

<p>Torres Strait <b>PZJA</b> Protected Zone Joint Authority</p>   <p>Queensland Government</p>	<p><b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b></p>	<p><b>Meeting No. 19 27-28 April 2006</b></p>
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## ***SUMMARY RECORD***

1. The nineteenth meeting of the Torres Strait Protected Zone Joint Authority (PZJA) was held in the Torres Strait Regional Authority office on Thursday Island on Friday 28 April 2006. It was preceded by the Stakeholder Forum on Thursday 27 and Friday 28 April at the same venue.

2. Invited stakeholders participated in the Stakeholder Forum, chaired by The Queensland Minister for Primary Industries and Fisheries and PZJA Member, the Hon Tim Mulherin MP. The Papua New Guinea Minister for Fisheries and Marine Resources, the Hon Ben Semri MP, was also in attendance as an observer. The list of those in attendance at the Stakeholder Forum is annexed at **Attachment A**.

3. The PZJA meeting was chaired by the Australian Government Minister for Fisheries, Forestry and Conservation, Senator the Hon Eric Abetz, by teleconference link. The other PZJA Members – Minister Mulherin and Mr John T Kris, Chairman of the Torres Strait Regional Authority, were also in attendance. The Papua New Guinea Minister for Fisheries and Marine Resources, the Hon Ben Semri MP, was also in attendance as an observer. A list of those in attendance at the PZJA meeting is annexed at **Attachment B**.

### **Agenda**

4. The Stakeholder Forum and PZJA meeting agendas are annexed at **Attachment C** and **Attachment D** respectively.

### **Outcomes**

5. The outcomes from the PZJA meeting are annexed at **Attachment E**.

# LIST OF PARTICIPANTS

## Stakeholder Forum – 27 and 28 April 2006

### PZJA Members

The Hon Tim Mulherin MP – Meeting Chair  
Queensland Minister for Primary Industries and Fisheries

Mr John T Kris  
Chairman of the Torres Strait Regional Authority

### Delegations

#### *Australian Government*

Ms Dorothea Huber  
Senior Manager Northern Fisheries  
Australian Fisheries Management  
Authority (AFMA)

Mr Jim Prescott  
Torres Strait Fisheries Manager  
AFMA

Mr John Marrington  
Senior Fisheries Management Officer,  
Torres Strait  
AFMA

Mr Mick George  
Senior Fisheries Management Officer,  
Torres Strait  
AFMA

Ms Britt Maxwell  
Director, Torres Strait Fisheries  
Australian Government Department of  
Agriculture, Fisheries and Forestry  
(DAFF)

Mr Jonathan Barker  
Policy Officer, Torres Strait Fisheries  
DAFF

#### *Queensland Government*

Mr Michael Feichtner  
Policy Advisor  
Minister Mulherin's Office

Mr Jim Gillespie  
General Manger, Fisheries Resource  
Management  
Queensland Department of Primary  
Industries and Fisheries (QDPIF)

Mr Wez Norris  
Senior Fisheries Management Officer  
QDPIF

Mr Shane Gaddes  
Senior Fisheries Management Officer  
QDPIF

Mr Quinten Hirakawa  
A/g District Officer  
Queensland Boating and Fisheries Patrol

*Torres Strait Regional Authority (TSRA)*

Mr Wayne See Kee  
General Manager

Mr Don Mosby  
Fisheries Portfolio Member

Mr Brendan O'Connor  
Policy and Coordinating Manager

Mr Toshio Nakata  
Fisheries Coordinator

**Observers**

*Papua New Guinea*

The Hon Ben Semri MP  
Minister for Fisheries and Marine  
Resources

Mr Bob Kawop  
Press Officer  
Minister Semri's Office

Mr Barre Kare  
Licensing Manager  
National Fisheries Authority (NFA)

Mr Phillip Polon  
Fisheries Manager, Torres Strait  
NFA

Ms Joyce Agaru  
Compliance Officer  
NFA

*Australian Government Department of  
Foreign Affairs and Trade (DFAT)*

Ms Suzy Wilson  
Treaty Liaison Officer  
Thursday Island

**Stakeholders**

*Community Fishers*

Mr Willy Wigness, Horn Island  
Mr Richard Bowie, Badu Island  
Mr Yen Loban, Prince of Wales Island  
Mr Terrance Whap, Mabuiag Island  
Mr Lota Warri, Yorke Island  
Mr Kila Odo, Murray Island  
Mr Bert Matysek, Stephens Island  
Mr Charles David, Yam Island

*Queensland Seafood Industry Association*

Dr Ray Moore  
Mr Shaun Hansen  
Mr Carl D'Aguiar  
Mr Phil Hughes

*Queensland Rock Lobster Association*

Mr James Fogarty  
Mr Brett Arlidge

*Torres Strait Prawn Entitlement Holders  
Association (by phone)*

Mr Mark Millward  
Mrs Rosemary Millward  
Mr Rob Giddens

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# LIST OF PARTICIPANTS

## Authority Meeting – 28 April 2006

### PZJA Members

Senator the Hon Eric Abetz (by phone)  
Australian Government Minister for Fisheries, Forestry and Conservation  
Chair of the PZJA

The Hon Tim Mulherin MP  
Queensland Minister for Primary Industries and Fisheries

Mr John T Kris  
Chairman of the Torres Strait Regional Authority

### Delegations

#### *Australian Government*

Mr Duncan Souter (by phone)  
Fisheries Advisor  
Senator Abetz's Office

Mr Richard McLoughlin (by phone)  
Managing Director  
Australian Fisheries Management  
Authority (AFMA)

Ms Dorothea Huber  
Senior Manager Northern Fisheries  
AFMA

Mr Jim Prescott  
Torres Strait Fisheries Manager  
AFMA

Mr Mick George  
Senior Fisheries Management Officer,  
Torres Strait  
AFMA

Mr Daryl Quinlivan (by phone)  
Deputy Secretary  
Australian Government Department of  
Agriculture Fisheries and Forestry  
(DAFF)

Ms Britt Maxwell  
Director, Torres Strait Fisheries  
DAFF

Mr Jonathan Barker  
Policy Officer, Torres Strait Fisheries  
DAFF

#### *Queensland Government*

Mr Michael Feichtner  
Policy Advisor  
Minister Mulherin's Office

Mr Jim Gillespie  
General Manger, Fisheries Resource  
Management  
Queensland Department of Primary  
Industries and Fisheries (QDPIF)

Mr Wez Norris  
Senior Fisheries Management Officer  
QDPIF

Mr Shane Gaddes  
Senior Fisheries Management Officer  
QDPIF

*Torres Strait Regional Authority (TSRA)*

Mr Wayne See Kee  
General Manager

Mr Toshio Nakata  
Fisheries Coordinator

**Observers**

*Papua New Guinea*

The Hon Ben Semri MP  
Minister for Fisheries and Marine Resources

Mr Bob Kawop  
Press Officer  
Minister Semri's Office

Mr Barre Kare  
Licensing Manager  
National Fisheries Authority (NFA)

Mr Phillip Polon  
Fisheries Manager, Torres Strait  
NFA

Ms Joyce Agaru  
Compliance Officer  
NFA

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## ATTACHMENT C

 <p>Torres Strait <b>PZJA</b> Protected Zone Joint Authority</p> <p>Queensland Government</p>	<p><b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b></p>	<p><b>PZJA 19 Stakeholder Forum 27 April 2006</b></p>
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### STAKEHOLDER FORUM AGENDA

**Attended by the official delegations** of the PZJA Members and the Papua New Guinean Government, **and stakeholder group representatives** from the Torres Strait Traditional and Community fishing sectors, and the Commercial fishing sector.

Opening Comments

Confirmation of Agenda

1. Resource Allocation
  - Current and proposed closures
  - Industry buyout proposal
  - TIB eligibility
  
2. Allocation policy and advice
  - a. Policy for formation of allocation advisory panels (AAPs)
  - b. Arrangements for allocation between sectors
  - c. Terms of reference for AAP for allocation within TVH sector
  - d. Arrangements for allocation within TIB sector
  
3. Legislative amendments
  - Amendments to support new management arrangements
  
4. Finfish Fishery
  - Preferred management approach (TAC or TAE)
  - Establishment of a RAG

5. Tropical Rock Lobster Fishery
  - a. Management Objectives
  - b. Management Plan / quota system
  - c. Improved data system
  - d. RAG outcomes and TAC setting
  - e. Licensing matters
    - Master Fisherman's licence qualifications
    - Tender trading
    - Hookah hoses
  
6. Prawn Fishery
  - a. Establishment of Prawn MAC
  - b. TED certification
  - c. Trading Allocated Fishing Days
  
7. Other fisheries
  - a. Trochus Fishery strategic assessment recommendations
  - b. Beche-de-mer species based quota
  - c. Turtle and Dugong
    - NAILSMA update
    - Strategic assessment
  
8. Compliance
  - a. Commercial fishing boat identification
  - b. Domestic and foreign compliance reports
  
9. PZJA Consultative Structure
  - a. Appointments
  - b. Future role of TSSAC
  
10. Research
  - Provision of future research

Closing Comments

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## ATTACHMENT D

 <p>Torres Strait <b>PZJA</b> Protected Zone Joint Authority</p> <p>Queensland Government</p>	<p><b>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</b></p>	<p><b>PZJA 19 Authority Meeting 28 April 2006</b></p>
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### AUTHORITY MEETING AGENDA

**Attended by the official delegations** of the PZJA Members and the Papua New Guinean Government **only**.

**KEY:** \*\**Membership and* denote issues that were **not** raised in the Stakeholder Forum

Opening Comments

Confirmation of Agenda

1. Resource Allocation **FOR DECISION**
  - Current and proposed closures
  - Industry buyout proposal
  - TIB eligibility
  
2. Allocation policy and advice **FOR DECISION**
  - a. Policy for formation of allocation advisory panels (AAPs)
  - b. Arrangements for allocation between sectors
  - c. \*\**Membership and* terms of reference for AAP for allocation within TVH sector
  - d. Arrangements for allocation within TIB sector
  
3. Legislative amendments **FOR DECISION**
  - Amendments to support new management arrangements
  
4. Finfish Fishery **FOR DECISION**
  - Preferred management approach (TAC or TAE)
  - Establishment of a RAG



5. Tropical Rock Lobster Fishery **FOR DECISION**
  - a. Management Objectives
  - b. Management Plan / quota system
  - c. Improved data system
  - d. RAG outcomes and TAC setting
  - e. Licensing matters
    - Master Fisherman's licence qualifications
    - Tender trading
    - Hookah hoses
  
6. Prawn Fishery **FOR DECISION**
  - a. Establishment of Prawn MAC
  - b. TED certification
  - c. Trading Allocated Fishing Days
  - d. \*\*Administration of surrendered fishing rights
  
7. Other fisheries **FOR DECISION**
  - a. Trochus Fishery strategic assessment recommendations
  - b. Beche-de-mer species based quota
  - c. Turtle and Dugong
    - NAILSMA update
    - Strategic assessment
  
8. Compliance **FOR INFORMATION**
  - a. Commercial fishing boat identification
  - b. Domestic and foreign compliance reports
  
9. PZJA Consultative Structure **FOR DECISION**
  - a. Appointments
  - b. Future role of TSSAC
  - c. \*\*TRL Working Group Membership
  
10. Research **FOR INFORMATION**
  - Provision of future research

11. **\*\*Operational Matters FOR INFORMATION**
  - a. Project Plan – progress to date
  - b. Infrastructure, capacity and budget implications of Project Plan
  
12. **\*\*PZJA Budget 2006/07 FOR DECISION**
  
13. **\*\*PZJA Annual Reports FOR DECISION**
  - 2003/04 for signature
  - 2004/05 for agreement and signature
  
14. **\*\*Next PZJA Meeting FOR DECISION**
  - a. Strategic Planning
    - Links between fisheries management and future aquaculture development
    - Links between Torres Strait Fisheries management and Commonwealth Harvest Strategy Policy
  - b. Dates for PZJA 20
  
15. **\*\*PZJA out-of-session decisions FOR CONFIRMATION**  
Including Beche-de-mer, Prawn and Finfish fishery strategic assessment recommendations
  
16. **\*\*PZJA 19 decision record FOR SIGNATURE**

Closing Comments

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## PZJA 19 OUTCOMES

### Resource Allocation in the Torres Strait Fisheries

- 1.1 The PZJA **NOTED** that a number of sectors affected by the PZJA 18 resource allocation decisions have raised concerns about the scope and content of the decisions, including:
- (a) concerns from the Community Fisher Group that the Islander sector should be provided with a greater share of the allocation to account for the inclusion within their share of the former Papua New Guinean nationals, their children and Aboriginals from the north of Cape York as persons who are eligible to hold a Traditional Inhabitant Boat licence under existing PZJA policy decisions from 1989 and 1999;
  - (b) concerns from the Community Fisher Group that 10 nautical mile area closures to non-Islander commercial fishers should be created around all islands under native title claim and in respect of all species of fish;
  - (c) concerns from the non-Islander commercial Finfish sector that they will be left unviable following the implementation of the decisions;
  - (d) a request for a compulsory buyout of non-Islander interests in the Finfish Fishery; and
  - (e) concerns from the non-Islander commercial sector that the decision about creating 10 nautical mile zones will prejudice their interests in the Torres Strait native title sea claim litigation.
- 1.2 The PZJA **AGREED** that:
- (a) the previous PZJA policy decisions extending eligibility to hold Community fishing licences still apply and that such persons are to be included in the allocation to the Islander sector when implementing the PZJA 18 resource allocation decisions;
  - (b) the PZJA 18 decision on the 10 nautical mile area closures applies only to the Finfish fishery, has not yet been implemented in law, provides no legal support for the native title claim and nor will it assist the claim to be made out over a larger area, or in more extensive terms, than would otherwise be the case;
  - (c) specific decisions were made by the PZJA in relation to a new resource allocation for the Tropical Rock Lobster and Prawn fisheries that do not include further area closures to non-Islander commercial fishers;
  - (d) within the scope of the PZJA 18 resource allocation decisions the PZJA agreed that any further changes in resource allocation in the Tropical Rock Lobster and Finfish fisheries would be through an open market and self funded process; and

- (e) further consideration be given to the proposed Finfish Fishery 10 nautical mile area closures once the tender process for the non-Islander sector of the Finfish Fishery is complete and the legal advice provided to the Australian Government about those closures is fully considered together with other issues, including any unforeseen consequences.

### **Allocation Policy and Advice**

#### *Policy for formation of allocation advisory panels*

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

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

- 2B. The PZJA **AGREED** that:
- (a) to maximise the resources available to PZJA agencies, an allocation advisory panel is not recommended for the provision of advice to the PZJA on determining the current catch sharing ratio between commercial fishing sectors in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries;
  - (b) the Australian Fisheries Management Authority (AFMA), with assistance as required from the other PZJA agencies, will prepare a report on the historical catch shares of the commercial fishing sectors in the Torres Strait Tropical Rock Lobster, Reef Line and Spanish Mackerel Fisheries, to be provided to the PZJA at its next meeting;
  - (c) the period of time to be included in determining the historical catch shares shall be from 2002 to 2005 inclusive in the Tropical Rock Lobster Fishery and 2001 to 2005 inclusive in the Finfish Fishery, being the periods during which these shares have been most accurately recorded;
  - (d) PZJA agencies should ensure that there is no less consultation with industry and islanders than would be the case under an allocation advisory panel approach. PZJA agencies will present a draft report to stakeholders at public meetings in Cairns and in the Torres Strait and provide for a 28-day period of public comment on the draft report to identify any issues that may have been overlooked in the drafting of the report; and
  - (e) AFMA will provide licence holders and others with the opportunity to verify their personal records.

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

- 2C.1 The PZJA **AGREED** to:
- (a) the creation of an allocation advisory panel under section 40(7) of the *Torres Strait Fisheries Act 1984* to advise the PZJA on the appropriate basis for the allocation of fishing concessions in the non-community commercial fishing sector;

- (b) the terms of reference, process and indicative timetable for the allocation advisory panel as set out in Appendix 1 of this record;
- (c) appoint the Hon Jeffrey Miles, Dr Sevaly Sen and Mr Brett McCallum to the panel, based on the recommendation of the PZJA Standing Committee and on the qualifications and experience of short listed applicants outlined in Appendix 2 of this record;
- (d) the financial implications of forming the allocation advisory panel and the budget outlined in Appendix 3 of this record; and
- (e) the inclusion of a Traditional Inhabitant observer on the allocation advisory panel who will be nominated and funded by the TSRA.

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

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

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

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

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

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

## **Legislative Amendments**

### **Amendment Bill principles**

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

## **Finfish Fishery**

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

- 4.1 The PZJA **NOTED**:
  - (a) that the industry representatives for the Finfish Fishery were not available to provide their perspective on the TSFMAC recommendations;
  - (b) the community's concerns with the increasing numbers of foreign fishing vessel sightings in the Torres Strait and the increasing and ongoing practice of burning seized boats at sea; and
  - (c) that TSFMAC has requested that the TSRA and the DFAT Treaty Liaison Officer work together to approach Customs and Coastwatch to discuss protocols and mechanisms for ensuring that the disposal of foreign fishing vessels in the Protected Zone occurs in a manner consistent with Articles 13 and 14 of the Torres Strait Treaty.
- 4.2 The PZJA **AGREED** to the following principles for the development of a Finfish Fishery management plan:
  - (a) the same management system should apply to both the Reef Line and the Spanish Mackerel fisheries;
  - (b) subject to further consultation, that an overall total allowable commercial catch be identified for the Reef Line and the Spanish Mackerel fisheries under which:
    - i. the Community fishing sector (currently Traditional Inhabitant Boat licences) would be managed through a competitive total allowable commercial catch (non-species specific) with appropriate performance indicators and decision rules, including reference and trigger points to ensure the sector is kept within its total allowable commercial catch;

- ii. the non-community commercial fishing sector (currently Transferable Vessel Holder licences) would be allocated individual transferable effort (ITE) units commensurate with the sector's share of the total allowable commercial catch, the units being based on days, with appropriate monitoring of the relationship between effort and catch under performance indicators and decision rules including reference and trigger points to ensure the total sectoral effort is consistent with their share of the total allowable commercial catch;
  - iii. an appropriate allowance and priority has been made for Traditional Fishing in accordance with the Torres Strait Treaty and the *Torres Strait Fisheries Act 1984*; and
- (c) the monitoring of effort units for the commercial fishing sector be by Vessel Monitoring System (VMS) and be based on a binary decision rule of the vessel being either in or out of the area of the fishery. Included in this system would be the identification of safe havens (York, Aureed, and Dugong) where anchorage and unloading could occur without deduction of effort units.
- 4.3 The PZJA **AGREED** to consider the merits of establishing a Finfish Fishery Resource Assessment Group after the tender process for this fishery is complete and that in the absence of a stock assessment that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the total allowable commercial catch.
- 4.4 The PZJA **REQUESTED** that priority consideration be given to:
- (a) the development of fishery objectives;
  - (b) clarification of specific aspects of the catch/effort management system (including how to monitor the deduction of effort units for concession holders with endorsement to fish in both the Reef Line and Spanish Mackerel fisheries); and
  - (c) trading arrangements within and between sectors (including temporary trading and/or leasing).
- 4.5 The PZJA **AGREED** to endorse the Statement of Management Arrangements for the Torres Strait Finfish Fishery.

### **Tropical Rock Lobster Fishery**

#### **Management objectives**

- 5A.1 The PZJA **AGREED** to the following revised objectives for the Tropical Rock Lobster fishery, as endorsed by the Tropical Rock Lobster Working Group and the TSFMAC:
- (a) to maintain the fishing mortality at a level below that which produces the Maximum Sustainable Yield ( $F_{MSY}$ ) (accounting for all sources of fishing mortality). The actual level will be determined following consideration of the recommendations of the tropical Rock Lobster Resource Assessment Group, noting that the PZJA is currently considering a level at least 10% below  $F_{MSY}$ ;

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

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

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

Management plan and quota system

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

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



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

Improved data system

5C. The PZJA **AGREED**:

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

Tropical Rock Lobster Resource Assessment Group outcomes

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

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

### Licensing matters

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

- (a) that the issue of Master Fisherman's Licences was discussed by the Tropical Rock Lobster Working Group and that the Queensland Rock Lobster Association would investigate the creation of an appropriate register with job network providers to facilitate the employment of Traditional Inhabitants throughout the Torres Strait region as a whole;
- (b) That the Tropical Rock Lobster Working Group and the Queensland Rock Lobster Association will develop standardised workplace agreements to deal with workplace health and safety and other issues relating to the employment of Master Fisherman's Licence holders.
- (c) that the issue of tender trading will be considered in the context of the management plan for the fishery, which will take effect in 2007.

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

### **Prawn Fishery**

#### Establishment of a Prawn Fishery management advisory committee

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

- (a) that the PZJA **AGREES**, subject to the agreement of the industry representatives on the Prawn Working Group to:
  - i. elevate the existing Prawn Working Group to a Torres Strait Prawn Fishery Management Advisory Committee;
  - ii. that the membership of a Torres Strait Prawn Fishery Management Advisory Committee comprise four industry representatives, three Traditional Inhabitant Boat licence sector representatives, the TSRA Fisheries Coordinator, one AFMA member, one QDPIF member, one Australian Government Department of Environment and Heritage observer, one Papua New Guinea observer and observer status for the DFAT Treaty Liaison Officer; and
  - iii. initially, the current Chair of the Prawn Working Group will Chair the Torres Strait Prawn Fishery Management Advisory Committee. The Chair may change from time to time as decided by the PZJA. The Chair will report on the Torres Strait Prawn Fishery Management Advisory Committee meetings to the PZJA and interface with the TSFMAC.
- (b) that there has been support from the Industry members of the Prawn Working Group for the creation of the Torres Strait Prawn Fishery Management Advisory Committee; and
- (c) Industry's comment on the paper discussed at the TSFMAC was that it wishes to add an additional processor member to the proposed Torres Strait Prawn Fishery Management Advisory Committee.

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

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

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

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

\*\* Denotes Permanent Observer Status

Turtle excluder device (TED) certification and fisheries strategic assessment

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

Trading allocated fishing days

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

Administration of surrendered entitlements

- 6D.1 The PZJA **NOTED**:
- (a) that the Australian Government Department of Agriculture Fisheries and Forestry on behalf of the Australian Government, recently conducted a tender to fund payments to eligible licence holders for the voluntary surrender of fishing concessions in the Torres Strait Prawn Fishery;
  - (b) the tender resulted in the surrender of 2333 allocated fishing days from the prawn fishery and the removal of 16 commercial licences from the fishery; and
  - (c) in accordance with the out-of-session decisions of the PZJA, an overall cap of 9200 fishing days are available in this fishery for the 2006 season.
- 6D.2 The PZJA **AGREED**:
- (a) that as an interim policy, allocated fishing days in the fishery beyond the 6867 allocated fishing days currently issued to Australian operators, (whilst not exceeding the overall cap) will only be attached to licences or treaty endorsements following consideration of written advice from the Australian Government Department of Agriculture Fisheries and Forestry and in consultation with the Government of Papua New Guinea; and
  - (b) that the Australian Government will continue to consult and cooperate with the Government of Papua New Guinea on the development of further policy on the utilisation of fishing capacity surrendered in the tender to ensure that it is utilised in a manner that is consistent with the obligations conferred on Australia by the Torres Strait Treaty.

## **Trochus Fishery**

### *Fisheries strategic assessment recommendations*

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

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

## **Beche-de-mer Fishery**

### *Implementation of new species-based quotas*

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

## **Turtle and Dugong Fisheries**

### *Update on the community based management (NAILSMA<sup>1</sup>) project*

7C.1 The PZJA **AGREED**:

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

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<sup>1</sup> North Australian Indigenous Land and Sea Management Alliance

### Fisheries strategic assessment

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

- (a) the final Terms of Reference for the Strategic Assessment of the Torres Strait Turtle and Dugong fisheries will need to be agreed upon by the Minister for Fisheries, Forestry and Conservation and the Minister for the Environment and Heritage (and if possible also agreed by the PZJA on an out-of-session basis beforehand) before the Draft Strategic Assessment Report is released for public comment; and
- (b) it is highly likely that the Turtle and Dugong fisheries will not be accredited and that the Minister for the Environment and Heritage will require the PZJA to rectify deficiencies in the management of the fisheries.

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

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

### **Compliance**

#### Commercial Fishing Boat Identification

- 8A.1 The PZJA **AGREED** to the development of a boat registration sticker system, managed through QDPIF Licensing in Brisbane, that requires licence holders to display registration stickers on Traditional Inhabitant Boat and Transferable Vessel Holder licensed boats to provide enforcement officers with a means of visually identifying whether the boat is the one authorised to be used under the licence.
- 8A.2 The PZJA **REQUESTED** that the proposed amendments to the *Torres Strait Fisheries Regulations 1985* to give effect to the system are provided for consideration at the next meeting of the PZJA.

#### Domestic and Foreign Compliance

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

### **PZJA Consultative Structure**

#### Appointment of members

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

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

<b>REPRESENTATION</b>	<b>MEMBER</b>
<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 Warri
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>
QDPIF	General Manager - Fisheries Resource Management (QDPIF)
QDPIF	QDPIF Senior Fisheries Management 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/ QDPIF

\*\* *Denotes Permanent Observer Status*

**Table 3.** 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>
QDPIF	Senior Fisheries Management Officer (Torres Strait)
AFMA	Manager - Torres Strait Fisheries (AFMA)
TSRA	TSRA Fisheries Co-ordinator
Research Member	Dr Yimin Ye (CSIRO)
Compliance Member	District Officer - QBFP Thursday Island
Executive Officer	AFMA

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>
QDPIF	Senior Fisheries Management Officer (Torres Strait)
AFMA	Senior Management Officer
TSRA	Fisheries Co-ordinator
Research Member	<i>Vacant</i>
Compliance Member	District Officer - QBFP Thursday Island
Executive Officer	QDPIF



## **Future role of the Torres Strait Scientific Advisory Committee (TSSAC)**

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

- (a) conclusion of the Co-operative Research Centre (CRC) Torres Strait Ltd between June and December 2006;
- (b) end of the Torres Strait Scientific Advisory Committee role of advising the Board of the CRC by the end of 2006;
- (c) ongoing need for research planning for Torres Strait fisheries and the future role of the Torres Strait Scientific Advisory Committee; and
- (d) recent discussions with officials of the Papua New Guinea National Fisheries Authority about closer aligning of research by the two countries facilitated through Papua New Guinea membership on the Torres Strait Scientific Advisory Committee.

### Appointments to the Tropical Rock Lobster Working Group

9C.1 The PZJA **AGREED** with the appointment of Brett Arlidge from MG Kailis to one of the two vacant industry positions on the Tropical Rock Lobster Working Group; and

9C.2 The PZJA **NOTED** that due to the second successful applicant no longer being available to take up a position on the Tropical Rock Lobster Working Group, a second selection process will need to be undertaken.

### Provision of Future Research

10. The PZJA **NOTED**:

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

### Operational Matters

#### Project Plan

11A.1 The PZJA **NOTED** that:

- (a) stages one to three of the Project Plan are now complete;
- (b) there are a number of processes in stage four of the Project Plan that could result in significant delays to the Project Plan, specifically in the development of management systems for the fisheries, legislative amendments and data requirements for the allocation advisory panel process; and
- (c) the Management Arrangements Team has identified likely points of delay in the next stage of the Project Plan and has developed strategies to minimise delays in the delivery of the Project Plan outcomes.

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

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

Infrastructure, capacity and budget implications of Project Plan

11B. The PZJA **NOTED**:

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

**PZJA Budget 2006-2007**

12. The PZJA **AGREED**:

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

**Table 4.** 2006/07 draft cost sharing budget.

**Protected Zone Joint Authority  
Budget Estimates  
2006/2007**

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

**Table 5.** 2006/07 draft overall PZJA budget.

**Protected Zone Joint Authority**  
**Budget Estimates 2006/2007**

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

## **PZJA Annual Reports**

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

## **Strategic Planning**

### Links between fisheries management and aquaculture development

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

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

### Links between Torres Strait fisheries management and Commonwealth Harvest Strategy policy

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

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

### Next Meeting of the PZJA

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

## **Confirmation of out-of-session decisions**

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

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

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

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

### Decisions made by teleconference on 3 November 2005

15.2 On resource allocation funding arrangements:

- (a) The PZJA **NOTED** its decision at PZJA 18 to seek funding approvals from respective governments for its resource allocation decision and that trading rules would be developed;

- (b) in light of those funding approvals, and to provide a comprehensive, lasting and robust solution which addresses overfishing, deals with resource allocation, ensures Australia is able to fully meet its international obligations under the Torres Strait Treaty and provides greater economic opportunities for Islanders consistent with the Torres Strait Treaty the PZJA NOTED that a package of measures had been developed under which:
- (i) the Australian Government has committed to funding payments to non-Islander commercial fishers in the Tropical Rock Lobster and Spanish Mackerel fisheries to ensure that the Australian Government is able to fully meet its obligation to Papua New Guinea under the Treaty without making further calls on fishing entitlements allocated to domestic operators;
  - (ii) the Queensland Government has committed to providing funding for the voluntary tender process in the Tropical Rock Lobster Fishery for the initial 50/50 resource allocation of the Australian share of the fishery, as agreed at PZJA 18;
  - (iii) the TSRA has committed to providing funding for the voluntary tender process in the Finfish Fishery (composed of the Spanish Mackerel and the Reef Line fisheries) for the initial 50/50 resource allocation of the Australian share of the fishery, as agreed at PZJA 18 ; and
  - (iv) an agreed process, in line with the Treaty, will be undertaken to document and agree on the final numbers and percentages that will be used to give effect to these commitments.

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

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

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

- 15.5 On the public release of PZJA 18 and future decisions
- (a) The PZJA CONFIRMED that the record of decisions from PZJA 18 (4-5 July 2005) will be made public on Monday 7 November 2005; and
  - (b) The PZJA AGREED to the public release of decisions from this and future meetings of the PZJA within two weeks of the meeting, except where expenditure or public policy matters require confirmation from government.
- 15.6. On the Project Plan and indicative timetable for developing 2006 and 2007 management arrangements:
- (a) The PZJA NOTED the PZJA Project Plan dated November 2005 outlines:
    - (i). an approach for seeking stakeholder agreement to 2006 management arrangements which recognises the limited time available for consultation before PZJA 19; and
    - (ii) an indicative timetable for developing 2007 management arrangements.
- 15.7 The PZJA AGREED:
- (a) to release the attached PZJA Project Plan as indicative dates for the information of relevant stakeholders; and
  - (b) to schedule future PZJA meetings in accordance with the indicative timetable, noting that these are time critical decision points required for timely delivery of the PZJA Project Plan.
- 15.8 On the outcome of prawn licence negotiations with Torres Strait Islanders and Papua New Guinea:
- (a) The PZJA NOTED that the Australian Government made a decision on 9 August 2004 to explore the possibility of seeking the relinquishment of Torres Strait Islander and Papua New Guinea access to the Torres Strait Prawn Fishery through the non-issuance of licences in return for appropriate compensation;
  - (b) The PZJA NOTED that the Torres Strait Regional Authority (TSRA) and the Island Coordinating Council (ICC) agreed to the Australian Government proposal but that Papua New Guinea has indicated they do not wish to relinquish their rights in this fishery;
  - (c) The PZJA NOTED that to give effect to the agreement between the Australian Government, the TSRA and the ICC a decision is necessary from the PZJA that it will not issue the three prawn licences reserved for use by Torres Strait Islanders in May 1989; and
  - (d) PZJA CONFIRMED that the decision of the Chair to execute a Deed with effect from 13 July 2005 to provide the necessary agreement of the PZJA set out in recommendation (c) above is a decision of the PZJA.
- 15.9 On the PZJA Budget for 2005-2006
- (a) The PZJA NOTED the impending pressures on future PZJA budgets; and
  - (b) The PZJA APPROVED the attached draft PZJA budget for 2005/06.

Decisions made by correspondence on 17 November 2005

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

Decisions made by correspondence on 23 December 2005

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

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

15.12 the PZJA CONFIRMED its intentions to implement long-term management arrangements in the tropical rock lobster fishery according to the Project Plan with a view to introducing a quota management system at an appropriate time in 2007.

15.13 the PZJA NOTED:

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

15.14 With respect to the Torres Strait Prawn Fishery:

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

Decisions made by correspondence on 24 February 2006

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

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







***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 (the 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. 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;
  5. 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; and
  6. 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).
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## APPENDIX 2

Short-list detailing qualifications and experience of potential members for PZJA Allocation Advisory Panel (AAP) to advise on the appropriate basis for the allocation of fishing concessions in the non-community commercial fishing sector

<u>Name</u>	<u>Qualifications</u>	<u>Experience</u>
<i>Economist</i>		
1. Sevaly Sen	Bachelor of Laws (LL.B) (Hons.) Specialisation in international environmental and fisheries law; M.Sc. (Econ) Sea-use: Law of the Sea, Economics and Policy Making; B.Sc. (Hons) Economics and Economic History.	<ul style="list-style-type: none"> <li>• Provides ongoing advice to DAFF on the design and implementation of the “Securing our Fishing Future” structural Adjustment package.</li> <li>• Extensive experience in providing expert economic advice to DAFF, AFMA, DEH, Australian Audit Office and various seafood and other industry and research associations.</li> <li>• A recent example is the assessment of the economic consequences of Total Allowable Catch levels on fishing quota values and markets for the South East Trawl Fishing Industry Association and AFMA.</li> </ul>
2. Joseph Elu	Not quoted	<ul style="list-style-type: none"> <li>• Member of the Torres Strait Regional Authority since 2000 prior to which he was on the Australian Torres Strait Islander Commission regional council. Has been on the ICC since 1987.</li> <li>• Has been the chairman of Indigenous Business Australia for almost ten years. IBA has several investments in the fishing industry.</li> <li>• Has thorough understanding of Torres Strait fisheries and the views of indigenous fishers.</li> </ul>

<u>Name</u>	<u>Qualifications</u>	<u>Experience</u>
1. Brett McCallum	Bachelor of Commerce	<ul style="list-style-type: none"> <li>• Was CEO of the WA Fishing Industry Council during which time he was a member of several fishery allocation committee processes within Western Australia.</li> <li>• Has previous experience on the AFMA Allocation Panel for the Southern Squid Fishery in 2003/2004 and as a panel member for the review of the Southern Bluefin Tuna Quota allocations in the early 1990s.</li> <li>• Is the vice-chairman of the Kimberley Natural Resource Management Group</li> </ul>
<i>Legal</i>		
1. The Hon. Howard Olney	AM QC; Bachelor of Laws	<ul style="list-style-type: none"> <li>• Former Judge for the Federal Court of Australia and Presidential Member of the Administrative Appeals Tribunal.</li> <li>• Extensive experience as a Commissioner and a Judge within the Australian judicial system (Commonwealth and State).</li> </ul>
2. The Hon. Douglas Drummond	QC; Bachelor of Laws	<ul style="list-style-type: none"> <li>• A Part-time Commissioner with the Queensland Crime and Misconduct Commission and former Judge of the Federal Court of Australia. Presidential Member of the Administrative Appeals Tribunal from 1994-2003.</li> <li>• Acquired some understanding of fishing issues for indigenous communities, including in the Torres Strait, during appointment as Federal Court's native title judge for Queensland and has resided over a number of issues arising in various Australian fisheries.</li> </ul>
3. The Hon. JCS Burchett	QC; Bachelor of Laws (Hons. II)	<ul style="list-style-type: none"> <li>• Part-time chairperson of the Australian Electoral Commission.</li> <li>• Several judicial appointments including Acting Judge of the Supreme Court of NSW from 2001-2005.</li> <li>• No specific fisheries experience but has extensive experience in advising on and dealing with administrative and governmental matters in various situations, including situations involving indigenous peoples.</li> </ul>

<b><u>Name</u></b>	<b><u>Qualifications</u></b>	<b><u>Experience</u></b>
4. The Hon. Jeffrey Miles	QC; Bachelor of Arts; Bachelor of Laws; Master of Laws	<ul style="list-style-type: none"> <li>• Former Judge for the Federal Court of Australia and Chief Justice Australian Capital Territory.</li> <li>• Considerable experience as a judge in administrative law, particularly in judicial review of administrative decisions.</li> <li>• Indirect fisheries experience in criminal trial involving South East fisheries.</li> </ul>
<i>Indigenous Representative</i>		
- To be advised (TSRA)		<ul style="list-style-type: none"> <li>• N/A</li> </ul>

### APPENDIX 3

Budget estimates for Allocation Advisory Panel (2) to advise the PZJA on the appropriate basis for the allocation of fishing concessions in the non-community commercial fishing sector

	2005/06 budgetary year		2006/07 budgetary year	
	<i>AAP Participants</i>	<i>DAFF administrative support</i>	<i>AAP Participants</i>	<i>DAFF administrative support</i>
Professional fees	\$19,200 <sup>2</sup>	N/A	\$70,400 <sup>3</sup>	N/A
Travel costs				
- AAP meetings	\$5,700 <sup>4</sup>	\$1,000	\$11,500 <sup>5</sup>	\$2,000
- Stakeholder consultation	\$0	\$0	\$15,600 <sup>6</sup>	\$2,500
Consultation allowance	\$0	N/A	\$20,000 <sup>7</sup>	N/A
Contingency costs				
- Venue Hire (AAP meetings and stakeholder consultation )	\$1000	N/A	\$1000	N/A
- Printing costs	\$500	N/A	\$500	N/A
- Contract fees	\$0	\$15,000	\$0	\$0
<b>Total Cost (GST excl)</b>	<b>\$26,400</b>	<b>\$16,000</b>	<b>\$119,000</b>	<b>\$4,500</b>

#### **Total Cost \$166,000+ GST**

<sup>2</sup> Based on 6 days work and daily rate for panel members (Legal \$1000/day; Economist \$1,200/day; Industry representative \$1000/day)

<sup>3</sup> Based on 22 days work and daily rate for panel members (Legal \$1000/day; Economist \$1,200/day; Industry representative \$1000/day)

<sup>4</sup> Dependant on meeting location and home location of participants. Budgeted for 1 \* two day meeting in Sydney/Canberra. For each meeting allowing members \$1500 in fares and SES-rate accommodation and travel allowance costs

<sup>5</sup> Dependant on meeting location and home location of participants. Budgeted for 2 \* two day meetings in Sydney/Canberra. For each meeting allowing members \$1500 in fares and SES-rate accommodation and travel allowance costs

<sup>6</sup> Based on 7 day schedule to visit Cairns and location(s) in the Torres Strait. Allowing members \$3500 in fares and SES-rate accommodation and travel allowance costs

<sup>7</sup> Further funding for expert consultation (if required) will need to be negotiated through DAFF with appropriate PZJA delegate