

TORRES STRAIT FISHERY MANAGEMENT PLAN 2016

EXPOSURE DRAFT

Thank you for the opportunity to comment on the exposure draft, I would like to make the following points:-

PART 1 DIVISION 3:OBJECTIVES

To acknowledge and protect the traditional way of life and livelihood of traditional inhabitants

This very important objective is assessed in appendix 1 of the report commissioned by the PZJA

“A fair share of the catch”(ref 1) and the legal interpretation given is that in both the Treaty and the Act livelihood here refers to **livelihood as derived from traditional activity**. It is for this reason that both community and non-traditional inhabitant commercial fishing should be regulated so as not to impact on traditional fishing, as under the treaty traditional fishing takes priority.

In this regard item 3, the allocation of quota units to the traditional inhabitant sector, deals with commercial fishing, not traditional fishing. Item 2 is correct in that by implementing a quota unit system into the fishery as a whole this objective is met as it controls the commercial catch and hence protects traditional fishing.

Promoting economic development in the Torres Strait area and employment opportunities of traditional inhabitants

This objective refers to development of the Torres Strait area in general and certainly the TVH sector has contributed significantly to the economic development of the Torres Strait TRL fishery. They also provide employment opportunity for traditional inhabitants but more importantly provide the hands on training that enable traditional inhabitants to gain the necessary experience to be able to operate their own business.

PART 3 DIVISION 5

Transfer of quota units to another person

As written quota units could be sold to a foreign investor and I am sure there are many Chinese investors who would like to own this fishery. The PZJA has supported the aspirations of the traditional inhabitants to gain 100% ownership of this resource yet such a move would make it impossible for them to do so. **This is absolutely not acceptable, quota units must only be held by Australian citizens.**

There is also concern if quota units could be sold to Australian investors as this would also make it more difficult for the TIB sector to acquire more quota. In the Qld TRL fishery only licence holders can hold quota and to be a licence holder you have to be an Australian citizen.

While I understand that commonwealth and Queensland law differ, this section of the management plan is too open and needs to be revised. At present we have a secure fishery but this aspect of the plan allows the quota to be owned by investors and this will make it far more difficult for Traditional inhabitants to own a greater proportion of the resource. This is a step backwards. If quota had to be held with a TRL licence it could be held by a traditional inhabitant or one of the existing 12 TVH licences. To become involved in the fishery a non-traditional inhabitant would have to purchase one of the existing TVH licences, which is the situation at present.

Creation of new TVH licences

The example in Section 24 suggests that new TVH licences could be created to utilise the TVH quota and AFMA have confirmed this possibility during discussions on the exposure draft. Although this would not increase the proportion of the catch that the TVH could take it would increase the TVH effort, particularly in years when catch per unit of effort was low compared with allocated quota, 2015 being a good example. Increased TVH effort would impact on the ability of the TIB sector to take their quota. Existing TVH effort is one of the major factors limiting the expansion of the TIB sector.

It has been policy since about 1989 that no more TRL licences will be issued to non-traditional inhabitants and that all future expansion in the fishery be reserved for traditional inhabitants.

The TSRA have also suggested the possibility of giving new TVH entrants sunset licences to lease unused TIB quota as is done in the line fishery. The TRL fishery is very different in that the TIB sector are very active (taking 50% of the catch in 2015) and would expand if there was less competition from the TVH sector. Increasing the TVH effort would be detrimental to the TIB sector.

Leasing of quota units

Within the TVH sector quota units should be able to be leased to other TVH licences or to the TIB sector. As noted above, no new TVH licences should be created and quota units should not be held by a non-licence holder.

TSRA'S comments

a)Economic Development Contribution

As noted, the TVH sector has contributed significantly to the economic development of the TRL fishery and the employment of traditional inhabitants. We are certainly willing to increase the employment and training of Traditional Inhabitants, the limiting factor in the past has always been trying to source willing applicants.

There is some confusion over the meaning of an economic development contribution. Some interpret this to be a financial contribution. Considering there are only 8 TVH licence holders compared with about 300 TIB licence holders this is not very realistic.

The TSRA should be more active in promoting economic development in the TRL fishery. For example, at present much of the outer Island catch is processed as tails when the resource as live lobster has about 4 times the value. Obvious economic development here would be to provide infrastructure for live holding and transport.

Certainly the TVH could work with the TSRA in promoting economic development, the main value of the TVH being its expertise in the fishery.

It is very difficult to include such factors into a management plan, there needs to be discussion on what exactly the TSRA is trying to include.

b)TIB first right of refusal

First right of refusal is taken to mean that provided the purchaser meets the value of other offers, their offer takes priority.

There is general support for the Traditional inhabitants aspiration to gain 100% ownership of the TRL fishery provided this is achieved in a fair and equitable manner. That is, it has to be voluntary and with fair compensation.

With regard to the sale of licences and quota this is an acceptable proposal and would assist the TIB sector to increase their share of the resource.

With regard to TVH operators leasing extra quota this is a contentious issue in that if the TVH lease TIB quota, particularly before theirs is used up, this creates more TVH effort that will then disadvantage TIB fishermen. There is financial gain but at the expense of more competition for TIB fishermen.

c) Trade only between existing licence holders

Some clarification is needed on this proposal.

It is accepted that there should be no more TVH licences issued, this is the current policy. As noted above, this should also include the proposed sunset licences.

It is accepted that the lease of quota should only be between the existing 12 TVH licences and the TIB sector. As mentioned above, the best way to achieve this is to make it a condition that individual quota can only be held by a licence holder.

This proposal also infers that the **sale** of licences can only be between existing licence holders. At present TVH licences can be purchased by anyone but this does not increase effort as there are still only the same 12 licences. TVH licence holders could not be expected to give up their right to a freely transferable licence.

The 12 licences are presently owned by 8 licence holders. To restrict further purchases to these existing 8 would most likely end up with one licence holder owning all 12 licences. This would not be a good outcome and make it more difficult for the TIB sector to obtain a greater % .

A number of long term operators in the fishery own their vessels but are are not licence holders. Such a condition would prevent them from owning a licence.

Raymond Moore (TVH licence holder)

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