait Prawn Entitlement Holders about ensuring crew members have a way home from Torres Strait when leaving vessels.***  
***Responsibility: Mark Millward***

## **14 Date for next Meeting**

The next meeting was scheduled for 13 to 15 September.

## **15 Other Business**

### **15.1 Comparative impacts of twin vs. quad gear**

Members noted the report.

### **15.2 PNG/Australia Bilateral Meeting**

Members discussed issues for inclusion on the bilateral agenda. These issues included:

- The prawn budget (PNG paying 25%)
- Catch sharing arrangements
- A trawl closure around Deliverance Island
- Regulations for PNG vessels (VMS, gear, boat size etc)
- Access to unused PNG allocation in Australian waters

Industry members were requested to nominate a representative to attend the bilateral meeting. Mr Millward agreed to provide a nominee by 20 June 2006.

#### ***Action Arising***

- ***Check PZJA decision on regulations for PNG boats working in Australian waters to determine if these boats are subject to the same regulations as Australian boats.***

***Responsibility: Mick George***

- ***An industry contact is nominated for attendance at the Bi-Lateral talks meeting. Nomination required by 20/6/06***

***Responsibility: Mark Millward***

### **15.3 Strategic assessment**

Members discussed the progress on the recommendations from the strategic assessment of the fishery. Mr Ferguson indicated that good progress was being made towards meeting the recommendations.

The only issue which warranted discussion was that of the compliance risk assessment (CRA) for the fishery. Mr George undertook to look into the planning process for the CRA and report back at the next MAC.

#### ***Action Arising***

- ***Provide an update on the compliance risk assessment process at the next MAC meeting.***

***Responsibility: Mick George***

### **15.4 Abare Reports**

Mr Galeano informed members of the results of the 03/04 Abare survey of the TSPF. A quarter of the fleet was surveyed for this study. Despite a stable catch in the fishery, GVP has declined due to decreased prawn prices and an increase in the value of the Australian dollar. It was anticipated that net returns to the industry were likely to be negative in the years after 2003 due to large increases in fuel costs.

The next survey was scheduled for late 2006. Industry members noted that August was an appropriate time to complete the survey.

### Summary of Actions Arising

	Action	Responsibility
1	<ul style="list-style-type: none"> <li><i>Draft a summary of the historic management arrangements in the Torres Prawn fishery.</i></li> </ul>	<i>QDPI&amp;F / AFMA / Industry</i>
2	<ul style="list-style-type: none"> <li><i>That the MAC should ensure good communication occurs with PNG stakeholders.</i></li> </ul>	<i>Chair</i>
3	<ul style="list-style-type: none"> <li><i>Encourage PNG stakeholders to attend future MACs and participate in future management forums.</i></li> </ul>	<i>Mick George</i>
4	<ul style="list-style-type: none"> <li><i>Provide MAC members with the QDPI&amp;F MAC guidelines</i></li> </ul>	<i>Shane Gaddes</i>
5	<ul style="list-style-type: none"> <li><i>Determine why Mrs Millward's position on the MAC was not rolled over from the Prawn Working Group as per other members</i></li> </ul>	<i>Mick George</i>
6	<ul style="list-style-type: none"> <li><i>That the working group formed to progress the management plan models certain scenarios for the rounding up or down of days and reports back to the MAC</i></li> </ul>	<i>Shane Gaddes, Working Group</i>
7	<ul style="list-style-type: none"> <li><i>Undertake an audit of Fishery Management Notices and PZJA decisions for consideration during the drafting of the Management Plan.</i></li> </ul>	<i>Shane Gaddes / Mick George</i>
8	<ul style="list-style-type: none"> <li><i>Form a working group to progress the draft management plan. Issues that can't be dealt with by the working group are to be referred back to the MAC.</i></li> </ul>	<i>Mick George (Chair), Shane Gaddes, Toshi Nakata, Barry Wilson, Clive Turnbull, Kenny Bedford, David Galeano (If required)</i>
9	<ul style="list-style-type: none"> <li><i>Find out which agencies are responsible for sunken trawlers in the Torres Strait region and report to Islander members.</i></li> </ul>	<i>Shane Gaddes</i>



10	<ul style="list-style-type: none"> <li>That the implementation of a spatial management system be considered at the next MAC meeting. In the longer term, consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.</li> </ul>	MAC
11	<ul style="list-style-type: none"> <li>That the MAC notes industry concerns regarding inaccuracy in agenda papers and prevents inaccuracies in the future.</li> </ul>	AFMA, DAFF, DPI&F
12	<ul style="list-style-type: none"> <li>That a survey of prawn stocks in PNG waters is added to the Bi- Lateral talks agenda.</li> </ul>	DAFF
13	<ul style="list-style-type: none"> <li>An industry contact is nominated for discussions with DAFF regarding the research plan. Nomination required by 20/6/06</li> </ul>	Mark Millward
14	<ul style="list-style-type: none"> <li>Quarterly updates on the progress of the research plan are provided to the MAC.</li> </ul>	Stephen Colquitt
15	<ul style="list-style-type: none"> <li>Investigate the boats that observers use each year to determine if a representative sample of the fleet is achieved or if the same boats are being used each year.</li> </ul>	Mick George
16	<ul style="list-style-type: none"> <li>Send 2005 and 2006 observer reports to members when they are completed</li> <li>Future observer reports are to be sent to MAC members on completion for out of session comment</li> </ul>	Mick George
17	<ul style="list-style-type: none"> <li>Send selection criteria for observer positions to Charles David</li> </ul>	Mick George
18	<ul style="list-style-type: none"> <li>Draft a code of practice for handling sharks for inclusion in the next Handbook.</li> <li>Reconsider the NPOA for sharks after the ecological risk assessment has been completed.</li> </ul>	Shane Gaddes/Industry MAC
19	<ul style="list-style-type: none"> <li>Seek further clarification regarding the TED flotation issue from US gear technologist</li> <li>Reconsider draft fisheries management notice at next meeting after US advice on flotation has been provided.</li> </ul>	Mick George MAC

<b>20</b>	<ul style="list-style-type: none"> <li>• <i>AFMA and DPI&amp;F to liaise and jointly provide future budget information to industry for comment prior to the budget being finalised.</i></li> <li>• <i>Provide industry members with further details regarding the 2006/07 QLD budget and reasons for increases on last year's figures.</i></li> <li>• <i>DPI&amp;F managers to discuss budget issues with Industry members</i></li> </ul>	<b>AFMA/DPI&amp;F</b>  <b>Shane Gaddes</b>  <b>Shane Gaddes, Dan Currey, Jim Gillespie</b>
<b>21</b>	<ul style="list-style-type: none"> <li>• <i>Send a notice to Torres Strait Prawn Entitlement Holders about ensuring crew members have a way home from Torres Strait when leaving vessels.</i></li> </ul>	<b>Mark Millward</b>
<b>22</b>	<ul style="list-style-type: none"> <li>• <i>Check PZJA decision on regulations for PNG boats working in Australian waters to determine if these boats are subject to the same regulations as Australian boats.</i></li> </ul>	<b>Mick George</b>
<b>23</b>	<ul style="list-style-type: none"> <li>• <i>An industry contact is nominated for attendance at the Bi-Lateral talks meeting. Nomination required by 20/6/06</i></li> </ul>	<b>Mark Milward</b>
<b>24</b>	<ul style="list-style-type: none"> <li>• <i>Provide an update on the compliance risk assessment process at the next MAC meeting.</i></li> </ul>	<b>Mick George</b>

**Clarification on “unit system for 2007”**

Currently Australian operators have allocated fishing days on licences equating to a total of 6867 fishing days. In 2007 those fishing days will be converted on a one-for-one basis to “time based effort units”, assuming all licences are renewed for the 2007 fishing season that would result in the allocation of a total of 6867 units in the fishery. Following the allocation process the total number of units issued to Australian operators in the fishery would be fixed at 6867 units under the management plan for the fishery. Each unit issued to an operator would thus equate to 0.01456% ( $1/6867 \times 100$ ) of the Australian share of the Total Allowable Effort (TAE) in the TSPF.

For an operator holding 100 nights in 2006, that would equate to an allocation of 100 units in 2007, worth 1.456% of the Australian share of the TAE for the fishery.

By definition, the conversion of the number of units held by an operator under a time based effort unit system to a percentage holding in the fishery would be used to calculate the number of fishing days that can be fished in any given season. Assuming the TAE in 2007 is set at 6867 nights, every time based effort unit held by an operator would equate to 1 allocated fishing day under the following equation.

$(1 \text{ unit} / 6867 \text{ units}) \times \text{TAE} = \text{days held}$ <p style="text-align: center;">or</p> $0.01456\% \times 6867 = 1 \text{ day}$
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**TAE changes**

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

**Trading**

The time based effort units will be transferable under the new unit system. All operators would be entitled to trade units to other operators, in a similar way to that currently used by operators to trade fishing days. Following the allocation of units in 2007, operators would trade units with a value of 0.01456% of the Australian share of the TAE, such that someone trading 100 units will trade 1.456% of the TAE, (equating to 100 nights assuming the TAE is maintained at 6867 nights).

**Banks and wording on licences**

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

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>UPDATE ON DRAFT FINFISH MANAGEMENT PLAN AND OPTIONS FOR 2007 MANAGEMENT ARRANGEMENTS</b></p>	<p>Agenda Item No. 9</p>

## **THE TSFMAC RECOMMENDS**

9.1.1 That the PZJA **NOTES** that:

- a) PNG officials expressed a desire to resume catch sharing arrangements in the Spanish mackerel fishery at the recent Australia-Papua New Guinea (PNG) bilateral fisheries talks.
- b) Increased participation in the Spanish mackerel fishery by either Australia or PNG is likely to have adverse affects on the sustainability of the Spanish mackerel stock.

9.1.2 That the PZJA **AGREES** to continue the current management arrangements in the Reef Line and Spanish mackerel fisheries in 2007 until the drafting of the management plan can be completed,

9.1.3 That the PZJA **AGREES** to closely monitor activity in the Spanish mackerel fishery. Any significant increases in catch or effort will trigger a mid season review of management arrangements.

## **BACKGROUND**

Australia and PNG designated the mackerel fishery as an Article 22 fishery in 1985. Despite 20 years of fishing on the Australian side, PNG has never to Australia's knowledge, developed a fishery in its own waters and has never participated in the Australian fishery. This lack of interest in the mackerel fishery on PNG's part was reflected in an agreement reached in 2005 to suspend the Article 22 arrangements in this fishery.

A recently completed CRC research project has produced a stock assessment of the Torres Strait Spanish mackerel fishery. While the assessment has indicated that the fishery is likely being harvested near or exceeding maximum sustainable levels it did not identify the boundaries of the stock being fished nor did it estimate the relative biomass of the fish in Australian and PNG waters. The lack of certainty in these parameters will make catch sharing arrangements in this fishery difficult.

While the catch sharing arrangements are yet to be finalised, the complex nature of the catch sharing arrangements in the treaty may result in some 30% - 50% of the Spanish mackerel fishery being allocated to PNG. As this fishery is currently fished predominantly by the non-community sector, a substantial proportion of the non-community licences will need to be removed through the open tender process to facilitate the move to a 50:50 resource allocation and to account for Australia's catch sharing obligations under the treaty. In response to this, commercial operators have again raised the need for a complete buyout of the non-community licences in the Spanish mackerel fishery.

Due to the high demands on agency staff members and sectoral contention over aspects of the resource allocation decisions, progress on the finfish management plan has been limited. Consequently the Project Plan timelines have been revised accordingly and the

implementation date for the finfish management plan has been pushed back to 2008. (See agenda item 6)

## **DISCUSSION**

It is currently unclear whether PNG's renewed interest in the Spanish mackerel fishery will result in any significant fishing being undertaken in Australian waters in 2007. Returns from the fishery are relatively small and there is no strong economic incentive for PNG to participate. However, sustainability concerns would likely result if PNG participation were to significantly increase the harvest from the fishery without any additional controls on the Australian operators. Perhaps the most prudent course of action for the mackerel fishery would be to closely monitor the catch and effort in 2007. Significant increases in catch and effort in early 2007 accompanied by PNG participation in the fishery may require a mid season review of the management arrangements in the fishery.

While no assessment for the Torres Strait reef line fishery is currently available recent effort levels in the fishery have been relatively low. The precautionary management arrangements in place in the fishery coupled with low effort levels and low risk of significant increases has reduced the necessity for additional interim management measures during the drafting of the management Plan in 2007.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>UPDATE ON DRAFT TRL MANAGEMENT PLAN AND QUOTA MANAGEMENT SYSTEM</b></p>	<p>Agenda Item No. 10.1</p>

## **THE TSFMAC RECOMMENDS**

### **10.1 That the PZJA NOTES:**

- (a) the update on the progress of developing a draft management plan and quota management system (QMS) for the Tropical Rock Lobster (TRL) fishery;
- (b) that a Regulation Impact Statement (RIS) is required before the Management Plan can be determined;
- (c) that if there are no further objections about the resource allocation, the PZJA agencies expect the draft Management Plan and quota management system to be considered by the PZJA in July 2007; and
- (d) that in accordance with (c), the PZJA agencies expect that the Management Plan will commence from December 2007 and the quota management system from the 2008 fishing season.

## **BACKGROUND**

In July 2005, the PZJA made a decision to introduce a quota management system (QMS) in the Torres Strait Tropical Rock Lobster (TRL) fishery. A management plan is being drafted which will formalise the new management arrangements. Certain aspects of a QMS have been developed, however progress has slowed because of debate over the 50:50 resource allocation agreed to by the PZJA.

## **DISCUSSION**

Islanders are not satisfied with the 50:50 resource allocation decision, and believe that the Australian Government should fund a move to 70:30 (islander : non-islander) allocation. The islander argument is based on the fact that they perceive little opportunity for their sector's share of the fishery to grow under the PZJA's allocation decision, as they believe they are close to catching 50% of the TRL fishery once the PNG share has been taken into account.

Little progress was made at recent TRL Working Group meetings (24-26 May 2006, 11-13 July 2006), as the islander sector was reluctant to provide further input to the draft management plan and QMS until representatives could address the Commonwealth Minister for Fisheries during his visit to Thursday Island in late July and receive a formal response to their concerns. There has also been limited involvement and input from Papua New Guinea representatives on elements of the Management Plan and QMS that will affect PNG cross-endorsed licence holders. The proposed system was discussed at the PNG-Australian bilateral fisheries meetings in Cairns on 23-24 August 2006 and PNG industry delegates were supportive of the arrangements. The Management Plan cannot be introduced until legislative amendments have been made to the *Torres Strait Fisheries Act 1984*. These and the required timeframes will be elaborated under agenda item 12.

As a result of the above impediments, there will be delays in the implementation of the new arrangements until the management agencies can consult further with stakeholders on the details of the draft management plan and QMS. The revised timeline is elaborated under Agenda Item 6.

As discussed under item 5.2, an Independent Allocation Advisory Panel was employed to devise the most appropriate formula for allocation to the non-community operators in the TRL fishery and the draft report has been released for public comment. The method of allocation to the community sector of the fishery has not yet been agreed. This issue was not addressed by the AAP as it was outside its terms of reference.

A list of proposed landing places for TRL was agreed at the July meeting of the Working Group, and while the Working Group identified some issues that required further clarification, there was little other major progress in regard to the Management Plan or QMS. Areas that require further stakeholder consultation include:

- revision of the current boat licensing policy (e.g. potential removal of processor carrier licences and restrictions on primary boats);
- the application of Vessel Monitoring System requirements to the Torres Strait;
- obligations of PNG licence holders;
- consultation requirements;
- reporting requirements and telecommunication infrastructure (e.g. what system to use – satellite phone, CDMA, fax);
- separate identification of traditional and commercial catch (e.g. tail clipping); and
- the most appropriate means of and timeframe for submitting catch and disposal, transfer and sale, and logbook returns, or other forms that may become part of the monitoring system.

Once all of the options for management arrangements and quota management have been identified, a Regulation Impact Statement (RIS) will be developed. The RIS will form the basis of consultation with stakeholders, the outcome of which will decide the final Management Plan.

As outlined in agenda item 6, the PZJA agencies plan to continue developing the fishery management plans and undertake consultation on these over the next six months, with the final plans submitted for PZJA approval in July 2007 and the TRL QMS introduced for the 2008 fishing year.

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>OUTCOMES FROM THE TRL RAG</b>	<b>Agenda Item No. 10.2</b>

## **THE TSFMAC RECOMMENDS**

10.2.1 That the PZJA **NOTES** that the Tropical Rock Lobster (TRL) Resource Assessment Group (RAG) convened for a second time on 9-10<sup>th</sup> August 2006 and:

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

10.2.2 That the PZJA **NOTES** that the second meeting of the RAG was considered by all participants to have been extremely productive;

10.2.3 That the PZJA **AGREES** to the management objective 1 for the TRL fishery as follows:

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

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

10.2.5 That the PZJA **NOTES** the expected outputs from the RAG over the next 12 months are as follows:

- (a) preliminary TAC advice for 2007 sometime from October 2006 onwards depending on the availability of the catch data from 2006; and
- (b) final TAC advice for the 2007 season flowing from the next meeting of the RAG that is expected to be in late March 2007.

## **BACKGROUND**

The TRL RAG was established to enhance the assessment process for the TRL fishery. This was done by establishing a formal process of meeting on an annual or biannual schedule rather than the old TSSAC commissioned FAG process which was *ad hoc* and adding expertise to the RAG in the form of an independent scientist and ensuring that each jurisdiction exploiting the stock was represented.



The RAG has met twice in 2006. The second meeting was particularly successful, dealing with a range of research issues, foremost of which was an updated stock assessment of the fishery using a new assessment model. The new assessment was based on information which included complete catch data up to 2004 and available catch data from 2005 and fishery independent survey data since 1989.

The RAG considered the advice from the stock assessment that the management strategy for the fishery should be to ensure that the required number of spawners is allowed to escape from the fishery – a constant escapement policy. The RAG noted the results of the assessment that forecast a 45% probability of recruitment meeting or exceeding the level to achieve MSY when fishing mortality was at  $F_{MSY}$  and spawning stock size was at  $S_{MSY}$ . The RAG agreed that this probability was low and should be increased to 70% probability which corresponds with spawning stock 1.5 times  $S_{MSY}$  and fishing mortality being approximately 0.7 times  $F_{MSY}$ . Key figures are shown in Table 1.

From a purely practical point of view the RAG noted that when the spawning population has been above 1.8M there have been no years of associated poor recruitment.

*Table 1. Key parameter values from the stock assessment.*

Parameter	Value	Probability of producing $R_{MSY}$
MSY	640 t live weight	
$F_{MSY}$	0.50	0.45
$S_{MSY}$	1.2 million	0.45
$F_{target}$	0.35	0.70
$S_{target}$	1.8 million	0.70

Following this discussion the RAG proposed the new sustainability management objective for the fishery.

The RAG discussed in depth the need for two fishery independent surveys and concluded that for at least the next two years both the mid- and pre-season surveys should be conducted. This approach will allow the utility of both surveys to be evaluated for setting TACs for the fishery and further evaluate the effect of dropping one survey (most likely the mid-season survey) on the assessment process. The RAG noted that the mid-season survey is the one which provides most information on both the recruited cohort and the pre-recruit abundance.

The RAG's next planned meeting will be either late March or early April 2007 when data from the 2006 pre-season survey are available and the RAG will be in a position to provide final advice on a 2007 TAC.

## DISCUSSION

The RAG is growing into its review and advisory role as experience with the process is acquired. The RAG will become a very valuable part of the management process in years to come.

Meetings of the RAG and provision of TAC advice are recognised as posing a problem for the TRL fishery. Ideally all fishers would have final advice about the TAC for the following year in plenty of time to make business decisions. However, the fact that the fishery exploits a single cohort for about 85% of its total catch and the fact that the abundance of that cohort is most accurately estimated at the point when it recruits to the fishery effectively prevents this.

The RAG has proposed an approach that addresses this issue as well as possible, commencing with a TAC forecast based on spawning stock abundance measured at mid-season two and one half years before the commencement of the season. This advice depends on the use of the stock recruitment relationship which will produce estimates of relatively low precision. A further prediction of the TAC can be made from the mid-year survey undertaken about 6 months prior to the commencement of the season. This estimate is based on the population estimate of the 1+ lobsters. The estimate is refined by the pre-season survey which measures the abundance of the same cohort just prior to its recruitment – a time when there is less likely to be any unforeseen changes in the population abundance.

The RAG's recommendation to set TACs to maintain escapement close to 1.5 times the equilibrium spawning stock biomass associated with MSY is in line with the Commonwealth Harvest Strategy Policy and provides for a precautionary management framework in the TRL fishery. Whilst further work is required to refine the strategy, the work done so far by the science providers and the RAG have made substantial contributions.

**Attachment 1.** The RAG's proposed sustainability objective.

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

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>OPTIONS FOR 2007 MANAGEMENT ARRANGEMENTS (EFFORT REDUCTION/INTERIM TAC)</b>	<b>Agenda Item No. 10.3</b>

## **THE TSFMAC RECOMMENDS**

10.3.1 That the PZJA **NOTES** that:

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

10.3.2 That the PZJA **AGREES** to:

- (a) reduce by 30% the number of tenders each non-community licence holder may use, adopting the method employed in 2006;
- (b) introduce “moon/tide hookah closures” three days before, on, and three days after, either the full or new moon each month; and
- (c) maintain the current number of TIB licences with rock lobster (CR) endorsements for boats greater than 6 metres.

## **BACKGROUND**

“Interim” arrangements were first introduced into the fishery in 2003 to try and manage effort. The impetus for this was a perceived turnaround in the fishery in 2002 that would attract effort from the Queensland east coast fishery back into the Torres Strait. In 2002 there was also an understanding (based on CSIRO assessments) that the TRL fishery was probably over-fished. As time would prove, effort did indeed move back to the Torres Strait.

During the ensuing years there was debate about the form of management the fishery should have. However, prevailing over all other arguments was the issue of resource allocation in the fishery. In November 2002 the “Fair Share of the Catch” report was presented to the PZJA, which shed some light on the resource allocation issue but did not resolve it. In June 2003 the TRL working group was requested to investigate quota management and report back to the TSFMAC and thence to the PZJA. No decision in favour of a quota management system (QMS) was made and the interim arrangements to reduce the number of tenders in the non-community sector were modified and re-introduced. Effort in the non-community sector rose in 2003 above 4,000 tender days.

In December 2003 the PZJA decided on a 30% reduction of tenders, which was again modified and re-introduced for the 2004 season. A ceiling was also placed on the number of TIB licences with the CR symbol for 2004. It is thought that this had little if any effect

on controlling effort in that sector. Effort in the non-community sector rose to a recent record of more than 5,000 tender days.

The PZJA did not meet in late 2004 and arrangements for the 2005 season were not announced until February 2005. When these were announced they included a 30% reduction in the number of tenders (modified again to make the reduction more equitable). Additionally, a series of 7-day moon closures was introduced to further reduce the amount of hookah diving effort in the fishery, and no new cray endorsements would be issued to TIB boats greater than 6 metres. Effort during the 2005 season dropped by 20% in the non-community sector.

The PZJA announced further interim arrangements for the 2006 season, which were the same as the arrangements in 2005 (only the dates of the 7-day closures changed).

In January 2005 serious discussions about the utility of quota management in the fishery began again among stakeholders. The general feeling was that if the quota system could assist in the resolution of the resource allocation issue it might be acceptable. Two separate consultancies were commissioned that identified a QMS as a viable option for the fishery. On the basis of these reports and consultation with stakeholders, the PZJA made a decision in July 2005 to introduce a QMS into the fishery in 2007 and to test those elements of the system that could be tested during 2006. However, when the PZJA decision was finally announced publicly on 9 November 2005 the debate over resource allocation was re-ignited and has hindered development of a system ever since.

With no prospect of introducing a QMS to manage the fishery in 2007 because of ongoing debate over resource allocation and the absence of supporting legislation, it is again necessary to recommend interim arrangements for the 2007 season.

Though the fishery was not classed as over-fished during 2004 and 2005, the fishery was fully fished and close to being over-fished when the new  $S_{MSY}$  measure recommended by the RAG is applied. Escapement of spawning stock was lower than will be targeted under future arrangements. Thus it is necessary to continue to control effort under the current input control system.

## **DISCUSSION**

The most practical way to control effort is considered to be through the methods used for the past four years. Stakeholders are familiar with these methods and no interim allocations of effort, e.g. tender days, are required to implement them. However, there are several problems with the arrangements as they have been applied.

One issue about which there have been many complaints is the issue of the months during which the 30% tender reduction applies. Some fishers assert that the season is only 8 months for them but Management has made the reduction over 10 months. The following table illustrates that there is very little difference whether the reduction is applied over 8 or 10 months for those fishers who are using hookah.

Table 1. Calculations of tender months under two scenarios of 30% reduction. The table compares reductions based on a full 10-month season and the 8-month hookah period.

a	10 month season			8 month hookah season			h
	b	c	d	e	f	g	
Tenders per licence	Total tender months per licence	Total Tender months after 30% rounded	tender months with hookah allowed remaining	hookah tender months	after 30% rounded	Difference between 10 and 8 month scenarios (tender months)	Percentage difference – 8:10 month
1	10	7	6	8	6	0	0
2	20	14	11	16	11	0	0
3	30	21	16	24	17	+1	5%
4	40	28	23	32	22	-1	-3%
5	50	35	28	40	28	0	0%
6	60	42	33	48	34	+1	2%
7	70	49	40	56	39	-1	-2%

Note – Column a is the tenders attached to each primary licence; column b is the number of tender months; column c is the number of tender months after the 30% reduction rounded to the nearest tender month; column d is the number of tender months when the tenders could be equipped with hookah following the reduction; column e is the number of tender months when the tenders could be equipped with hookah based on the 8 month hookah period; column f is the number of tender months when the tenders could be equipped with hookah following the reduction; column g is the difference between the two reduction scenarios (8 month scenario – 10 month scenario figures); and column h is the percentage difference.

A further issue is in relation to the economic viability/efficiency of boats that are able to use only part of their complement of tenders. Management recognises that the current interim arrangements are inefficient. Ideally boats should be able to use their full complement of tenders and then leave the fishery when they have exhausted their effort allocation. However, for those boats with dual licences, it is likely that they would utilise their tender months in Torres Strait and then shift their operations to the east coast. Given that the east coast fishery harvests the same stock of lobsters and there are no stringent management measures in place in that fishery as yet, displacement of Torres Strait effort is likely to result in negative flow-on effects for the east coast fishery and indirectly (eg via stock recruitment relationships) for Torres Strait.

An alternative might be to increase the length of the hookah ban, which effectively cuts much of the fishing effort. This would probably also move effort from Torres Strait to the east coast and would not significantly reduce effort on the stock as a whole.

Other alternatives might be to set the total allowable effort in the non-community sector and remove the symbols from each TVH licence when the days have been used. There are big disadvantages with this as it would require new systems for monitoring and compliance, which are difficult to justify for one year and would also potentially have the unwanted side-effect of displacing effort to the east coast. Similarly, enforcing a competitive TAC would require introducing systems that may only be in place for one year and may also result in displaced effort to the east coast.

There are long-recognised inefficiencies and other problems with the interim arrangements that have been in place for the past four years. It was never expected or intended that these arrangements would persist. Nevertheless, there are justifiable reasons to try to control effort in the fishery for 2007, until the QMS is implemented under a management plan.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b> <b>26-27 September 2006</b></p>
<p><b>OUTCOMES OF CONSULTATION ON TURTLE AND DUGONG FISHERY STRATEGIC ASSESSMENT REPORT</b></p>	<p>Agenda Item No. 11.1</p>

## **THE TSFMAC RECOMMENDS**

11.1 That the PZJA **NOTES** that:

- (a) AFMA, with assistance from the TSRA and DEH, has carried out extensive consultation with Torres Strait communities on the Turtle and Dugong Fishery Strategic Assessment Report;
- (b) a number of submissions including some from Torres Strait communities have been received during the public comment period which closed on 8 September; and
- (c) AFMA is currently reviewing those comments and, in light of those comments, will be submitting a final Turtle and Dugong Fishery Strategic Assessment Report for consideration by the PZJA for submission to the Minister for the Environment and Heritage.

## **BACKGROUND**

The Australian Fisheries Management Authority (AFMA) has prepared a draft assessment report for the Torres Strait Turtle and Dugong fisheries under the strategic assessment framework of Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999*. Unlike all other Australian fisheries that have gone through the strategic assessment process the Torres Strait Turtle and Dugong fisheries are traditional subsistence fisheries. However, because these fisheries fall under Commonwealth fisheries management as a result of Australia's obligations under the Torres Strait Treaty, they must be strategically assessed.

The Australian Government Minister for the Environment and Heritage will use the assessment report and public comments received to make decisions on the strategic assessment of the impacts of the fishery management regime on relevant matters of National Environmental Significance (Part 10) and Species and Communities (Part 13).

A letter from AFMA inviting public comments on the draft Report was sent to anyone who has an interest in the Turtle and Dugong fisheries. Comments were expected to come from people all over Australia, including environmental groups concerned about the status of turtle and dugongs. The PZJA agencies recognise that Indigenous people across Torres Strait not only have a direct role in management of this fishery, but also have a wealth of traditional knowledge about turtle and dugong. In order to facilitate a better understanding of the strategic assessment process and to give Islanders an opportunity to comment, an extensive consultation program was conducted.

Representatives from AFMA, the TSRA and DEH visited Torres Strait and adjacent area communities during July, August and early September 2006 to talk to Community Fisher Representatives and communities about turtle and dugong issues and to get comments on the draft report.

The following communities were visited:

Thursday Island	19 July 2006
Moa Island (St Paul and Kubin communities)	20 July 2006
Massig (Yorke) Island	27 July 2006
Poruma (Coconut) Island	28 July 2006
Saibai Island	15 August 2006
Boigu Island	16 August 2006
Dauan Island	17 August 2006
Iama (Yam) Island	18 August 2006
Ugar (Stephen) Island	21 August 2006
Erub (Darnley) Island	22 August 2006
Mer (Murray) Island	23 August 2006
Badu Island	24 August 2006 and 1 September 2006
NPA (New Mapoon)	25 August 2006 and 5 September 2006
Mabuiag Island	28 August 2006
Warraber (Sue) Island	29 August 2006
Hammond Island	31 August 2006

## **DISCUSSION**

Although a range of views were expressed in the various communities, some common themes emerged. There was a clear consensus that community-based management was the form of management most likely to provide effective management of turtle and dugong. A number of communities expressed the view that community management should include monitoring and enforcement as well as decision-making. There was a growing recognition that better information was a prerequisite for good management, but that even with the current level of information it was clear that hunting and other factors had had an adverse effect on stocks.

AFMA is currently collating comments and preparing a final Turtle and Dugong Fishery Strategic Assessment Report to be submitted to the Minister for the Environment and Heritage. AFMA has committed to provide communities with details of how we intend to address their comments. Once that is done the draft final report will be provided to the TSFMAC for clearance. After that AFMA will request that its Environment Committee recommends that the PZJA approve submitting the final report to the Minister for the Environment and Heritage. The next meeting of the Environment Committee will be held on 2 November 2006 and we are hoping to have TSFMAC clearance in time for that meeting.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>UPDATE ON NAILSMA PROCESS</b></p>	<p>Agenda Item No. 11.2</p>

## **THE TSFMAC RECOMMENDS**

11.2 That the PZJA **NOTES** the contents of this brief.

## **BACKGROUND**

In 2003 the Northern Territory announced \$3.8 million in funding for a cross-regional dugong and marine turtle project to be coordinated by Northern Australia Land and Sea Management Alliance (NAILSMA) through the Natural Heritage Trust.

The TSRA was successful in securing \$480,000 from NAILSMA in September of 2005 and a further \$700,000 from the Department of Agriculture Forestry and Fisheries (DAFF) to implement elements of the RAPTS via a staged approach, for a two year period. The project officially commenced on 30 January 2006.

The RAPTS includes four key components:

- Community management plans for dugong and marine turtle,
- Monitoring programs,
- Catch sharing, and
- Education and awareness-raising.

The implementation of the RAPTS has been in progress for a period of seven months. Three pilot communities have been involved in the project during this time and project officers have been employed. Badu (Badugal Rangers), Boigu (Ishmael Gibuma, Koygab Pabai) and Iama (Charles David). Implementation of the RAPTS in each of these pilot communities is variable but numerous community meetings have been held to discuss the project, management plans and monitoring.

A school information package has been developed for educational purposes as part of the project. The package does not aim to teach Torres Strait Islander knowledge of dugong and marine turtles but to build on the world view TSI have of these resources with information from around the world. The package aims to encourage community ranger and/or traditional owner involvement in the delivery of dugong and marine turtle lessons in the Torres Strait state schools. Project officers are also being asked to add to the content of the information package to include stories they wish to share about traditional values and knowledge.

### *Project Extension*

Additional funding has been release for an extension of the project to Mabuiag, Dauan, Mer, Erub and Ngurapai. Initial meetings have been held at each of these communities and they are all keen to become involved in the implementation of the RAPTS. Meetings have been held at Mabuiag, Ngurapai and Erub to discuss various issues. Employment of



project officers in these communities will commence once contracts between AG and TSRA have been signed.

An additional officer to assist in the delivery of the project in Torres Strait will be employed under the additional funding. There may be opportunity for this position to be placed in the outer islands to more effectively liaise with community. This option is being explored.

#### *Kimberley Forum*

Project officers attended the NAILSMA forum held in the Kimberley from 18<sup>th</sup> to 22<sup>nd</sup> of September. The forum was held to discuss a range of indigenous led land and sea management projects in northern Australia. A specific meeting for the dugong and marine turtle project was also held.

#### *Dugong and Turtle Fishery*

Recent recruitment has seen a total of 5 government agencies now employing officers to work on the dugong and turtle fishery:

- Stanley Lui, Dept. Agriculture Forestry Fisheries (DAFF);
- Samantha Emerick, Australian Fisheries Management Authority (AFMA);
- Lachlan Sutherland, TSRA/NAILSMA; and
- Abigail Beeson, Dept. Environment Heritage (DEH).

Further TSRA also employs Toshi Nakata who is working as a Fisheries Facilitator and plays an active role in advising these officers on relevant issues. The team are currently in the process of developing operational plans which ensures consistency and collaboration.

A key role for the Dugong Turtle Facilitator will be to maintain a strong link with communities in progressing community-based management planning of the fishery. The 5 officers have met together to discuss each others roles and are working together to ensure their work is complimentary. The Facilitator will work to ensure TSI participation in fisheries planning and decision making.

## **DISCUSSION**

The NAILSMA project is gaining momentum and there is general support in the participating communities for the project. It is a priority to recruit the remaining five project officers which will allow them to be actively involved in driving the planning and monitoring at the community level.

Project officers have access to funding and resources to bring representatives from their island clusters together regularly to discuss dugong and marine turtle related issues. This funding allows communities to plan at both the local and island cluster level as well as involving communities outside of the 8 currently involved in the project.

Project officers will be actively involved in the management planning and monitoring aspects of the project. Through regular reporting the officers will be encouraged to develop media presentations to communicate the progress of their community. As discussed above the officers will be involved in liaising within their own communities and neighbouring communities. Further, these officers may be involved in negotiating with schools to assisting in the integration of community involvement in the delivery of dugong and turtle related information.

### *Community Fishery Group (CFG) Representatives*

The involvement of the CFG representatives has been vital so far in the delivery of the dugong and turtle project. The regional facilitator wishes to assist communities and their fisheries representatives not directly involved in the project in their management planning.

It is envisaged that each representative will be provided with the community information package as well as planning materials to assist in the delivery of community planning, particularly in the communities not directly involved in the NAILSMA project. The CFG representatives and communities are encouraged to contact Lachlan or the community project officers if they have questions about the project or aspects of management planning.

### *Strategic Assessment of Dugong and Turtle Fishery*

Overall the assessment report considers community-based management of the dugong and turtle fishery as the most effective means of management. It is considered that a recommendation from the Environment Minister will be to support community-based management approaches, such as that being coordinated by NAILSMA.

The consultation has highlighted that Torres Strait Islanders are happy to be apart of the management process, but strongly recommend that if it is to work that they need to be given the mandate to manage the fishery by government authorities. This mandate needs to be accompanied by whole of government support to develop and maintain ongoing employment within the communities for Torres Strait Islander people to undertake these management activities foremost on behalf of the Torres Strait people and the International community.

Our strongest vehicle for supporting community-based management approaches for dugong and turtles is the NAILSMA Dugong & Marine Turtle Project, which provides communities with some level of resourcing and technical support to fulfil their management responsibilities for these species. TSRA has submitted a comment on the Assessment based predominantly on consultations with Torres Strait Island communities and internal discussions. The comment gives strong support to a community-based management approach for management of the dugong and turtle fishery.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8 26-27 September 2006</b></p>
<p><b>TORRES STRAIT FISHERIES LEGISLATIVE AMENDMENTS</b></p>	<p>Agenda Item No. 12</p>

## THE TSFMAC RECOMMENDS

12 That the PZJA **NOTES** that

- (a) the TSFMAC has considered materials prepared by the Department of Agriculture, Fisheries and Forestry (the Department) to facilitate consultation on proposed amendments to the *Torres Strait Fisheries Act 1984*;
- (b) the Department has commenced consultation with Torres Strait fishers on proposed amendments and has informed the TSFMAC on consultation mechanisms and proposed timetable.

## BACKGROUND

PZJA 19.3 agreed that amendments to the *Torres Strait Fisheries Act 1984* (the Act) were required in order to implement new management arrangements in the Torres Strait fisheries and requested the Department prepare drafting instructions for the Australian Government Office of Parliamentary Counsel so that a *Torres Strait Fisheries Amendment Bill (2006)* can be drafted.

Consistent with the PZJA's request, and based on consultation with PZJA agencies, the Department developed drafting instructions based on a set of PZJA agreed principles (**Attachment A**) to

- (a) ensure that Torres Strait fisheries can be managed sustainably under appropriate output controls;
- (b) improve operational and administrative efficiency of Torres Strait fishery management arrangements; and
- (c) seek consistency with the *Fisheries Management Act 1991* (Cth) and the *Fisheries Act 1994* (Qld), except as required by the Torres Strait Treaty or established operational and policy practices.

A detailed description of proposed amendments will be tabled at the TSFMAC by the DAFF observer. This document will be provided to representative groups and relevant native title bodies (a requirement under the *Native Title Act 1993*).

To facilitate awareness of proposed amendments, the Department has prepared the publication *Torres Strait Fisheries Act 1984: Consultation on proposed amendments* (**Attachment B**) has been prepared by the Department. This document will be distributed to Torres Strait fisheries licence holders by mail after TSFMAC 2. An outline of the consultation process is provided on page 5.

The *Torres Strait Fisheries (Amendment) Bill 2006* has been assigned an "A" status in the Spring 2006 sitting period by the Parliamentary Business Committee. This means the Bill should be drafted and introduced, but not necessarily passed, in the Spring 2006 sitting period (which ends in December 2006). The exact timetable for drafting is dependent on the legislative priorities for the Government.

## **DISCUSSION**

Proposed changes to the Act have been developed from a variety of sources including TSFMAC deliberations and consultation with PZJA agencies.

Comments provided by stakeholders will be taken into account when legislative drafting commences. When an amendment bill is prepared, the Department will make it available to PZJA stakeholders for further comment.

The PZJA will consider the final form of an Amendment Bill before it is passed by the Australian Parliament. In doing so it will have regard to the views expressed by Torres Strait fishers (traditional, community and non-community) and others affected by proposed changes.

The consultation process is outlined on Page 5 of Attachment B.

Legislative amendments will be on the PZJA 20 agenda.

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>OUTCOMES OF TSSAC MEETING (7-8 AUGUST 2006) AND STRATEGIC RESEARCH PRIORITIES</b>	Agenda Item No. 13.1 & 13.2

## **THE TSFMAC RECOMMENDS**

### **13.1 That the PZJA NOTES:**

- (a) that the TSSAC met in September to consider issues relevant to the CRC Torres Strait Ltd including the annual and final reports for the research projects;
- (b) that following the cessation of the CRC, the TSSAC, AFMA and other PZJA agencies need to review the research prioritisation and funding process again;
- (c) that this was the last meeting of the TSSAC in its dual role of serving the PZJA and the CRC;
- (d) that the TSSAC has recommended a change in its terms of reference (TOR) to reflect its return to being solely a PZJA advisory body and **APPROVES** the new TOR shown at Attachment 1, subject to the advice of the PZJA Standing Committee; and
- (e) the proposed research recommended by the TSSAC, including a project to conduct a TRL abundance survey in November this year.

## **BACKGROUND**

Historically the TSSAC developed strategic research plans, prioritised research, commissioned priority projects and acted to assure quality products from the research providers. In 2003 the CRC Torres Strait was established and the TSSAC's role was expanded to cover a wider range of research functions, diminishing its original role of providing advice to the PZJA. For three years the CRC program ran largely according to plan and there was reduced need and opportunity for the TSSAC to consider research needs and priorities.

With the establishment of the Marine and Tropical Science Research Facility (MTSRF), funding for the CRC has ceased. The last projects are to be completed by December 2006, some months after the CRC itself has ceased to exist as an entity. With the demise of the CRC Torres Strait, the original research functions of the TSSAC need to be resumed.

The membership of the TSSAC was discussed at the meeting and a provisional list of members was formulated. However, this should be further discussed at the next meeting, particularly given that a Chairperson for the TSSAC has not been identified nor have the support staffing arrangements been unequivocally decided.

At the meeting the TSSAC began the process of reviewing its activities to identify and prioritise research projects for the remainder of the 2006/07 financial year and beyond. A first draft of proposed research projects is listed at Attachment 2. This list will be re-worked by the TSSAC at its next meeting in early November, with a view to soliciting proposals for the December meeting of the Commonwealth Fisheries Research Advisory

Body (COMFRAB) for funding in the second half of the financial year. TSFMAC is asked to consider this list and provide comments.

The TSSAC considered progressing the tropical rock lobster research a high priority and an urgent need. It supported the proposed pre-season lobster survey to be undertaken by CSIRO and the independent review of the stock assessment. However the TSSAC expressed some concerns about several recommendations made by COMFRAB in relation to the lobster research.

The TSSAC has worked on a strategic research plan for Torres Strait for the past several years. With a CRC re-bid in mind, and later with the planned establishment of MTSRF, the strategic research plan was necessarily broad in its scope. It therefore lacked some of the detail found in earlier strategic research plans written by the TSSAC for the Torres Strait fisheries. Nevertheless this strategic plan provides a solid platform on which to 'build' the next strategic research plan for fisheries. Moving to the next stage of the strategic plan will be a high priority for the TSSAC in the coming year.

Historically the TSSAC has advised AFMA on the expenditure of its Torres Strait research funds, and on an *ad hoc* basis on projects funded by the Queensland Department of Primary Industries and Fisheries (QDPIF). It is proposed that the TSSAC look more broadly at other sources of research funding and assist research providers to target these appropriately. Additional sources of funding are necessary because the annual AFMA research budget (nominally \$500K) has been progressively reduced in real terms through inflation as the funds have not been indexed.

The TSSAC also took some time to consider the funds committed to provide additional research capacity in the Torres Strait prawn fishery aimed at underpinning a more spatially oriented management system.

## DISCUSSION

The TSSAC is at a turning point where it needs to review its operations and membership and set the strategic direction for research in Torres Strait fisheries. It needs to look more widely for funding than the AFMA research fund and *ad hoc* funding from QDPIF.

Importantly, the TSSAC also needs to identify its role in the provision of research advice to the Working Groups, the TSFMAC, TSPMAC and TRL RAG, as well as the PZJA, after several years of taking a very low profile role in this regard. Enhancing its role will require commitment from the members of the TSSAC and greater institutional support.

The TSSAC discussed the COMFRAB's comments (from earlier in the year) and proposals for lobster research at length and had the following comments to make:

- the TSSAC does not support market testing with a view to changing the supplier of the field survey component at this time for the following reasons:
  - a loss of experienced staff and continuity in the process. This increases the risk of introducing unexplained variability and also risks the loss of the ancillary data currently collected; and
  - a change should be accompanied by a calibration of the existing process with the alternative.

The TSSAC also had the following to say about research personnel used for the surveys:

- the TSSAC is in favour of using local divers, although the timing of the proposed management changes in the lobster fishery requires consistent data collection across the change period (inferring that the staff who have historically done the surveys have brought consistency to the surveys). The TSSAC recommends that CSIRO develop a proposal for capacity building and training of Traditional Inhabitants to conduct field surveys; and
- in the context of the lobster fishery research there should be a capacity-building program that encompasses a broader range of research.

Though the TSSAC was not able to consider a detailed research plan for the prawn fishery (TSPF), it had some comment to make on the issue of research needs to support spatial management of the fishery as follows:

- the TSSAC identified and agreed high priorities for the TSPF listed in the 5 year strategic research plan :
  - monitoring and assessment - Tiger/endeavour - LTMP surveys;
  - estimating changes in fishing power;
  - ecological impacts of fishing - bycatch information;
  - management effectiveness – the performance and reliability of fishery indicators e.g. Emsy, Bmsy; and
  - catch sharing with PNG.
- the TSSAC also considered the importance of bio-economic modelling given the current economic climate.

The TSSAC's role is to provide the PZJA with advice on fisheries research funding and expenditure, to monitor the progress of those projects and ensure the quality of the science. The proposed prawn research program represents a very large proportion of the total research funding for Torres Strait fisheries. The TSSAC believes that it is the most appropriate body to evaluate research proposals and to provide advice on the research requirements for the Torres Strait.

Attachment 1. Proposed revised TOR for the TSSAC (for review by the PZJA Standing Committee).

**Terms of Reference for the Torres Strait Fisheries Scientific  
Advisory Committee (TSFSAC)**

- i. Identify information needs and document research gaps and priorities for fisheries in the Torres Strait.
- ii. Provide a forum for expert consideration of research issues referred to the TSSAC by the Torres Strait Fisheries Management Advisory Committees (MACs).
- iii. Provide a forum for detailed consideration of research and assessment issues raised by Torres Strait Fishery Working Groups, Management Advisory Committees, Resource Assessment Groups and relevant stakeholder representative bodies.
- iv. Develop and maintain a strategic plan for Torres Strait Fisheries research.
- v. Solicit and review research proposals in line with the strategic plan and recommend proposals for implementation to appropriate agencies.
- vii. Review research / consultancies, stock assessments, and other reports and outputs relevant to Torres Strait fisheries and advise the Management Advisory Committees, Torres Strait Fishery Working Groups.
- viii. Advise the Management Advisory Committees and Torres Strait Fishery Working Groups on the management implications identified by the research projects or the TSSAC's own assessment of fisheries data.
- ix. Recommend workshops as appropriate to review and address assessment needs for Torres Strait fisheries and recommend research priorities for future assessments.
- x. Provide advice on appropriate mechanisms and protocols for research providers who intend to conduct research in the Torres Strait fisheries.
- xi. Provide advice on effective delivery of research results to stakeholders.



Attachment 2. Research projects identified by the TSSAC at its last meeting (this list will be worked on further by the following meeting).

Fishery	Possible Project	\$K	Priority
Tropical Rock Lobster	Conversion Ratio	10	High
	Economics and economic and cultural constraints of moving to a greater live fishery	100	Med
	Islander uptake of increased share of fishery: socio-economic issues		Med
	movement of lobsters between areas of jurisdiction		
	Seasonal surveys of lobster abundance	300	High
	Performance of fishery indicators		
	Impacts of trawling on Torres Strait Fishery		
	Operational model		
	Performance of fishery under output versus input controls	25	Med
Finfish - mackerel	Evaluation of key pre-requisites and performance of fishery under quota management	50	Med
	Update stock assessment	25	Med
	Monitoring the mackerel catch: length, age structure, and catch per unit effort	25	Med
	Exploitation rates of the Bramble Cay fishery using gene tags.		
Finfish - reef line	Complete biological work on Barra Cod and Red Emperor		
	Monitor catch, size and age composition of key species	150	Med
Torres Prawn	Improving the economics of the prawn trawl fishery: Optimal towing speed and net configuration		
	Bio-economic modelling of the Torres Strait Fishery: towards MEY	60	Med
	Monitoring and Assessment - Tiger/endeavour - LTMP surveys	90	High
	PNG extension of LTMP surveys		
Beche de Mer	Depletion/Removal experiment on replicate reefs		
	Independent visual census		
Trochus	Evaluation of alternative management models: toward cost effectiveness and market targets		
Pearl Shell	Evaluation of enhancing recovery by concentrating mature shells		
Turtle	Daru monitoring project to evaluate changes in CPUE, size, sex, sexual maturity	50	High
	Remote sensing project at Bramble Cay, Deliverance Island, Turu Cay, Kerr Islet		
	Monitoring anthropomorphic impacts		
Dugong	Operational Model	40	High
	Monitoring anthropomorphic impacts		
	total	835	

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>COMMONWEALTH HARVEST STRATEGY POLICY</b>	<b>Agenda Item No. 13.3</b>

### **THE TSFMAC RECOMMENDS**

- 13.3 That the PZJA **NOTES** progress in developing a Commonwealth Harvest Strategy Policy (the Policy) for fisheries managed under the *Fisheries Management Act 1991* (Commonwealth Fisheries) and that:
- (a) a “20/40” harvest strategy is in place in Commonwealth Fisheries until the Policy is finalised; and
  - (b) although the Policy does not apply to Torres Strait Fisheries, the TSFMAC will provide advice to the PZJA on the utility and applicability of the Policy to fisheries managed by the PZJA after the guidelines have been released.

### **BACKGROUND**

In December 2005 the then Minister for Fisheries, Forestry and Conservation issued a Ministerial Direction (the Direction) to the Australian Fisheries Management Authority (AFMA) to implement a series of measures to improve the management of Commonwealth Fisheries (**Attachment A**).

The Direction was gazetted 20 December 2005 under Section 91 of the *Fisheries Administration Act 1991* and does not apply to Torres Strait Fisheries.

The Direction calls for the management of Commonwealth Fisheries consistent with a “world’s best practice Commonwealth Harvest Strategy Policy that has the objectives of managing fish stocks sustainably and profitably, putting an end to overfishing, and ensuring that currently overfished stocks are rebuilt within reasonable timeframes”.

While the Commonwealth Harvest Strategy is in development, the Ministerial Direction applies a default setting of a “20/40” harvest strategy. This interim measure obliges AFMA to reduce the harvest rate immediately breeding stocks are assessed to have been reduced below 40 per cent of pre-fished levels and targeted fishing to cease altogether when breeding stocks are below 20 per cent of pre-fished levels.

The Department of Agriculture, Fisheries and Forestry has prepared the draft Commonwealth Harvest Strategy Policy (the Policy) in consultation with affected Management Advisory Committees and this strategy is currently with the Minister for Fisheries, Forestry and Conservation for consideration. The stated objective of the Policy is to manage fisheries in an ecologically sustainable manner so as to maximise their economic returns to the Australian community.

#### Key features of the Policy include:

- a requirement to set target and limit reference points that identify safe levels of fishing, and the point beyond which further fishing would reduce a fish stock below sustainable levels. These are expressed by:

- setting the target biomass ( $B_0$ ) or the desired condition of a fish stock, at a level equal to or greater than the stock size required to produce the maximum economic yield. This is a state which allows net economic returns to be maximised. It should also ensure that overfishing and overcapitalisation in a fishery are avoided; and
- setting a limit reference point for the biomass equal to or greater than half the stock size required to produce the maximum sustainable yield;
- the requirement for management action in certain circumstances, for example the reduction of fishing activity as the size of a fish stock approaches the limit reference point and the introduction of recovery plans should a stock become overfished;
- guidance on how to apply the Policy in particular situations, such as when there is only limited information available about a particular stock; and
- an attempt to align the Policy with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in order to provide an assurance that the management of the fish stocks occurred in accordance with the EPBC. It is expected that the Policy and guidelines will be released together in late 2006.

## DISCUSSION

While the Policy does not directly apply to Torres Strait Fisheries, the Ministerial Direction requires that “for internationally-managed fisheries ... the relevant international agreement will prevail where it includes an acceptable scientific process for setting sustainable catch levels. In such fora, Australia will advocate its domestic policy settings as best practice.”

In this light, the Chair of the PZJA has requested that the TSFMAC provide advice to the PZJA on the utility and applicability of the Policy to fisheries managed by the PZJA.

Application of a “20/40” harvest principles in Torres Strait commercial fisheries could determine:

- Beche-de-mer, pearl shell – potentially at or below 20% of  $B_0$ ;
- In the prawn and trochus fisheries both stocks would likely be determined as at or above 40%  $B_0$  however, because of the boom and bust nature of stocks some consideration of how to apply the 20:40 strategy would be required.
- The Spanish mackerel stocks (using 2002/03 data) are likely to be at or above 40%  $B_0$  however, increases in effort could cause the fishery to reach the 40%  $B_0$  trigger – this is likely to be the case for reefline;
- The 2005 TRL stock assessment holds that the stock is not presently overfished but fully exploited therefore presently at or above 40% of  $B_0$ ;

The fisheries specific comments above would require further investigation and are only intended as preliminary comments.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>STRATEGIC APPROACH TO AQUACULTURE IN THE TORRES STRAIT</b></p>	<p>Agenda Item No. 14.1</p>

**THE TSFMAC NOTES** the presentation on a strategic approach to aquaculture and **RECOMMENDS**

- 14.1 That the PZJA **NOTES** DPI&F's intention to investigate aquaculture development in the Torres Strait.

**BACKGROUND**

At its 19<sup>th</sup> meeting the PZJA noted a paper regarding the links and potential conflicts between current fisheries management and future aquaculture development in the Torres Strait. It was decided that DPI&F would provide a presentation on a strategic approach to aquaculture to the next meeting of the TSFMAC.

Commercial and traditional fisheries management in the Torres Strait is the responsibility of the PZJA, while aquaculture is managed by the Queensland Government through the DPI&F (noting that the Department of State Development, Trade and Innovation (DSDTI) has a client management role).

The Queensland Government has identified aquaculture as a priority industry for the State. A strategic approach to development of marine aquaculture on a regional basis has been identified as a priority activity to proactively facilitate the sustainable development of the aquaculture industry in Queensland.

The Torres Strait has been identified as a priority area for aquaculture industry development, and as such DPI&F will seek to ensure that potential aquaculture areas in the Torres Strait are investigated on a strategic basis.

**DISCUSSION**

DPI&F plans to work with Torres Strait communities who have an interest in aquaculture to achieve the following:

- Provide profitable aquaculture for Queensland,
- Support for indigenous business development,
- Increase investment, employment and training,
- Encourage sustainable food production,
- Reduce red tape and streamline the approvals process.

Currently there are a number of impediments to the development of aquaculture:

- a shortage of appropriate sites available for aquaculture,
- regulatory complexities,

- approval requirements for marine aquaculture are complex and conducted on an 'ad hoc' case-by-case basis, leading to considerable uncertainty for investors and the community,
- individual site assessments must be undertaken by the proponents,
- there is a lack of a strategic approach to the development of the aquaculture industry, so it is difficult to address potential cumulative impacts, including impacts to existing users such as traditional and commercial fishers as well as local residents.

The Queensland Government has recognised the need for an integrated, strategic approach for aquaculture to address these impediments. The DPI&F in partnership with the DSDTI is leading a program to develop a coordinated framework for marine and land based aquaculture in Queensland. Collaboration with a range of Commonwealth and State agencies, local governments, industry, stakeholder peak bodies, and the community will also be vital to the long-term success of the program.

The aims of a strategic approach to aquaculture are to:

- Provide greater clarity for investors and the community regarding the future development of the marine aquaculture industry, by establishing broad principles (location, type and scale of aquaculture development, ownership, capacity building and training) at the regional and local level,
- Engage stakeholders early in the process and address conflict proactively,
- Ensure that aquaculture takes place in appropriate sites, i.e. areas that will support sustainable marine aquaculture development with minimal impact on:
  - existing management,
  - environmental values (the ecosystem),
  - other users of the resource, (eg. traditional and commercial fishers),
  - economic impacts at regional and local scales.
- Provide a high degree of certainty of approval for aquaculture in appropriate sites, by streamlining the assessment processes for appropriate sites, through addressing environmental concerns up front,
- Provide a management framework to achieve environmental, social, and economic objectives.

The Queensland Government will achieve strategic aquaculture development in Torres Strait through extensive consultation with indigenous groups, industry and other management agencies. Suitable formal agreements for defined aquaculture sites will also be developed to cover sites ready for investment. A range of partnership options for different scales of aquaculture development will be explored.

DPI&F has facilitated the completion of a significant consultancy: "Scoping study of indigenous aquaculture opportunities in the Torres Strait and the North Queensland region". This report utilised consultation with island communities and provides some key recommendations on aquaculture development in the region.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES</b></p> <p style="text-align: center;"><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<b>LICENSE STICKERS</b>	Agenda Item No. 15.1

## **THE TSFMAC RECOMMENDS**

- 15.1 That the PZJA **ENDORSES** the attached Guidelines for the Torres Strait Fishing Boat Registration Sticker System.
- 15.2 That the PZJA **REQUESTS** that amendments are made to the Torres Strait Fisheries Regulations 1985 to give effect to the boat registration sticker system.

## **BACKGROUND**

A significant number of boats in the TSPZ currently in use are different from the boat identified on the licence, most commonly as a result of the holder replacing the identified boat with another without seeking a licence amendment. It is further known that there are a number of boats in use that display a distinguishing symbol and for all intents and purposes outwardly appear to be legally licensed, but do not actually have a current licence in force.

To assist with the enforcement of this issue it was decided at PZJA 18 that agencies would develop a boat registration sticker system, managed through DPI&F Licensing in Brisbane. The system will require licence holders to display registration stickers on Traditional Inhabitant Boat and Transferable Vessel Holder licensed boats to provide enforcement officers with a means of visually identifying whether the boat is the one authorised to be used under the licence.

Amendments to the *Torres Strait Fisheries Regulations 1985* (the Regulations) will be required to give effect to the system.

## **DISCUSSION**

The attached Guidelines for the Torres Strait Fishing Boat Registration Sticker System have been developed in consultation with licensing staff, fishery managers and the QB&FP.

The sticker system will apply for all boats licensed to fish in the Torres Strait Protected Zone with the exception of Prawn endorsed boats. Prawn endorsed vessels are not considered to have a high risk from unlicensed fishing and are monitored via VMS. Cross endorsed PNG vessels will also be required to display a sticker under the system.

The implementation date for the system will be dependant on the timeframe for amending the Regulations. Advice from the Licensing section of DPI&F indicates that the infrastructure for the system will be in place before the amendments are made.

The Regulations will need to be amended to facilitate the following:

- Requirements to affix the sticker to the licensed boat, to remove the sticker once the boat is unlicensed, or once the following year's sticker is received and affixed.
- Requirements to maintain a plainly visible and legible sticker.
- Offences with on the spot fines, for not doing any of the above, including affixing the sticker to a boat other than the one recorded on the licence.
- Requirements to declare in writing that sticker is lost/damaged/removed for boat replacement, and be countersigned by Justice of the Peace/CDec or Island Chairperson.

## ***Attachment 1: Guidelines for the Torres Strait Fishing Boat Registration Sticker System***

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

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

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

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

### ***Design Features***

A mock up of these proposed design features can be found on page 5.

### **Durability & adherence**

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

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

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

### **Colour**

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

### **Size**

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

### **Font**

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

### **Details**

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



Details contained on stickers will include:

- Sticker number
- Month of expiry
- Year of expiry
- PZJA logo
- Queensland logo
- AFMA logo

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

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

### **Sticker Numbering System**

Stickers will be numbered continuously within a year, but restart each year (e.g. 2007: Jan = 1-50, Feb = 51-140... Dec 2007 = 1150-1200, and 2008: Jan = 1-60)

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

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

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

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

### ***Stickers In Use***

#### **Implementation**

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

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

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

## **Auditing of stickers**

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

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

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

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

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

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

## **Placement on boat**

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

## **Sticker replacements**

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

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

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

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

## **Licence with expiry greater than 1 year**

There is only one primary TVH which expires in April 2009 (inadvertently renewed for 5yrs in 2004). If the licence is renewed, in future it will be renewed for one year

periods only. Although the licence does not expire until 2009, this boat will be provided with annual registration stickers with an April (04) expiry.

# 02

Year:  
2007

#: 0001



Note: The background in the logos would probably be made the same colour as the sticker.

<p><b>TORRES STRAIT FISHERIES</b></p> <p><b>MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b></p> <p><b>26-27 September 2006</b></p>
<p><b>DOMESTIC COMPLIANCE UPDATE</b></p>	<p>Agenda Item No. 15.2</p>

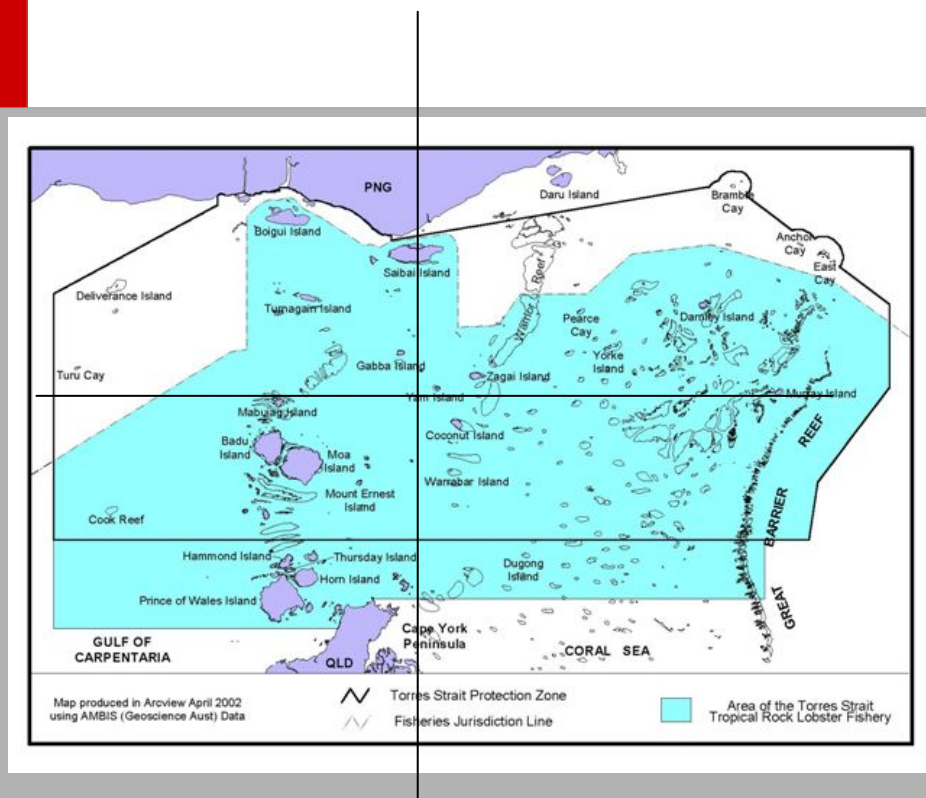
### **THE TSFMAC RECOMMENDS**

15.2 That the PZJA **NOTES** the domestic compliance update for Torres Strait fisheries.

### **BACKGROUND**

The domestic compliance update provided by Queensland Boating and Fisheries Patrol is included at Attachment 1.

## TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE REPORT



Queensland Boating & Fisheries Patrol  
Thursday Island



# ***Compliance Report 2006***

## **District Staffing**

The District is staffed by

- 1 District Officer
- 1 Administration Officer
- 3 Field Officers

## **District Resources**

The District currently has two Departmental and a charter vessel that are capable of being used to assist Officers with local compliance issues.

### **1. Patrol Vessel Pelagic 6.7 metre**

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

### **2. Patrol Vessel Sea Jay 4.3 metre**

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

## **Charter Vessel**

Queensland Boating & Fisheries Patrol secured a contract with a locally based private charter vessel. The vessel is used to conduct TSPZ patrols. The District aims to achieve approximately 8 days at sea per month to target particular fisheries and to respond to complaints received.

To date the District is on target with 56 sea days achieved as at 26th of September this year.

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

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

Due to the requirements of the District to access all areas of the TSPZ to conduct inspections of particular fisheries, the patrol vessel is required to transit through unsurveyed waters. To date each patrol undertaken onboard the charter vessel has operated partially in unsurveyed waters and has archived the patrol objectives.

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

## **Australian Navy**

The District has utilised the naval vessel Malu Baziam to conduct an additional 5 @ sea days patrolling the TSPZ providing greater compliance services to industry and stakeholders while working within budgetary constraints.

## **Queensland Police**

The District has throughout the reporting period conducted joint patrols with Queensland Police Officers on board QBFP's patrol vessels, the Charter vessel and Police vessel.

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

## **Domestic**

### *Community Visits*

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

The District to date has achieved visits to the following communities

- Badu Is
- Coconut Is
- Darnley Is
- Dauan Is
- Kubin Is
- Mabuiag Is
- Siabia Is
- St Pauls Is
- Stephens
- Sue Is
- Yam Is
- Yorke Is
- Murray Is
- Boigu Is

Issues arising from visits to communities include,

- Stake holders are concerned with licensing procedures. Currently an applicant who wishes to apply for a commercial fishing licence (TIB) is required to sign the application in person. Current practice is that if the applicant is not on Thursday Island the District will send application via facsimile to the applicant. The applicant then can sign and return by post directly to licensing.

When Officers have liaised with industry while conducting community visits, Officers have reported that vessels are not currently licensed as a Traditional Inhabitant Boat. Throughout the inspection process Officers have issued Marine Infringement notices to the master's or owners of vessels as the vessels were found not being used as a commercial fishing vessel when inspected.



- Officers continue to inform stakeholders of the definition of traditional fishing and legislation pertaining to this type of fishing activity. A lack of understanding is present throughout the TSPZ of licensing requirements when traditional persons wish to exercise their traditional rights in regards to traditional fishing. It is showcased when a traditional person applies for a TIB without the intention to commercially fish.

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

Patrols have focused on the following fisheries,

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

A number of fishery issues have been observed:

#### *Prawn*

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

#### *Tropical Rock Lobster*

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

#### *BDM*

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

#### *Reef line*

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

#### *Dugong*

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

#### *Trochus*

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

## Legislative Requirements

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

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

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

### *Quota*

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

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

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

### *Reef Line*

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

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

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

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

### **Foreign**

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

## Other comments

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

Over all achieved TSPZ patrol days,

- Private charter 61
- Navy 5
- QBFP patrol vessel Pelagic 10

## Description of patrol outcomes

Charter Dates	Areas Visited	No. of vessels boarded	No of cautions/breach reports issued	Comments
3/3/06-12/3/06 (San Pietro)	Area of Prawn Fishery & TRL Fishery.	37 vessels boarded	One (1) breach detected under sect 45 (1) (f) of the TSFA 1984, tropical rock lobster mother ship utilising extra dory that was not attached to vessels licence. Three (3) Marine Infringement Notices issued for marine offences under TOMS Act 1994.	Officers conducted licence inspections, freezer inspections (checking for the retainment of illegal bi-catch) and nets measurements upon licensed prawn vessels within TSPZ.
1/4/06 – 6/4/06 (San Pietro)	Area of Prawn & TRL Fishery.	16 Vessels boarded.	No fisheries breaches detected however three (3) Marine Infringement Notices issued for offences under the TOMS Act 1994.	Officers conducted licence and freezer inspections upon licensed prawn trawlers and tropical rock lobster vessels.
20/5/06 – 23/5/06 (San Pietro)	Area of Prawn Fishery	8 Vessels boarded. 6 Prawn & 2 Reef Line	No fisheries breaches detected	Officers conducted licence and freezer inspections upon licensed prawn trawlers and Line vessels.
3/6/06 – 7/6/06 (San Pietro)	Area of Prawn Fishery	17 Vessels boarded. 8 Prawn 2 Reef Line 7 TRL	No fisheries breaches detected	Officers conducted licence and freezer inspections upon licensed prawn trawlers and Line vessels.
12/06/06 – 16/06/06 (San Pietro)	Area of Prawn Fishery	Visits to Yorke & Darnley Islands to investigate complaint	One (1) breach detected under notice number 52 Trochus Fishery Gear & size restriction <b>Pending</b>	Officers conducted licence and freezer inspections upon licensed prawn trawlers and Line vessels. Officers investigate complaint concerning Trochus fisheries

24/06/06-28/06/06 (San Pietro)	Area of Prawn Fishery  Investigation of complaint concerning the sale of Dugong	4 Prawn vessels  1 Reef line Vessel  1 Mother vessel conducting product off load at sea	No fisheries breaches detected  Insufficient evidence to proceed with breach action to date, information noted for future patrols	Officers conducted licence and freezer inspections upon licensed prawn trawlers and Line vessels. Officers investigate complaint concerning Trochus fisheries
21/07/06-26/07/06 (San Pietro)	Area of TRL Fishery  Investigation of complaint concerning the take excess take of TRL	15 TRL Vessels boarded  3 Prawn trawl vessels	One (1) breach detected under sect 78 of the Queensland Fisheries Act 1994 Regulated fish <b>Pending</b> <ul style="list-style-type: none"><li>Two (2) Marine Infringement Notices One (1) caution issued for marine offences under TOMS Act 1994.</li></ul>	Officers conducted licence and freezer inspections upon licensed TRL vessels  Officers investigate complaint concerning the take of excess TRL recreationally
1/08/06-7/08/06 (San Pietro)	Area of TRL & Prawn Fishery  Investigation of complaint concerning extra tenders being used by licensed TRL primary vessel	16 TRL Vessels boarded  2 Prawn trawl vessels	One (1) breach detected under sect 45 (1) (f) (k) of the TSFA 1984, tropical rock lobster mother ship utilising extra dory that was not attached to vessels licence. <b>Pending</b>  Four (4) Marine Infringement Notices issued for marine offences under TOMS Act 1994.	Officers conducted licence and freezer inspections upon licensed TRL / Prawn vessels
4/09/06-08/09/06 Malu Baizam Navy vessel	Area of TRL, Line & Prawn Fishery	2 Prawn vessels  2 communities visited	Nil offences detected	Officers conducted licence and freezer inspections upon licensed TRL / Prawn & line vessels
12/09/06-19/09/06 (San Pietro)	Area of TRL, Prawn Fishery	<b>Results to be entered on completion of patrol</b>	<b>Results to be entered on completion of patrol</b>	Officers conducted licence and freezer inspections upon licensed TRL / Prawn vessels

<b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 8 26-27 September 2006</b>
<b>FOREIGN COMPLIANCE UPDATE</b>	<b>Agenda Item No. 5.3</b>

## **THE TSFMAC RECOMMENDS**

- 5.3 That the PZJA **NOTES** the progress in respect to the development of a foreign fishing vessel disposal facility and the Horn Island transitory facility.

## **BACKGROUND**

In May 2006 the Australian Government announced that additional funding would be made available to combat illegal fishing by foreign fishing vessels (FFVs) in northern Australian waters. Among the initiatives announced were the construction of a boat disposal facility in the Torres Strait and the modification of the already planned transitory facility on Horn Island to increase its capacity.

## **DISCUSSION**

### Foreign Fishing Vessel Disposal

There are a number of processes currently underway to establish alternative means for disposing of FFVs. Disposing of boats at sea is of concern to communities and Government and steps are being taken to address the issue as quickly as practicable.

There are a range of issues and requirements that must be considered in developing a vessel disposal facility. One of the more important considerations is addressing the quarantine and environmental risks.

Before an apprehended FFV can be brought onto land for disposal it is essential that any quarantine risks are dealt with. Quarantine risks include insects (eg. mosquitos, termites, borers, ants etc), rodents, birds and other animals.

AFMA is currently working with AQIS to identify a suitable area to establish a number of moorings where FFVs can be inspected by AQIS staff and action taken where quarantine risks are identified. The site will also need to be at a location where there is sufficient shelter to provide a safe working environment for any person required to work on or around the vessels whilst on the moorings.

AFMA has requested tenders for the provision of vessel caretaking services prior to destruction. Caretaking includes ensuring that all the boats satisfy AQIS requirements, are secure and remain floating. The tender period is now closed and a decision is pending.

As part of Governments over all effort to cease the practise of disposing of boats at sea, AFMA has sought tenders for providing a service on a short term basis for disposing FFVs whilst permanent longer term arrangements are developed. Under the short term arrangement the contractor will be required to not only dispose of the FFVs but provide the site where it is to be done. The tender period for this contract is now closed and a decision is pending.

In respect to the longer term arrangements for vessel disposal, AFMA has recently called for an expression of interest to identify land for a permanent FFV disposal facility. This

expression of interest closes on 10 November. Upon an appropriate location being identified, separate tender processes will be undertaken for the facility's construction and its operation.

#### Horn Island Transitory Facility

Construction of the Horn Island Transitory facility is near completion. Additional work is still to be undertaken to bring the facility to an operational condition.

The facility will be used as temporary accommodation for persons suspected of illegal foreign fishing in Australian waters. It will have the capacity to hold up to 20 detainees for periods up to 72 hours.

AFMA has requested tenders for the caretaker contract. The tender period closed on 14 June and a decision in respect to this is pending. It is hoped the facility will be operational in the coming months.

<p style="text-align: center;"><b>TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE</b></p>	<p><b>Meeting No. 8</b> <b>26-27 September 2006</b></p>
<p><b>OUTCOMES OF BILATERAL FISHERIES TALKS BETWEEN AUSTRALIA AND PNG ON 23-24 AUGUST 2006</b></p>	<p>Agenda Item No. 16</p>

## **THE TSFMAC RECOMMENDS**

- 16 That the PZJA:
- (a) **NOTES** the outcomes of the bilateral fisheries talks between Australia and PNG on 23-24 August 2006; and
  - (b) **NOTES** the proposed share of the catch for the period 1 December 2006 to 30 November 2007 for the Australian jurisdiction and the proposed PNG entitlement in the Article 22 fisheries.

## **BACKGROUND**

Officials from Australia and Papua New Guinea (PNG) meet annually to discuss fisheries matters of mutual importance. Central to those discussions are the agreements on catch sharing arrangements for the shared fisheries of the Torres Strait Protected Zone (TSPZ). Under the Torres Strait Treaty, both parties must share the catch for fisheries to which joint conservation and management measures apply. The shared fisheries are the Prawn, Rock Lobster, Spanish Mackerel, Pearl Shell, Turtle and Dugong fisheries. The formal record of decisions from the meeting is being drafted by DAFF for clearance by Australian and PNG agencies. Formal Article 22 subsidiary conservation and management arrangements and catch sharing agreements will then be agreed between the Australian and PNG Ministers responsible for fisheries in the TSPZ.

## **SUMMARY OF MEETING OUTCOMES**

The major outcomes from the 2006 bilateral fisheries talks can be summarised as follows:

- Catch sharing arrangements for the Turtle and Dugong Fishery were carried over for 2007. The Turtle Fishery will continue to be an artisanal fishery in the PNG jurisdiction. Australia asked PNG to consider managing their turtle fishery as 'traditional' take only, for discussion at next year's meeting. The National Fisheries Authority (NFA) made an undertaking to assist the PNG Department of Environment and Conservation with an education campaign of turtle and dugong resource use and management. PNG are still very interested in the proposed Daru workshop.
- In the TRL Fishery a catch sharing arrangement was determined that recognises the distribution of the stock across both jurisdictions of the TSPZ and the extent of its use in each jurisdiction. PNG agreed they would take less catch from the Australian jurisdiction in recognition of their large harvest in their own jurisdiction. PNG were granted 1500 days access to the Australian jurisdiction. PNG reaffirmed their commitment to the ban on cray trawling in the Gulf of Papua Prawn Fishery.

- PNG expressed interest in reactivating their entitlement in the Spanish Mackerel Fishery. Historically they have not used the entitlement and last year an agreement to suspend catch sharing for 2006 was made to simplify the management arrangements in place in the fishery. QDPI&F will prepare a discussion paper on catch sharing arrangements in the Spanish Mackerel Fishery as the basis for determining final catch sharing arrangements.
- It was agreed that catch sharing arrangements in the Pearl Shell Fishery would be rolled over for 2007, i.e. to continue to suspend catch sharing. There is no sign of stock recovery. PNG expressed their interest in a 10 year Pearl Shell closure. AFMA have prepared a discussion paper, which they will circulate to Industry before the issue is discussed again with PNG.
- The meeting recognised the importance of direct Traditional Inhabitant involvement in the bilateral forum, and the need to account for Traditional Inhabitant involvement in future TSRA and NFA budgets.
- On compliance issues, PNG expressed their strong interest in forming joint patrol arrangements, once PNG patrol boats are based at Daru. PNG sought to build closer ties with Australia on surveillance and compliance generally. The NFA recognised there were some problems with trial licences in the Dog-leg area and that they may not be renewed as a result. Australia informed PNG that it would be exercising its new powers to detain illegal PNG fishers in the new Horn Island facility, particularly to address illegal beche-de-mere fishing at Warrior Reef.
- On research and data, PNG committed \$50,000 to joint prawn research and recognised the importance of joint research for capacity building. This is in addition to the \$50,000 already committed by PNG to joint TRL research. PNG and Australia will seek to exchange officers to facilitate data exchange, once PNG have tidied up their data-base (anticipated by October).
- Prawn Fishery matters were relayed to the Prawn MAC.