



Australian Government
Australian Fisheries Management Authority



Catch History Verification Policy for the Torres Strait Rock Lobster Fishery

Final

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1. Introduction

- 1.1. The objective of this policy is to establish a transparent process aimed at ensuring a fair and consistent allocation of individual transferable quotas in the Torres Strait Tropical Rock Lobster Fishery (TSTRLF) under the plan of management.
- 1.2. This paper sets out the Australian Fisheries Management Authority's (AFMA) policy and procedures, as determined by the Torres Strait Protected Zone Joint Authority (PZJA) for verifying catch history for the non-Traditional Inhabitant sector as defined under the plan of management. This verification process relates to the allocation of Quota units under the plan of management.

2. Process for establishing catch history

The Minister provides an Assessment of Catch History to each Eligible Person

- 2.1. The following initial process will be used to make an assessment of catch history for each eligible person:
 - (a) collate the history of the licence to determine the dates that the licence was valid between 1997 and 2001 and the boat or tender nominated against that licence during those times; and
 - (b) indicate the eligible years that the current licensee did not hold the licence; and
 - (c) through the use of logbook data, extract the catch history of Tropical Rock Lobster catches for each year the current licensee held the licence and for each eligible year when the current licensee did not hold the licence; or
 - (d) use unload or sales dockets provided by the current licensee to satisfactorily determine that the product unloaded or sold originated from the TSTRLF, and satisfactorily determine that the product has only been counted once where it may be recorded on both unload and sales documentation.
- 2.2. In accordance with a plan of management formally notifying each eligible person, in the form of a Catch History Notice, of its assessment of catch history. AFMA will report the catch weight of lobster as recorded on the relevant logbooks, sales or transfer information. However it will also record a single value in live weight of lobster where other product forms are converted to live weight by the conversion ratio of: 1.0 kg lobster tail = 2.562 kg live lobster; and 1.0 kg live lobster = 1.0 kg whole dead lobster.

Applying to have an assessment of catch history reviewed

A person who receives a provisional catch history notice may object to the provisional catch history stated in the notice in accordance with the plan of management.

Providing supporting documentation to establish catch history

2.3. A person must set out the grounds on which the person considers the provisional catch history should be based, and provide evidence that supports those grounds. To give some guidance as to which documents will satisfy AFMA of these necessary details, an indicative list of acceptable documents is set out below:

- a. LANDING DOCUMENTS from licensed fish receivers, fish co-operatives, community freezers, or fish marketing authorities;
- b. INVOICES;
- c. PACKING LISTS and BOAT TALLY SHEETS;
- d. RECEIPTS;
- e. SALES DOCKETS or PURCHASE ORDERS;
- f. CARRIER CONSIGNMENT NOTES prepared at the time of a transaction and RECEIPTS FOR THE PAYMENT OF CARTAGE;
- g. FINANCIAL RECORDS, such as a bank statement, generated by a recognized financial institution, which show that monies were received following the taking or sale of the fish referred to; and
- h. LOGBOOK DATA held by state fisheries agencies.
- i. OTHER DOCUMENTS, assessed on a case-by-case basis.

The documents used to claim catch history must establish:

- a relationship between the catch and the concession (by referring to the boat, skipper or concession holder);
- the date (at least the year);
- the weight and/or the total paid for the TRL catch; and
- that payment was received for the catch.

Documents must contain sufficient information to allow AFMA officers to unambiguously assign the catch to an eligible licence holder at least to a particular year within the qualifying period.

Catch Verification Team assessment of application

- 2.4. All applications for catch verification are to be assessed by a Catch Verification Team (CVT) established by AFMA. Tally sheets compiled by the applicant that summarize the catch shown by the submitted documents will aid the CVT. Please note, however, that copies of documents must be provided with any application submitted.
- 2.5. Although not all documents may contribute to catch history, applicants are advised to send all documentary evidence they think may be relevant to their catch history.
- 2.6. It is preferred that more than one document be provided for each kilogram of catch to verify the details listed in paragraph 3.4 above. For example, a boat

tally sheet, packing list, invoice, and bank statement would unquestionably verify catch to establish catch history.

The Catch History Review Process

2.7. The catch history review process will involve the following:

- (a) In undertaking the verification, if further supporting documents are required before a claim, or part of a claim, can be verified, these documents must be provided by fax or mail or in person to AFMA within 14 days of notification of this information to the applicant;
- (b) The Minister will make a decision about the amount of catch history that it accepts as verified for each relevant licence and notify each eligible person of its decision. This will be used to allocate quota units under a plan of management.

3. Rights of Appeal

3.1. If the applicant is dissatisfied with the Minister's decision, there are appeals processes available under the plan of management. AFMA will notify each eligible person of these available mechanisms when it notifies of its decision about their catch history.

4. Supply of false and misleading information

4.1. All applicants are reminded that under the *Criminal Code Act 1995*, it is a serious offence to provide false or misleading information or documents when the information or document is given in compliance or purported compliance with a law of the Commonwealth.

5. General

5.1. It is the applicant's responsibility to ensure that all relevant documentation is provided to AFMA in accordance with this policy.

5.2. Calculated weight will generally be based either completely on the AFMA assessment of logbook data or completely on documentation provided by an applicant. The only exception to this will be where an eligible person did not hold the licence for the full period of the best three years of catch and is unable to obtain verifiable documents for the period when the licence was not held. In this case the eligible person can elect to use logbooks for the full part of the period where the licence was not held and other documentation for the full part of the period where the licence was held.

5.3. All applicants should note that AFMA will only accept a document where the details are clearly legible.

5.4. Documents must be originals or certified copies of originals. This is necessary to ensure that an applicant is making the most secure claim to catch history as is possible, to provide the most reliable data for AFMA's catch verification process. AFMA will return all documentation provided by an applicant for catch verification, but will retain copies for its own records.

- 5.5. AFMA has the discretion to refuse documents that cannot be sufficiently authenticated and may adversely affect the integrity of the catch verification process.

6. Claims for consideration of “exceptional circumstances”

- 6.1. A licence holder who believes that their catch history has been affected by exceptional circumstances will have the opportunity to demonstrate their eligibility for consideration. To seek eligibility for this process, a licence holder will need to set out the grounds on which the person considers to have experienced exceptional circumstances and provide evidence in support of their claim. A person can only make a claim for exceptional circumstances consideration within 14 days of a catch history notice being made by AFMA.
- 6.2. Examples of exceptional circumstances may include:
- a. Medical/disability – serious illness/disability causing incapacitation for a significant period of time, to be supported by medical documentation.
 - b. Vessel incapacity – preventing the normal practice of fishing through fire, sinking, partial construction at time of criteria period application to be supported by appropriate documentation, for example boat insurance claims, dockets from boat repairers etc
 - c. Catch records – where destruction makes documentary verification of data impossible, statutory declarations by current and/or previous licence holders may be acceptable.
 - d. Recent entry – where a licence holder first acquired the licence or made an application for the licence within a period of approximately 12 months prior to the investment warning, according to the records held by the QDPIF licensing delegate.

In a case where the licence holder’s vessel is also endorsed to fish in other fisheries (eg Queensland East Coast, Gulf, Northern Territory, other Torres Strait Fisheries) the licence holder would need to demonstrate that the vessel was not working in those other fisheries during the period in which illness, disability, vessel incapacity, exceptional circumstances are being claimed.

- 6.3. Each case will be considered by AFMA on its own merits against the criterion and any other relevant considerations. The relevant applicant will be notified of AFMA’s decision in regard to their claim when AFMA makes a final decision on the person’s catch history in accordance with the plan of management.

Data Verification/Catch History Verification Process for TS Tropical Rock Lobster Fishery

AFMA Data Verification Process
(January 2007)

To reconcile data held by AFMA, allow licence holders to identify any errors or omissions and provide revised catch data to the AAP who used this information to recommend an allocation formula to the PZJA.

AAP advises the PZJA on a recommended quota allocation formula

PZJA decides on an appropriate quota allocation formula

DAFF conducts voluntary tender process to remove existing non-community commercial fishing licences from the TRL Fishery

PZJA makes decision to register the Management Plan - the Plan commences the day after the instrument is registered.

In accordance with the plan of management the Minister gives notice of provisional boat catch history and provisional total catch history.

In accordance the plan of management a person may object to the notice.

In accordance with the plan of management the Minister makes a final decision on quota allocations.

A person may appeal the Minister's final quota allocation decision to the Administrative Appeal's Tribunal