

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY



**TORRES  
STRAIT  
PROTECTED  
ZONE  
JOINT  
AUTHORITY**

ANNUAL REPORT

2007-08

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY

*TORRES STRAIT FISHERIES ACT 1984 (COMMONWEALTH)*

## **PROTECTED ZONE JOINT AUTHORITY**

ANNUAL REPORT  
1 JULY 2007 TO 30 JUNE 2008

PRESENTED TO PARLIAMENT PURSUANT TO SECTION 41 OF THE ACT

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## ACRONYMS AND ABBREVIATIONS

AFMA	Australian Fisheries Management Authority
BAP	Bycatch Action Plan
BRD	Bycatch Reduction Device
CRC-TS	Co-operative Research Centre Torres Strait
DAFF	Department of Agriculture, Fisheries and Forestry
DEH	Department of Environment and Heritage (now DEW)
DEWHA	Department of Environment, Water, Heritage and the Arts (formerly DEW)
$E_{MSY}$	Effort for Maximum Sustainable Yield
FFV	Foreign Fishing Vessel
FMN	Fisheries Management Notice
NPARC	Northern Peninsula Area Regional Council
PNG	Papua New Guinea
PZJA	Protected Zone Joint Authority
QBFP	Queensland Boating and Fisheries Patrol (a division of QDPI&F)
QDPI&F	Queensland Department of Primary Industries & Fisheries
QSIA	Queensland Seafood Industry Association
RFT	Request for tender
TAC	Total Allowable Catch
TIB	Traditional Inhabitant Fishing Boat Licence
TIB&FP	Thursday Island Boating and Fisheries Patrol
TSIRC	Torres Strait Island Regional Council
TSFMAC	Torres Strait Fisheries Management Advisory Committee
TSPF	Torres Strait Prawn Fishery
TSPMAC	Torres Strait Prawn Management Advisory Committee
TSSAC	Torres Strait Scientific Advisory Committee
TSPZ	Torres Strait Protected Zone
TSRA	Torres Strait Regional Authority
TVH	Torres Strait Fishing Boat Licence

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## ACKNOWLEDGMENTS

The Protected Zone Joint Authority gratefully acknowledges the late Lindsay Wilson for permission to use drawings of traditional Torres Strait artefacts and other objects in this Annual Report series from the publications "*Thaligaw emeret lu, a handbook of traditional Torres Strait Islands material culture*" and "*Kerkar lu: contemporary artefacts of the Torres Strait Islanders*".

## 1 INTRODUCTION

This, the twenty-second Annual Report of the Protected Zone Joint Authority (PZJA), describes PZJA activities during the year ended 30 June 2008 and the condition of the fisheries in the Torres Strait Protected Zone (TSPZ) (Fig. 1). The PZJA is responsible for management of commercial and traditional fishing in the Australian area of the TSPZ and designated adjacent Torres Strait waters.

## 2 BACKGROUND

### THE TORRES STRAIT

The Torres Strait is located between the tip of Cape York Peninsula and Papua New Guinea (PNG). It consists of over a hundred islands and reefs which have evolved from four major origins: volcanic, alluvial, coral cays, and flooded land bridges which were once part of the Great Dividing Range. Currently 18 of the islands are inhabited. Geographically the islands are divided into inner, eastern, central, western, and top-western island groups.

### THE TORRES STRAIT TREATY

Australia ratified the Torres Strait Treaty (the Treaty) on 15 February 1985. The Treaty is concerned with sovereignty and maritime boundaries in the area between Australia and PNG. The Treaty establishes the TSPZ which aims to protect the traditional way of life and livelihood of the Traditional Inhabitants of the Torres Strait and adjacent coastal areas of the two countries. Australia and PNG have an obligation to cooperate in the conservation, management and utilisation of the TSPZ fisheries and both countries enjoy sovereign rights within the TSPZ which include the right to a share of the commercial harvest of swimming fish and sedentary species on the respective sides of the agreed fisheries and seabed jurisdiction lines (see Fig. 1).

### THE TORRES STRAIT FISHERIES ACT 1984

The Australian Parliament passed the Torres Strait Fisheries Act in 1984 and it came into force on 15 February 1985. The purpose of the *Torres Strait Fisheries Act 1984* is to give effect, in Australian law, to the fisheries elements of the Treaty.

Section 8 of the *Torres Strait Fisheries Act 1984* specifies the objectives to be pursued in the management of Torres Strait fisheries. Section 8 states:

*“In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty.”*

In October 1988 the PZJA adopted fishery specific objectives for the fisheries under its jurisdiction. These objectives are specified in Section 5 of this report.

In October 2001 the PZJA accepted a recommendation that the Chair of the Torres Strait Regional Authority (TSRA) should be made a full member of the PZJA. The legislation detailing this change to the *Torres Strait Fisheries Act 1984* received royal

assent on 10 November 2002.

In April 2005, the PZJA agreed to significant changes in the management of the Australian share of the commercial fisheries in the Torres Strait Protected Zone (including the outside but near area) and to resolve resource allocation between Islanders and non-Islanders in the Tropical Rock Lobster and Finfish Fisheries. To facilitate these decisions, the PZJA agreed that changes to the *Torres Strait Fisheries Act 1984* were required to:

- (a) ensure that Torres Strait fisheries can be managed sustainably under appropriate output controls; and
- (b) improve the operational and administrative efficiency of Torres Strait fishery management arrangements.

Amendments to the Act were passed by the Australian Parliament on 28 June 2007.

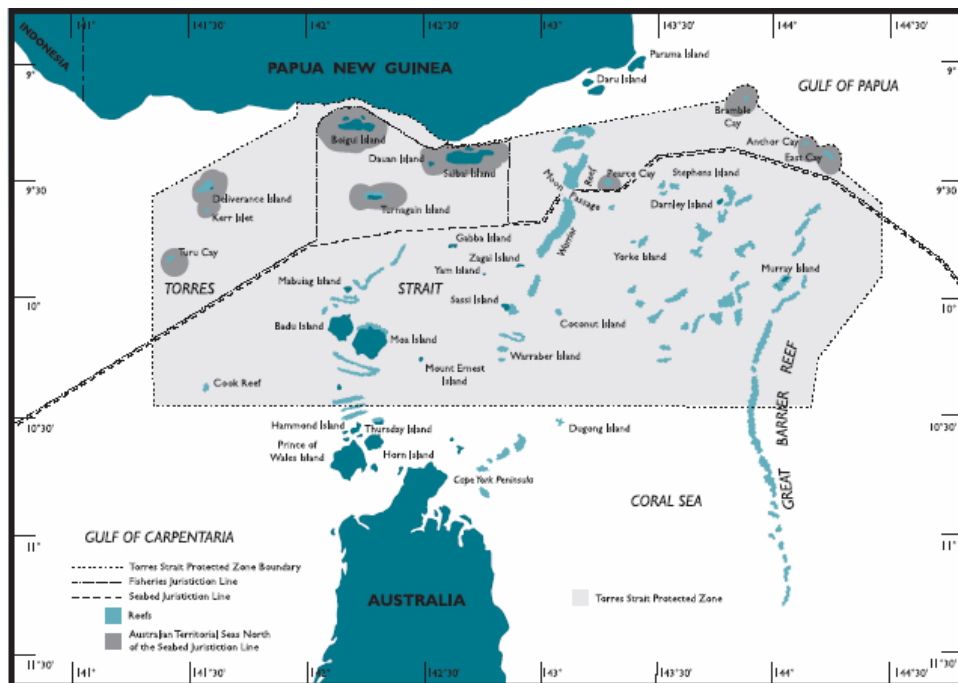


Fig. 1. The Torres Strait Protected Zone.

### 3 THE PROTECTED ZONE JOINT AUTHORITY

The PZJA, established under the *Torres Strait Fisheries Act 1984*, is responsible for the management of PZJA fisheries. Its members comprise the Commonwealth and Queensland Ministers responsible for fisheries, and the Chair of the TSRA. During 2007-08, the members of the PZJA were:

- Senator the Hon Eric Abetz, Commonwealth Minister for Fisheries, Forestry and Conservation (July 2007 to October 2007);
- The Hon Tony Burke, MP, Commonwealth Minister for Agriculture, Fisheries and Forestry (November 2007 to June 2008);
- The Hon Tim Mulherin, MP, Queensland Minister for Primary Industries and Fisheries; and
- Mr John T. Kris, Chair of the Torres Strait Regional Authority.

The Commonwealth Minister is the Chair of the Authority.

#### ROLES AND RESPONSIBILITIES

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

In previous years the PZJA managed the following designated fisheries in accordance with Commonwealth law in the Australian component of the TSPZ:

- traditional fishing;
- those fisheries which Australia and PNG have agreed to jointly manage in the TSPZ under Article 22 of the Treaty: prawns, Spanish mackerel, pearl shell, tropical rock lobster, dugong and turtle; and
- the barramundi fishery in the territorial waters adjacent to the six Australian islands near the PNG coast: Saibai, Boigu, Moimi, Kaumag, Aubusi and Dauan.

In October 1996 the PZJA agreed that all commercial fishing in Torres Strait would come under PZJA management. Arrangements were introduced on 1 April 1999 to include the following fisheries:

- finfish (incorporating barramundi);
- crab;
- trochus; and
- bêche-de-mer (sea cucumber).

Details on the management arrangements for each of these fisheries are provided in Section 5 of the report.

Commercial fishing for any other species not incorporated in the above fisheries is

treated as developmental fishing by the PZJA and separate management arrangements formulated.

In December 2005, the Commonwealth Minister for Fisheries, Forestry and Conservation, set a new direction in Commonwealth fisheries management policy, issuing a formal direction to the Australian Fisheries Management Authority stating that:

*“The Australian government considers that decisive action is needed immediately to halt overfishing and to create the conditions that will give overfished stocks a chance to recover to an acceptable level in the near future.”*

A key element in implementing the Minister’s directive will be the development and application of a Harvest Strategy Framework which will set ‘goalposts’ for managing catches by setting agreed target and limit reference points and clear decision rules for each species.

While the Minister’s direction does not directly apply to the PZJA fisheries, which are jointly managed with Queensland, AFMA has a statutory obligation to advocate the adoption of the principles of the Commonwealth Harvest Strategy Policy in Joint Authority fisheries to which the Commonwealth is a party.

In light of this, the PZJA agreed to the development of a long term Harvest Strategy for the Torres Strait Prawn Fishery with a range of rules that control the intensity of fishing activity according to the biological and economic conditions of the fishery. The TSPMAC has had preliminary discussions on the concept of a long term Harvest Strategy for the fishery. Of particular note to the TSPMAC was the ability to change the levels of effort in the fishery to coincide with the level of the stock biomass. A formal harvest strategy for the fishery, including biological reference points for key species, is expected to be finalised by mid-2009 following implementation of the Management Plan for the fishery.

The Torres Strait Tropical Rock Lobster Resource Assessment Group (RAG) has made significant progress with the development of a Harvest Strategy for the Torres Strait Tropical Rock Lobster Fishery. The RAG established a harvest control rule for the fishery at its May 2007 meeting and recommended setting total allowable catches to maintain escapement close to 1.5 times the equilibrium spawning stock biomass associated with Maximum Sustainable Yield. This is in line with the Commonwealth harvest Strategy Policy and provides for a precautionary management framework in the TRL fishery. An initial Harvest Strategy, incorporating target and limit reference points for the TSTRLF, is expected to be completed by 31 December 2008.

Recreational fishing, including charter fishing, is managed by Queensland under Queensland law. Queensland also retains responsibility for aquaculture and fisheries marketing in the TSPZ. Information on these activities can be obtained from the Queensland Department of Primary Industries and Fisheries (QDPI&F).

## MEETINGS

The PZJA met at Thursday Island on 28-29 August, 2007 (Meeting No. 21) and on 30 April to 1 May, 2008 (Meeting No. 22). The PZJA’s agreed decisions arising from the

meetings are detailed in Annex A.

## CONSULTATIVE STRUCTURE

To assist in the management of the PZJA fisheries, the PZJA has established a consultative process including a structure of advisory bodies (Fig. 2). The consultative structure incorporates Australian Traditional Inhabitant commercial and traditional fishers, non-Traditional Inhabitant commercial fishers, Australian and Queensland Government officials, and technical experts.

The PZJA may be advised by Management Advisory Committees (MAC), Scientific Advisory Committees (SAC), and Resource Assessment Groups (RAG) on issues associated with TSPZ fisheries.

Consultation and communication can be difficult across all islands of the Torres Strait, but are important elements in the effective management of the region's fisheries. The consultative committees are, therefore, complemented by meetings between fisheries officers and fishermen in communities around the Torres Strait. These meetings are occasionally supplemented by fisheries programs broadcast on Radio and articles/advertisements in newspapers.

While the Committee's and Groups outlined in Figure 2 are the main means of the PZJA obtaining advice and information, it is not the only means. The PZJA may seek advice and views from others with relevant expertise or interest. This includes PZJA Agencies, other government agencies, independent consultants, operators in fisheries more broadly and representatives of the broader community.

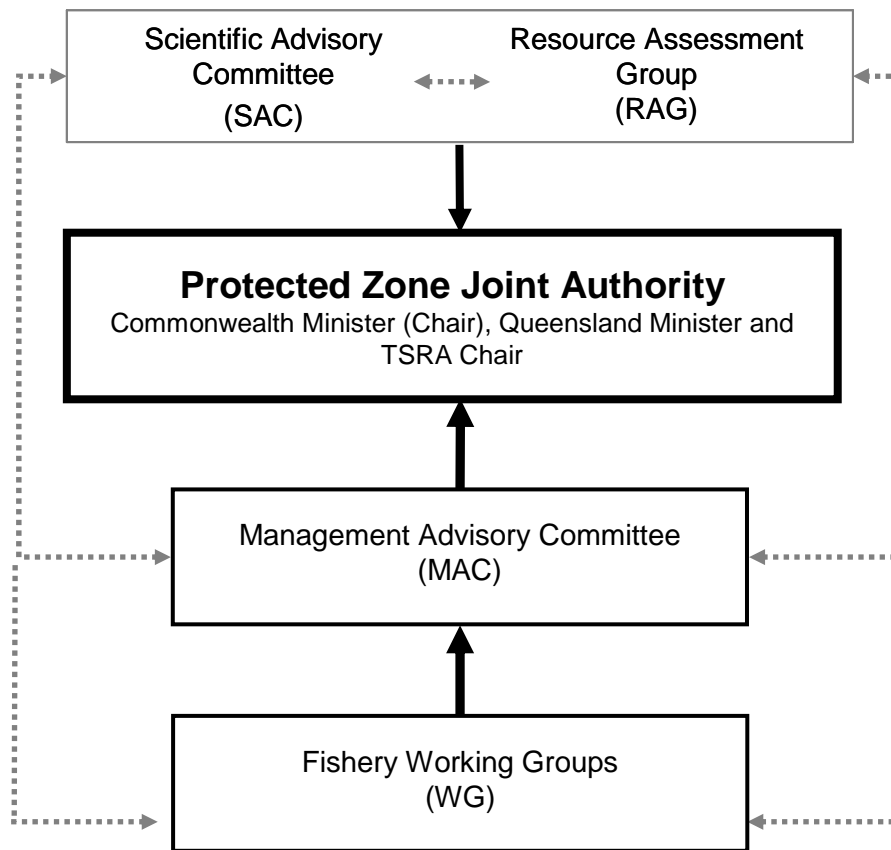


Fig. 2. The consultative structure of the Torres Strait Protected Zone Joint Authority (PZJA). Solid lines and dashed lines indicate primary and secondary lines of communication respectively.

The full membership of the Committees/Groups and the dates on which they met during the year are set out in Annex B.

### **Role and functions of a Management Advisory Committee (MAC)**

Management Advisory Committees (MAC) are the principal source of advice for the PZJA on fishery-specific management issues in all Torres Strait fisheries. A MAC and its working group/s have specific functions that support the decision making process.

A MAC advises the PZJA on fishery objectives, strategies, reference points, risk profiles and management arrangements for achieving fishery-specific goals. For the PZJA to be able to make decisions based upon MAC advice, the PZJA has to be confident that a MAC has put in place rigorous processes to determine the best package of measures in pursuit of the PZJA's objectives. Good governance and business efficiency demand that the PZJA is normally able to approve MAC advice without delving into MAC business details, or needing to seek clarification from a MAC.

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

concerning the management of relevant fisheries.

### ***Role and functions of a Scientific Advisory Committee (SAC)***

A Scientific Advisory Committee's (SAC) main role is to advise the PZJA on the strategic directions, priorities and funding for research relevant to meeting information needs and objectives of the PZJA and its relevant consultative bodies.

The committee normally provides a review process for research conducted by research providers to ensure that milestones are met and that the research outcomes represent good value for money. The committee may also be called upon to make its own assessments of fisheries data and comment on stock assessment advice. The committee may also solicit external review when the questions asked fall outside the committee's area of expertise.

A SAC may also provide advice to the MACs, WGs, and RAGs on scientific and research issues in the Torres Strait Protected Zone (TSPZ).

### ***Role and functions of Working Groups (WG)***

To assist in the operations of a MAC, Working Groups (WG) have been established to provide advice on particular matters relevant to individual fisheries. In order to be manageable and cost effective, WGs will be no larger than is necessary to ensure the appropriate blend of knowledge and expertise is available to provide the required advice to a MAC.

Ordinarily the WGs deal with the fishery specific issues, including the specification of management objectives, research priorities for the particular fishery, management issues and strategies, and compliance issues. In addition to these tasks the WGs deal with a range of ad hoc issues. These are reported to a MAC and/or SAC as appropriate.

### ***Role and functions of a Resource Assessment Group (RAG)***

The main role of Resource Assessment Groups (RAG) is to provide advice on the status of fish stocks, sub-stocks, species (target and non-target species) and on the impact of fishing on the marine environment. Advice provided by a RAG should address biological, economic and wider ecological factors impacting on the fishery.

RAGs should also evaluate alternative harvest options proposed by the relevant fishery WG and/or MAC. This includes advising on the impact over time of different harvest strategies (for example, the time required for a particular fish stock to reach a reference point), stock depletion or recovery rates, the confidence levels of the fishery assessments, and risks to the attainment of approved fishery objectives.

A RAG reports to the PZJA. It also informs relevant SACs, MACs or WGs of work on stock assessments in progress or potential issues, but is not restricted by them. This ensures that the potential conflict of interest generated by the assessment roles of RAGs and the management advisory roles of other consultative bodies does not impact on the quality of advice provided to the PZJA. A MAC (including its WGs) and associated RAG are likely to have some common membership, therefore it is essential that members' roles be recognised and differentiated by the respective

chairs.

## 4 CO-OPERATION WITH PAPUA NEW GUINEA

The Torres Strait Treaty requires Australia and PNG to cooperate in the conservation, management and optimum utilisation of the commercial fisheries of the TSPZ.

### CATCH SHARING

Articles 22 and 23 of the Treaty allow for the sharing of catch within the TSPZ. The key catch-sharing arrangements with PNG for 2008 were agreed to at a catch-sharing meeting held in Port Moresby, Papua New Guinea on 20 November 2007. The key outcome from this meeting was that arrangements from 2007 would be rolled-over into 2008. Key arrangements were:

- six PNG vessels to fish for **prawns** in the Australian sector of the TSPZ;
- 1,505 fishing days for use by seven operators with up to seven tenders each, to take **tropical rock lobster** in the Australian sector of the TSPZ;
- Monitoring and taking of **dugong** for traditional purposes; and
- That there was no capacity, under PNG domestic laws, for harvest of turtle for purpose other than traditional harvest.

### OUTSIDE BUT NEAR AREAS

When part of a fisheries stock in the TSPZ extends outside but near to the TSPZ, the *Act* and its PNG equivalent allow Australia and PNG to extend TSPZ management arrangements into these areas. These are referred to as the “outside but near areas”. The Torres Strait Treaty also provides for the two countries to agree to management and conservation measures in areas extending beyond the TSPZ. One of the management and conservation measures in place is a prohibition on the incidental taking and carrying of tropical rock lobster by prawn trawlers in the Torres Strait prawn fishery and in certain waters outside but near the zone. This measure has been in place since 1988.

## 5 FISHERIES

Torres Strait Fisheries can be subdivided into two broad categories, Article 22 Fisheries and non-Article 22 fisheries, both of which include traditional and/or commercial fisheries.

Article 22 Fisheries are those fisheries where the mechanism identified in Article 22 of the Torres Strait Treaty has been exercised by Australia and PNG, whereby common conservation and management arrangements have been negotiated and applied to specified fisheries. Article 22 Fisheries are primarily those with commercial sectors as well as the Turtle and Dugong fisheries.

Non-Article 22 Fisheries are those that are not managed in conjunction with PNG.

### COMMERCIAL FISHERIES

Commercial fishing is one of the most important economic activities in the TSPZ and provides a significant opportunity for financial independence for community fishers (holders of Traditional Inhabitant Fishing Boat Licences (TIBs)). The PZJA has a policy of enhancing the opportunities for Traditional Inhabitant participation in all sectors of the fishing industry.

A limited number of non-Traditional Inhabitants participate in the TSPZ fisheries. The PZJA have prevented expansion by this group as required by the Treaty. This means that non-Traditional Inhabitants must purchase an existing Torres Strait Fishing Boat (TVH) Licence to gain access to a fishery. Where there is scope for expansion in Torres Strait fisheries, the PZJA has attempted to reserve growth for Torres Strait Traditional Inhabitants. This policy has been successful in many respects however some additional fishing effort from non-Traditional Inhabitants has occurred from time to time as existing licences were more fully utilised by some licence holders.

### TRADITIONAL FISHERIES

Torres Strait Traditional Inhabitants have always exploited a diverse range of marine animals including dugong, turtle, tropical rock lobster, finfish, shellfish, crabs, and octopus for subsistence and use in cultural activities (unlicensed non-commercial fishing). Torres Strait Traditional Inhabitants have among the highest rates of seafood consumption in the world. Sea based resources are extremely important to Torres Strait Islanders. They have one of the highest per capita seafood consumption rates in the world (Harris *et al.*, 1994). The most important resources are dugong, green turtle and a variety of finfish and shell fish with the relative importance of each group varying between island communities and at different times of the year. In addition, sea-based resources are also important in the commercial and artisanal fishing activities such as for lobster, mackerel, reef fish and pearl fisheries.

The most common fishing activities undertaken by Traditional Inhabitants for subsistence include hand lining for finfish and diving for many species including lobster. Other means of gathering seafood include spearing, reef gleaning, turtle hunting, cast-netting, spear hunting for dugong, gill netting, trolling from dinghies, hand collecting species such as trochus, jigging for squid, crabbing, seining, and trading with PNG. In general, men fish from boats away from the home island and the

women and children fish on fringing reefs around the island.

It is difficult to assess all species separately because of the diverse range of marine animals taken in the course of traditional fishing. However, studies undertaken during the 1980s indicated that, at the time, reef species were lightly exploited. A recent study *Evaluation of the Eastern Torres Strait Reef Line Fishery* by the Cooperative Research Centre (CRC) has been undertaken and will complement these studies. However, while rates of exploitation may have increased during the intervening period, it is unlikely that they are now excessive except for dugong and turtles for which there is concern about the harvest rates.

The only management restrictions placed on traditional fishing activities in the 2007-08 period relate to dugong and turtle, and a bag limit on tropical rock lobster and bêche-de-mer (sea cucumber).

## ARTICLE 22 FISHERIES

A summary of each of the Article 22 Fisheries during 2007-08 are detailed below. Note that for the previous year's report and subsequent reports, landing data is presented by calendar year due to the fact that most fisheries data is collected and presented to industry by calendar year.

### PRAWN

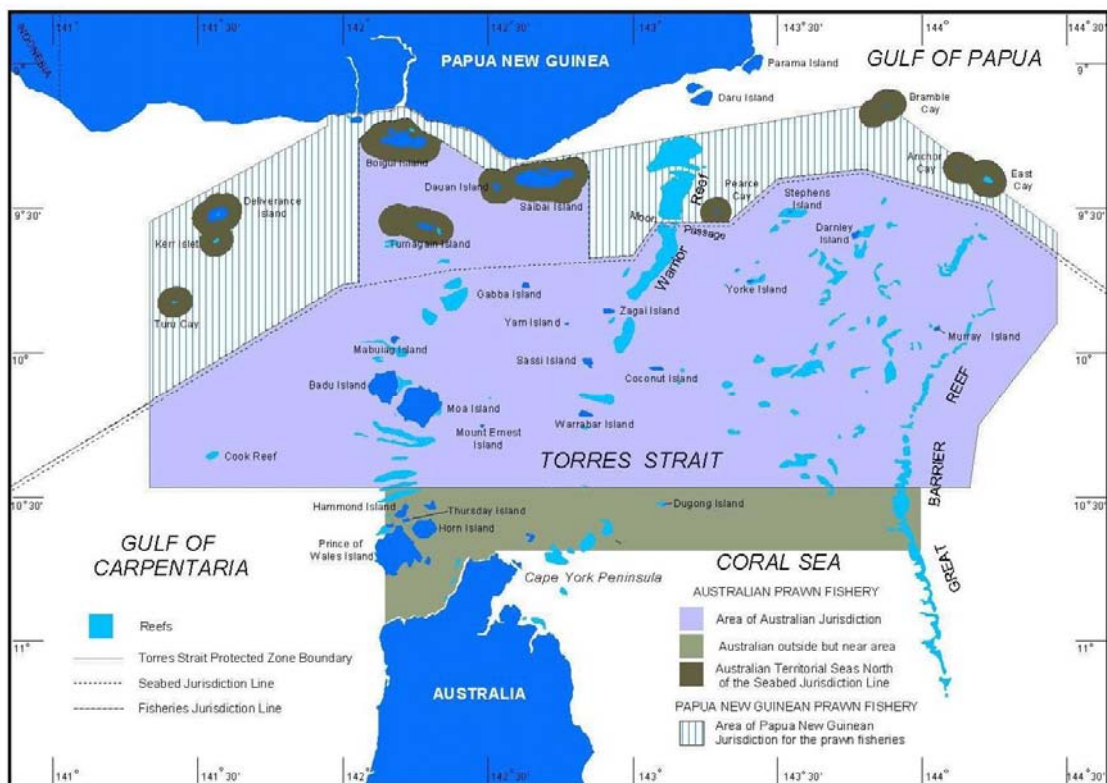


Fig. 3. Torres Strait Prawn Fishery.

**Description of the fishery:** The Torres Strait Prawn Fishery (TSPF) (Fig. 3) was the second most valuable commercial fishery in the Torres Strait, with 1,171 tonnes of product valued at over \$11 million taken in the 2007 fishing season (Table 1; catches reported are for the fishing season that ends within the financial year). The TSPF is a multi-species prawn fishery which operates in the eastern part of the Torres Strait. Brown tiger prawn (*Penaeus esculentus*) and the blue endeavour prawn (*Metapenaeus endeavouri*) are the key target species and the red spot king prawn (*Penaeus longistylus*) is essentially a by-product species. Prawn harvesting occurs at night, primarily using the otter trawl (quad) method which involves towing up to four trawl nets behind a vessel. The TSPF has restrictions on the type of gear and vessel that can be used during harvesting. Fishing is permitted in the TSPF from 1 March to 1 December each year and is limited by allocated fishing days.

**Condition of the fishery:** If all of the allocated effort of 9,200 days in the fishery were utilised, the fishery would be considered fully exploited ( $E_{msy}$ ). However, the fishery has historically operated at much less than the maximum effort allocated. In 2007 5,218 of the available 6,867 days were used by Australian operators (N.B. 2,070 of the 9,200 days were reserved for PNG operators under catch sharing arrangements). The catch since 1999 has declined steadily from 2,200 to 1,149 tonnes in 2007 (Fig. 4). Species composition for the 2007 fishing season are shown in Table 1.

Only 11% (6 vessels) of the Australian fleet utilised all of their allocated fishing days, and 21 vessels (40% of the fleet) used less than 70% of their available days. In 2007 PNG agreed to allow Australia to utilise PNG's 25% allocation (2,070 days for 2007 season) of Australian jurisdiction days under the catch sharing agreement. Consequently, the 2,070 days were offered to Australian operators and 1,098 of these days were accepted.

Table 1. Prawn catches in the Torres Strait Protected Zone (TSPZ) for the 2007 season (1 March to 1 December 2007).

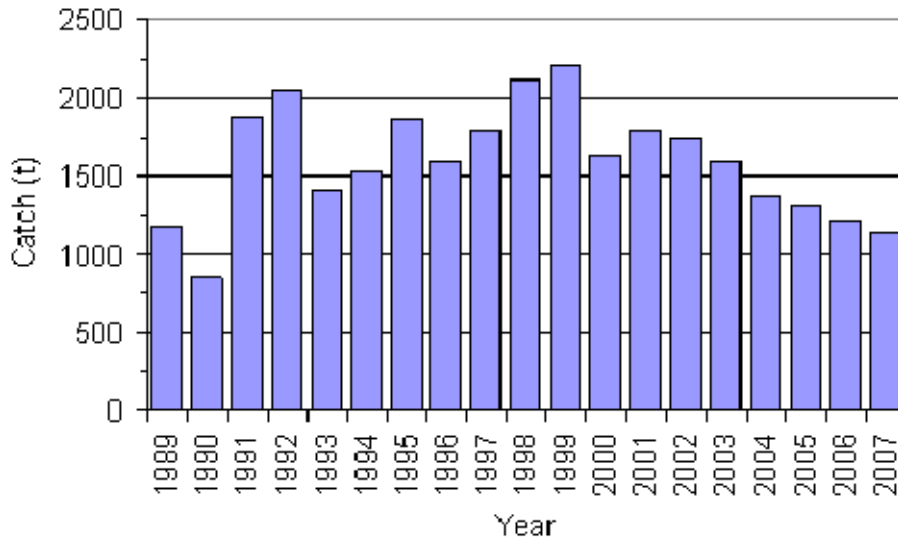
Species	Catch (tonnes)
Blue Endeavour prawns ( <i>Metapenaeus endeavouri</i> )	502
Brown Tiger prawns ( <i>Penaeus esculentus</i> )	593
Red Spot King prawn ( <i>Penaeus longistylus</i> )	49
Other	5
<b>Total</b>	<b>1,149</b>

**Management objectives:** Objectives adopted for the TSPF for 2007-08 were:

- to control effort in the fishery and provide for catch sharing to occur with PNG;

- to achieve a level of fishing effort which is consistent with conservation and optimum use of the Torres Strait prawn resource; and
- to encourage Traditional Inhabitants of the Torres Strait to participate in the Prawn fishery.

These objectives are to be achieved in a manner that minimizes negative impacts to other fisheries and the marine environment.



*Fig. 4. Annual catches of all prawn species in the Torres Strait Prawn Fishery 1989-2007. Data presented are for the fishing season ending in December 2007 but considered part of the financial year 2007-08.*

**Management arrangements:** Effort within the TSPF was capped in 1993. Each prawn trawler was allocated a limited number of days based on the greatest number of days the vessel fished in the Torres Strait during any one of the previous four financial years ending 1991-1992, with an additional allocation for non-fishing time and breakdowns. Following this process the total effort within the TSPF was capped at 13,400 fishing days.

Access days can be transferred between operators in the fishery under conditions that facilitate the amalgamation of days and allow restructuring of the fleet.

In July 2005 the Australian Government announced that it would offer to fund payments to Australian operators to meet its obligations to PNG under the Torres Strait Treaty.

In November 2005 the PZJA agreed to introduce a total effort cap of 9,197 days in the TSPF (via a 31.8% pro-rata effort reduction to TSPF entitlement holders). This decision was taken in light of scientific advice on the number of days to achieve the maximum sustainable yield of tiger prawns (*Penaeus esculentus*), the species considered to be most vulnerable to over-fishing in this multi-species fishery. In accordance with an out-of-session decision of the PZJA, the 9,197 days was rounded up to an overall effort cap of 9,200 fishing days available in the TSPF for the 2006

season.

Following these two decisions the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) issued a Request for Tender (RFT) in December 2005, which had the primary objective of surrendering 25% of the 9,200 days allocated in the TSPF for the 2006 season, so that these days could be held in trust to allow for PNG's catch sharing entitlements under the Torres Strait Treaty. The RFT resulted in the surrender of 2,333 allocated fishing days from the TSPF and the removal of 16 commercial licences from the TSPF. Accordingly, of the 9,200 fishing days:

- 6,867 fishing days were available to Australian operators;
- 2,070 fishing days were available to PNG operators; and
- 263 days were held in trust by the Australian Government.

At 30 June 2008, of the 61 TSPF boat licences in the fishery, 53 were active and 8 were inactive (no boat attached to the licence). The Prawn fishery is a cost recovered fishery.

A Bycatch Action Plan (BAP) is in place for the Prawn Fishery, and is subject to periodic review. The primary aims of the TSPF BAP are to:

- eliminate, to the greatest extent feasible, the catch of large animals such as turtles and stingrays; and
- substantially reduce the ratio of bycatch to prawns.

To achieve these aims, the BAP has adopted the following strategies:

- to modify fishing gear to minimise turtle and other bycatch;
- to ensure bycatch is monitored in the TSPF; and
- to continue to make information regarding bycatch available to fishers and the community.

**Strategic Assessment:** The fishery underwent a strategic assessment process during 2005. The TSPF was formally declared a Wildlife Trade Operation and its Statement of Management Arrangements was accredited under section 33 of the *Environment Protection and Biodiversity Conservation Act 1999* in November 2005. As a result of the strategic assessment, the Department of Environment and Heritage (DEH) (now the Department of Environment, Water, Heritage and the Arts (DEWHA)) provided a number of recommendations to improve the sustainability of the TSPF to which the PZJA have agreed. The implementation of the recommendations will be monitored and reviewed as part of the next DEWHA review of the fishery, previously scheduled for late 2008. However, the PZJA is currently in the process of developing a Plan of Management for the TSPF, and expects the Plan to be implemented during or at the end of the 2008 season. As such, the assessment of the fishery has been advanced so as to coincide with the development of a Management Plan for the fishery.

In November 2007, AFMA, on behalf of the PZJA, submitted a report to the then Department of the Environment and Water Resources (DEW, now DEWHA) to have the TSPF reassessed against all relevant parts of the EPBC Act (Parts 10, 13 and

13A) due to the pending implementation of a management plan for the fishery by the end of 2008. The draft assessment report was released by DEWHA for public comment for a period of 28 days from November 22 to December 21, 2007 inclusive. Subsequently, DEWHA provided draft conditions and recommendations to AFMA which were endorsed by the PZJA on May 1, 2008.

## TROPICAL ROCK LOBSTER

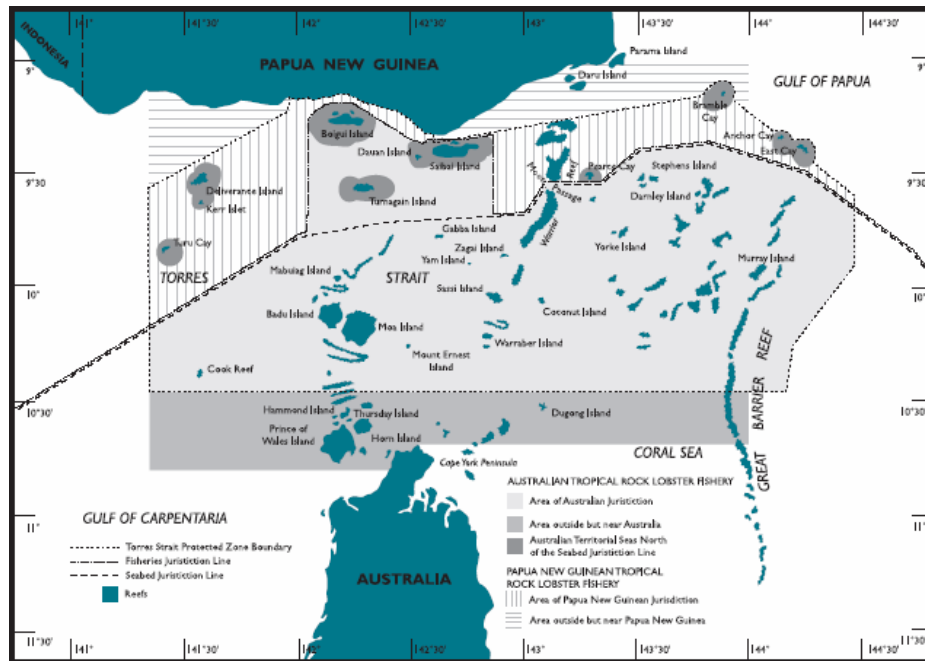


Fig. 5. Tropical Rock Lobster Fishery.

**Description of the fishery:** The Torres Strait Tropical Rock Lobster (TRL) Fishery (Fig. 5) was the most valuable commercial fishery in the Torres Strait with 461 tonnes of product valued at over \$13.3 million taken in the 2007 fishing season and is very important to many Torres Strait Traditional Inhabitants as well as TVH licence holders. The fishery is based on a single species, the ornate tropical rock lobster (*Panulirus ornatus*). Lobsters are taken by hand or a short hand spear by divers working from dinghies. Most divers free dive on shallow reef tops but many others use hookah (surface supplied air) to dive the large areas of “open bottom” in the Torres Strait. Most fishing occurs during neap tides when currents ease and underwater visibility improves. Commercial fishing occurs from December to September inclusive, peaking in March-August.

Traditional Inhabitants fishing for subsistence (traditional catch) can take at any time of the year:

- up to three lobsters per person without the use of a boat, or where there is only one person aboard the boat; or
- up to six per boat where there is more than one person aboard the boat.

Expansion in participation in the TRL Fishery is limited to Traditional Inhabitants in order to maximise their opportunities. In 2007 there were approximately 400 Traditional Inhabitant Fishing Boat licences (TIBs) with lobster endorsements.

The PZJA imposed licensing provisions to prevent the growth of the non-Community sector during the 1980's. Through a process to remove the latent effort in 2004, there has been a small reduction in the numbers of TVH (non-community) licences. In 2007 there were 26 licensed primary vessels with a total of 63 associated tender licences. Following the voluntary tender process run by the Australian Government in late 2007 (detailed in section 9) there were 13 licensed primary vessels with a total of

34 associated tender licences remaining in the fishery.

In addition, interim measures to control effort were introduced and include:

- 1) A 30% reduction in the number of months that tenders were allowed to operate for licence holders that have two or more tenders associated with a primary vessel. In practice, this meant that licence holders could work some of their tenders for the entire season but others ceased operation at various times to effect the reduction.
- 2) A cap on the number of TIB licences with lobster endorsements for boats longer than six metres to control effort in the community fishing sector. This measure was implemented in 2004 and ceased on 31 December 2006.
- 3) A prohibition on the use of hookah three days before, on, and three days after either the full or new moon each month from February to September. This prohibition was imposed on all tender boats, dinghies, and TIB-licensed boats in the 2006 calendar year, and on boats under 7m long in the 2007 calendar year. The degree to which this reduced fishing effort is unquantified but was thought to be about 10 to 15 percent in the first year but probably less after fishers adapted to the new arrangement during the current period.

The PZJA also has a boat replacement policy that aims to control fishing capacity by preventing the introduction of larger more efficient boats in the non-commercial sector. There has also been a ban on trawlers taking lobster since the early 1980s to prevent pressure on the lobster resource from the prawn trawling fleet.

**Condition of the fishery:** During 2006-07 the stock assessment of the fishery was updated using the 2006 mid-year survey abundance indices and the latest commercial catch data. A TAC for the 2007 fishing season was estimated based on the 2006 preseason survey data and the harvest control rule that was agreed on by the TRL RAG. This assessment is the second re-assessment of the condition of the fishery using current information since size limits were increased, the fishing season was shortened by two months and the period when hookah is prohibited was extended by two months. The assessment found that the lobster fishery has generally met the recently recommended biological reference point, which is the spawning stock size associated with maximum sustainable yield ( $S_{MSY}$ ) being allowed to escape. However there have been four years since 1989 when this target was not met and 2006 was one of those years. This meant that there was some over-fishing of the stock in 2006 which was a year that started with a low abundance of lobsters due to lower recruitment in previous years.

The 2006 season catches from the fishery were one of the lowest on record with 326 tonnes (live weight) landed at an estimated value of \$7.41 million. In 2007 season there was an increase of catches with 461 tonnes (live weight) landed at an estimated value of \$13.3 million.

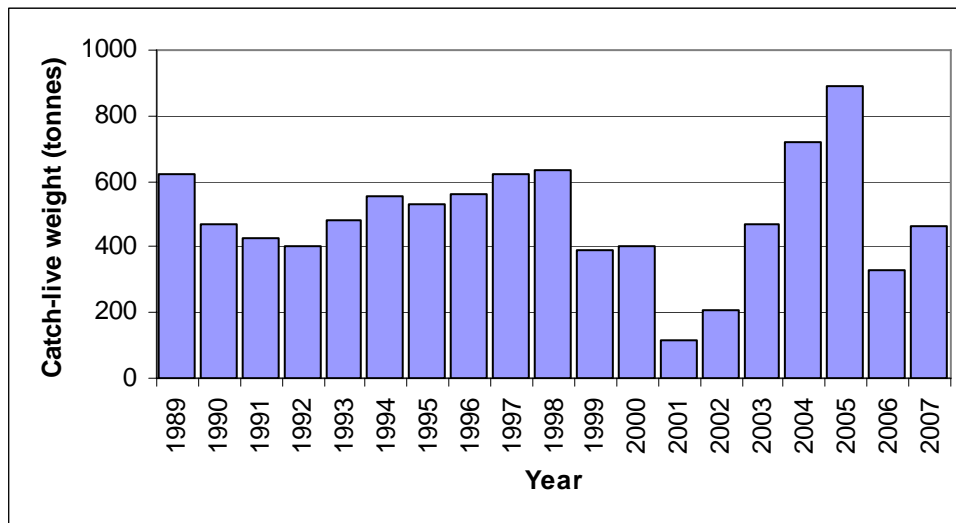


Fig. 6. Annual catch of the Torres Strait Tropical Rock Lobster Fishery 1989-2007. Data presented are for the fishing season ending in December 2007.

**Management objectives:** During 2006–07 the Tropical Rock Lobster Working Group recommended new management objectives which were adopted at the 19<sup>th</sup> Meeting of the PZJA as follows:

- To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield;
- In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of Traditional Inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
- To provide for the optimal utilisation, co-operative management with Queensland and PNG and for catch sharing to occur with PNG;
- To monitor interactions between the prawn and lobster fisheries;
- To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
- To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for Traditional Inhabitants and to ensure that the opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community; and
- Optimise the value of the fishery.

**Strategic Assessment:** The TRL fishery was strategically assessed under the *Environment Protection and Biodiversity Conservation* (EPBC Act) in November 2004 and formally declared a Wildlife Trade Operation until 24 November 2007. With export approval for the fishery due to expire on 24 November 2007, the fishery was reassessed for continued export approval of product from the TS TRL Fishery. On 23 November 2007, the Delegate for the Minister for the Environment and Water Resources agreed to declare the TSTRLF a Wildlife Trade Operation (WTO) for three years, until 23 November 2010. This WTO declaration is subject to the conditions and recommendations developed by DEWHA.

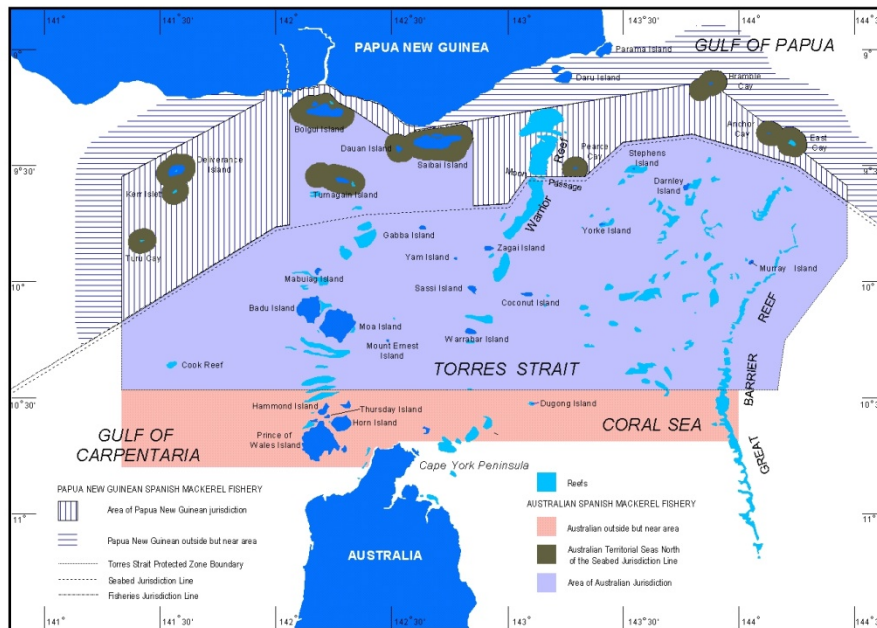
**FINFISH (SPANISH MACKEREL)**

Fig. 7. Spanish Mackerel Fishery.

**Description of the fishery:** The Torres Strait Spanish Mackerel Fishery (Fig. 7) operates predominantly in the eastern Torres Strait, targeting the narrow-barred Spanish mackerel (*Scomberomorus commerson*). In 1999, other species were added to the list of permitted species including school mackerel (*Scomberomorus queenslandicus*), grey mackerel (*Scomberomorus semifasciatus*), spotted mackerel (*Scomberomorus munroi*), and shark mackerel (*Grammatorcynus bicarinatus*).

The catch of Spanish mackerel (*Scomberomorus commerson*) in 2007 was approximately 94.7 tonnes (whole weight) (Fig. 8). The value of the 2007 catch was approximately \$0.8M. The catch in 2007 was reduced from previous years and is associated with a reduction in total effort in the fishery.

Spanish mackerel are fished by trolling, generally from dories/dinghies operating either to a primary vessel or by themselves. The majority of the catch is taken by a small number of commercial operators. At 30 December 2007 there were 17 TVH-licensed operations with 33 associated tenders. Only six operations reported catch of Spanish mackerel in 2007. On 31 January 2008 nine TVH licences were surrendered under 100% voluntary buyback of all TVH licences with the remaining eight surrendering their licences on the 30 June 2008. Hence, as of 1 July 2008 there are no remaining TVH licences in the fishery, however, fishing by non-traditional inhabitant fishers will be allowed through temporary leasing of “sunset licences”.

Spanish mackerel is generally not an important target species for the Traditional Inhabitants, however there are a large number of Traditional Inhabitants who opportunistically take mackerel; there were 185 Traditional Inhabitant Boat (TIB) Licences current at 30 June 2008. Information concerning the quantity of mackerel taken by Torres Strait Traditional Inhabitants has been collected during 2007. However this data is collected in docket books which are not compulsory and at this time the data has not been fully collated. The quantity of mackerel taken for

traditional purposes is also unknown.

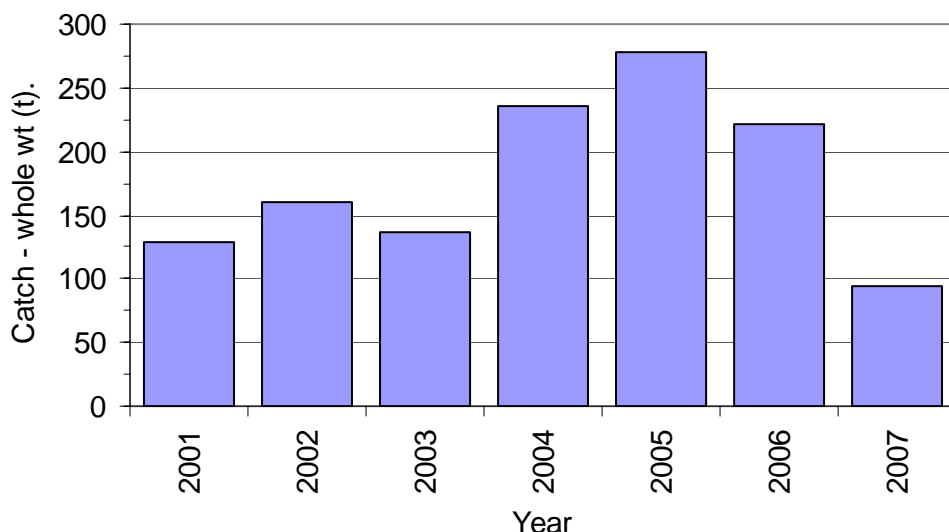


Fig. 8. Catches of the Torres Strait Spanish Mackerel Fishery (*Scomberomorus commerson*) 2001-07.

**Condition of the fishery:** Information available for the Torres Strait Spanish Mackerel Fishery indicates that the Spanish mackerel stock is fully exploited. While the catch has been relatively stable over a period of several decades to 2004 an assessment conducted in 2006 indicated that the catch was likely near maximum sustainable levels (See Annex C - Begg et al. 2006).

Although the Spanish mackerel stocks in the Torres Strait were once thought to be migratory and to move between jurisdictions, more recent genetic evidence suggests that there is limited exchange between the Torres Strait and the Gulf of Carpentaria or Queensland east coast stocks.

**Management objectives:** Objectives adopted for the Torres Strait Spanish Mackerel Fishery during 2007-08 were:

- to manage the mackerel resource to achieve its optimal utilisation;
- to maximise the opportunities for Traditional Inhabitants of both Australia and PNG to participate in the commercial fishery;
- to promote the fishery as a line fishery; and
- to continue monitoring of the fishery and enter into a catch sharing agreement with PNG.

The management objectives for this fishery will be reviewed as a part of the development of the Torres Strait Finfish Fishery Management Plan.

**Strategic Assessment:** The fishery underwent a strategic assessment process

during 2005 and was formally declared a Wildlife Trade Operation in late November 2005. This designation provides the opportunity for harvesters to export product for three years subject to the fishery meeting a number of conditions which were set by DEWHA. DEWHA also provided a number of draft accreditation recommendations to improve the sustainability of the fishery which the PZJA endorsed out-of-session in November 2005. The export accreditation is valid until 25 November 2008 at which time the fishery will be reassessed.

## PEARL SHELL

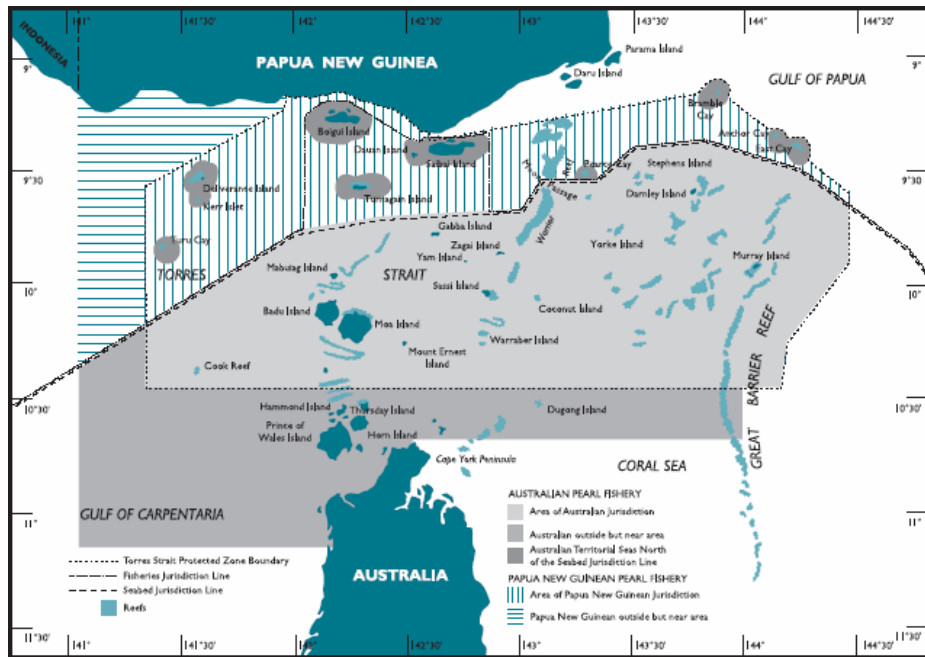


Fig. 9. Pearl Shell Fishery.

**Description of the fishery:** The PZJA is responsible for the management of wild pearl shell collection in the Torres Strait. Aquaculture farming of pearl shell is regulated and managed by the QDPI&F.

The gold-lipped pearl shell (*Pinctada maxima*) is the main species targeted in the Torres Strait, although another six species, including the black-lipped pearl shell (*Pinctada margaritifera*) also occur. Pearl shell is collected live for pearl culture farms, principally by divers using hookah equipment. Only a few boats specialise in collecting pearl shell, primarily through the months of October to March. A number of licences have both lobster and pearl shell endorsements and so divers also collect some pearl shell in the course of lobster fishing.

There was no commercial activity in the Torres Strait pearl shell fishery (Fig. 9) in 2006 and the number of shells collected in 2007 remains confidential owing to the low level of participation in the fishery.

**Condition of the fishery:** Based on past surveys, the abundance of pearl shell on the main fishing grounds is low, and the stock status remains uncertain.

**Management objectives:** Objectives adopted for the Torres Strait Pearl Shell Fishery are:

- to conserve the stock of pearl shell to achieve its optimal utilisation; and
- to maximise the opportunities for Traditional Inhabitants of Australia and PNG to participate in the Pearl Shell Fishery.

**Management arrangements:** Expansion of licence numbers in the Torres Strait

Pearl Shell Fishery is limited to Traditional Inhabitants in order to maximise their opportunities.

Provisions applying to the non-Traditional Inhabitant sector of the fishery include a prohibition on the issue of boat and master licences, strict boat replacement policies, and the linking of tender boats with specific primary boats.

Current management regulations require divers to harvest only live shells, and adhere to size limits of 130 mm minimum and 230 mm maximum for goldlip pearl oyster, and 90 mm minimum for blacklip pearl oyster. There is a ban on the taking of shell by any method other than collecting by hand.

**Strategic Assessment:** The pearl shell fishery has not undergone strategic assessment. It may in the future, depending on activity in the fishery.

**DUGONG AND TURTLE**

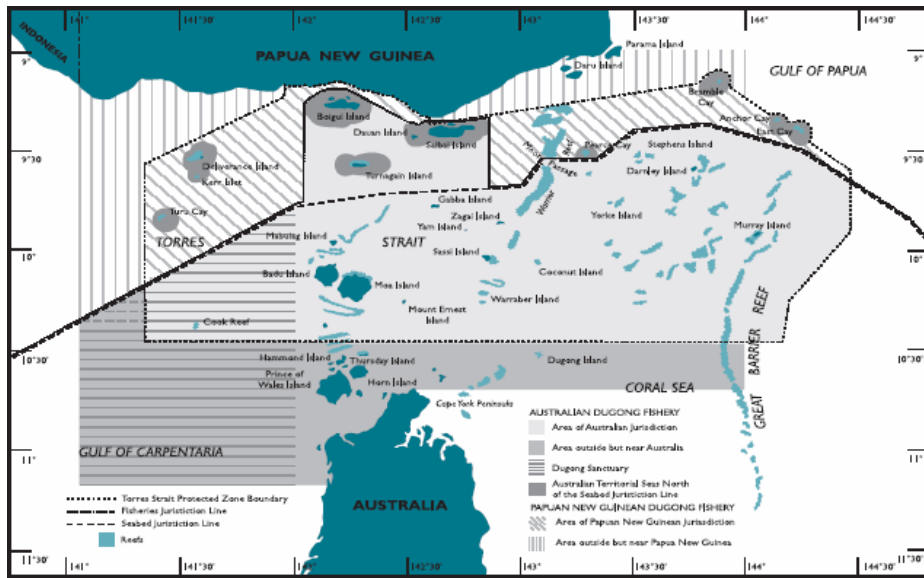


Fig. 10. Dugong Fishery.

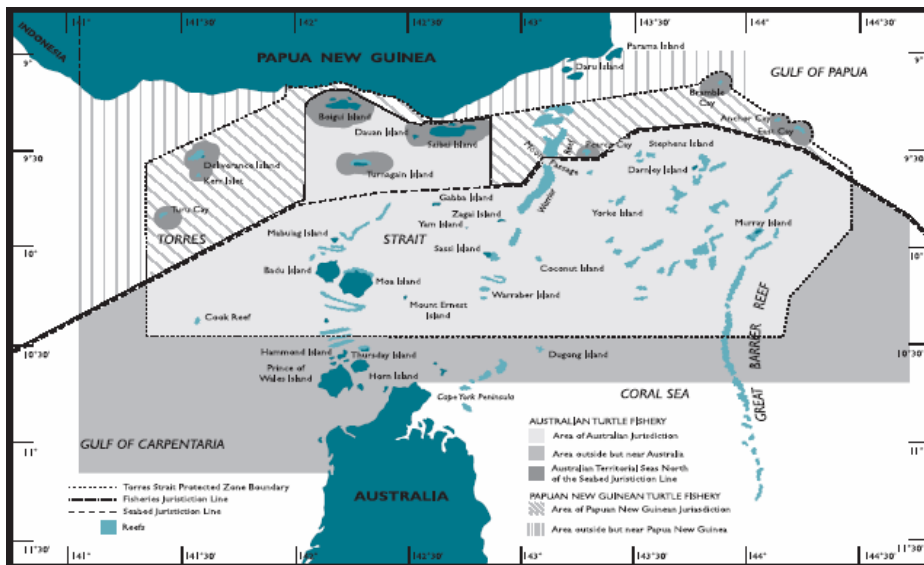


Fig. 11. Turtle Fishery.

**Description of the fisheries:** The dugong and turtle fisheries (Figs. 10 and 11) are traditional subsistence fisheries limited to Traditional Inhabitants of the Torres Strait. Hunting for turtle and dugong is an important part of the traditional way of life and livelihood of Torres Strait Islanders and is also a major source of protein in their diet. Dugong (*Dugong dugon*) are hunted using the traditional spear (*wap*) thrown by hand from a dinghy. Turtles are hunted using a number of different methods; they can be hunted using a traditional spear, caught by hand from jumping out of a dinghy and, in some areas of the Torres Strait, nesting turtles are taken off the beach before or after nesting. Turtle eggs are also harvested.

Turtles are taken in all areas of the Torres Strait, while dugongs are caught mainly in

the western region.

### **Condition of the fisheries:**

**Dugong:** The Torres Strait dugong population was estimated through aerial surveys in 1987, 1991, 1996, 2001 and 2006. These surveys covered the western and central waters of the Torres Strait and adjacent coastal waters of Cape York and PNG. The most recent population estimate is  $14,747 \pm \text{s.e. } 2,292$ . No current estimate exists for the harvest of dugong however monitoring in 2001 estimated the annual dugong catch by communities in the Australian area of jurisdiction of the TSPZ to be  $619 \pm 134$  dugongs.

The Bureau of Rural Sciences reported in its *Fishery Status Reports 2006* that the population estimate obtained from the 1996 survey did not differ statistically from the 1991 estimate, which could suggest that the dugong population in the Torres Strait was stable during 1991-96. However, the surveyed population of dugongs decreased by nearly 50% between 1996 and 2001. A similar estimate to that obtained for 2001 was made in 1987. This variability may result from the movement of dugongs in and out of the survey area, perhaps driven by changes in the availability of food (sea grass). Estimated annual catches have ranged from 240 to more than 800 individuals since 1976, and it is believed that these exceeded the sustainable harvest rate which has been estimated at being around 82 dugong per year.

A dugong sanctuary in the south-western areas of the Torres Strait has been established where no hunting is permitted.

**Turtle:** There are no population estimates for turtle stocks in the Torres Strait however the monitoring of key turtle nesting sites in north Queensland has raised concerns with respect to the green turtle (*Chelonia mydas*) and hawksbill turtle (*Eretmochelys imbricata*) stocks. As a result, there is a growing awareness of the need to manage the traditional take of green turtles and the harvest of hawksbill turtle eggs to ensure the long term viability of these populations. No current estimate exists for turtle harvest however the estimated annual catch of green turtles in 2001 by communities in the Australian area of jurisdiction of the TSPZ was  $1,619 \pm 574$  turtles.

Other turtle species are not generally taken for food however the eggs of the hawksbill, flatback (*Natador depressus*), and green turtles are regularly harvested by Traditional Inhabitants. The level of annual harvest of eggs is unknown.

**Management objectives:** Objectives adopted for the Torres Strait Turtle and Dugong Fisheries are:

- to promote the conservation of turtle and dugong stocks; and
- to restrict the take of dugongs and turtles to Traditional Inhabitants fishing for traditional purposes.

**Strategic Assessment:** The 'Strategic Assessment Report of the Torres Strait Turtle and Dugong Fisheries' was finalised in June 2007 after consideration by the Torres Strait Fisheries Management Advisory Committee (TSFMAC), the Australian Fisheries Management Authority (AFMA) Environment Committee and the PZJA. The

report was submitted for assessment to DEWHA in 2007. DEWHA will draft recommendations in consultation with Torres Strait communities and relevant Government agencies. This assessment will run in parallel with the development of community-based management plans that are currently being prepared by the Torres Strait Regional Authority and Northern Australian Indigenous Land & Sea Management Alliance. It is anticipated that the Strategic Assessment will be finalised when community plans are endorsed.

## NON-ARTICLE 22 FISHERIES

A summary of each of the individual non-Article 22 Fisheries for 2006-07 are detailed below.

### **FINFISH (REEF LINE)**

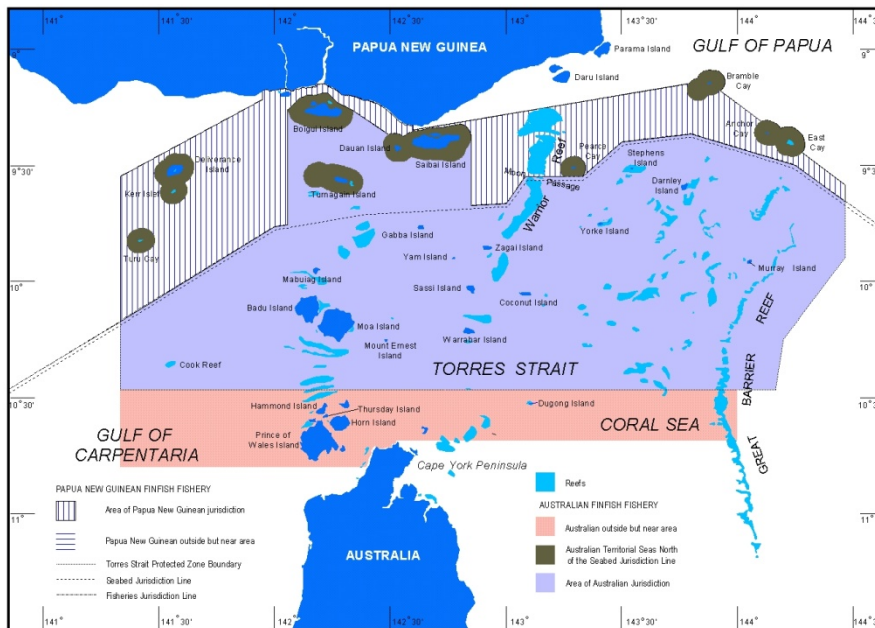


Fig. 12. Reef Line Fishery.

**Description of the fishery:** The Torres Strait Finfish (Reef Line) Fishery (Fig. 12) is a multi-species fishery targeting a range of reef fish species. The fishery focuses primarily on the highly valued coral trout species (*Plectropomus* spp.), barramundi cod (*Cromileptes altivelis*), mixed reef fish (*Lutjanus* spp. and *Lethrinus* spp.), and numerous species of rock cods (*Epinephelus* spp.).

A barramundi (*Lates calcarifer*) fishery is provided for within the Torres Strait Finfish Fishery but is limited to the territorial waters adjacent to the six Australian islands in the north-west of the Torres Strait near the PNG coast: Saibai, Boigu, Moimi, Kaumag, Aubusi and Dauan. The barramundi fishery is only available for Traditional Inhabitant participation. Most of the fish taken in the communities are for subsistence and there are no records of commercial sales of this species outside of those few communities where barramundi occur.

Finfish are generally taken by hand lines and since December 2005 the use of nets has been banned throughout the TSPZ and the outside but near area. This ban may be amended in future to allow for a small net fishery around the communities of Boigu, Dauan and Saibai for the purposes of a Barramundi fishery only. Development of a Barramundi fishery will occur in consultation with stakeholders.

**Condition of the fishery:** The status of reef fish stocks in the TSPZ is uncertain at

present.

At 30 December 2007, there were nine TVH licenses with 22 associated licensed tenders. However, during 2007 few TVH operations were active in the fishery and total effort was reduced in the fishery from previous years. As part of the 100% buy-back of TVH licences in the reef line fishery on the 30 June 2008 all of TVH licences had been surrendered. Hence, as of 1 July 2008 there are no remaining TVH licences in the fishery, however, fishing by non-traditional inhabitant fishers will be allowed through temporary leasing of "sunset licences".

Based on data collected from the non-compulsory docket books, it is estimated of the 166 licensed TIB fishers only 58 participated in the fishery in 2007. However, as Traditional Inhabitants have not been required to complete individual catch returns, information concerning the quantity of reef fish taken by Torres Strait Traditional Inhabitants under TIB licences, may have been underestimated.

The level of Traditional Inhabitant commercial fishing in this fishery is expected to increase in future due to the high value of the target species and the fact that this fishery provides an important economic development opportunity for Traditional Inhabitants in the eastern Torres Strait.

An unknown quantity of reef fish is also taken during the course of traditional fishing.

The Torres Strait Reef Line Fishery is considered to be under exploited at the 2007 level of harvest. Landings for all species in 2007 totalled 68 tonnes. Coral trout (*Plectropomus* sp.) makes up the majority of the catch with 59 tonnes landed (Table 2). Between 2001 and 2004 catches of coral trout were relatively stable at around 147 tonnes each year however, in 2005 to 2007 catches declined substantially (Fig. 13) which may reflect the number of operations active in the fishery. The 2007 season catch of coral trout (59,443 kg) had an estimated value of \$1.0 million.

*Table 2. Logbook catch data from the Torres Strait Finfish (Reef Line) Fishery (including catches from both TIB-licensed boats and TVH-licensed boats) received during 2007.*

<b>Species</b>	<b>Catch (kg)</b>
Coral Trout	59,443
Red Emperor	304
Barramundi cod	1,701
Other	6,631
<b>Total</b>	<b>68,080</b>

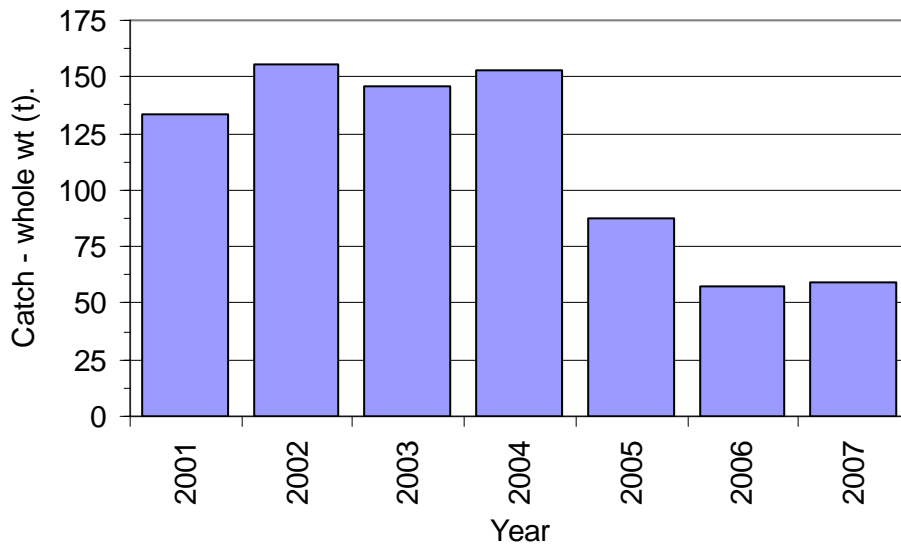


Fig. 13. Catches of Coral Trout (*Plectropomus* sp.) in the Torres Strait Reef Line Fishery (2001-2007).

**Management objectives:** The objectives for the Torres Strait Finfish Fishery were developed in conjunction with the objectives of the *Torres Strait Fisheries Act 1984* and the Torres Strait Treaty to reflect the status of the fishery following the change in jurisdiction from a fishery managed solely under Queensland law. These are:

- to manage the resource to achieve its optimum utilisation; and
- to maximise opportunities for Traditional Inhabitants of Australia and PNG to participate in the commercial fishery.

**Management arrangements:** A management plan for the Finfish (Reef Line and Spanish mackerel) fishery is currently under development. The Management objectives for the reef line fishery will be reviewed and amended where required as a part of this process.

**Strategic Assessment:** The fishery underwent the strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late November 2005. This designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions which were set by DEWHA. DEWHA also provided a number of draft recommendations to improve the sustainability of fisheries to which the PZJA have agreed. The export accreditation is valid until 25 November 2008 at which time the fishery will be reassessed.

## **CRAB**

**Description of the fishery:** The Torres Strait Crab Fishery primarily targets mud crab (*Scylla* spp.). Small quantities of blue swimmer crab (*Portunus pelagicus*) have reportedly been taken in the past. Mud crabs are generally captured by hand or using scoop nets. The level of participation in the commercial fishery is low and restricted mainly to Saibai and Boigu where there is a larger area of crab habitat. There was no commercial activity in the Torres Strait Crab Fishery in the 2006 and 2007 season.

An unknown quantity of mud crab is taken in the course of traditional fishing and is likely to exceed the catch taken for commercial purposes.

**Condition of the fishery:** The status of crab stocks in the TSPZ is uncertain.

No Queensland-licensed primary commercial fishing vessels satisfied the approved entry criteria for the crab fishery following the requirement to hold a PZJA endorsement after 1 April 1999. There were 118 Traditional Inhabitant vessels licensed to operate in the crab fishery at 30 June 2007. Fishery participants are therefore comprised of Australian Traditional Inhabitants only.

**Management objectives:** The objectives for the Torres Strait Crab Fishery have been developed in conjunction with the objectives of the *Torres Strait Fisheries Act 1984* and the Torres Strait Treaty to reflect the new status of the fishery following the change in jurisdiction from a fishery managed solely under Queensland law. These are:

- to manage the resource to achieve its optimum utilisation; and
- to maximise opportunities for Traditional Inhabitants of Australia and PNG to participate in the commercial fishery.

**Strategic Assessment:** The crab fishery has not undergone strategic assessment. It may in the future, depending on activity in the fishery.

## **TROCHUS**

**Description of the fishery:** The Torres Strait Trochus (*Trochus niloticus*) Fishery is a small, single-species commercial and traditional/subsistence fishery reserved for Australian Traditional Inhabitants. The fishery has been an important source of income for some Traditional Inhabitants, especially in the central and eastern Torres Strait communities and particularly between 1920 and 1950 and more recently during the 1980s. The fishery is characterised, like trochus fisheries elsewhere, by fluctuating fishing activity when the price paid for shell is economically attractive. The level of participation in the fishery decreased during 2006 in response to a fall in the price paid for the shell. There were 110 TIB-licensed dinghies in the fishery at 30 June 2008.

Trochus is usually taken by free diving with fishers generally operating from dories/dinghies with a crew of two or three. Reef top collection of trochus is also possible at low tide. In December 2005 the use of underwater breathing apparatus was formally banned.

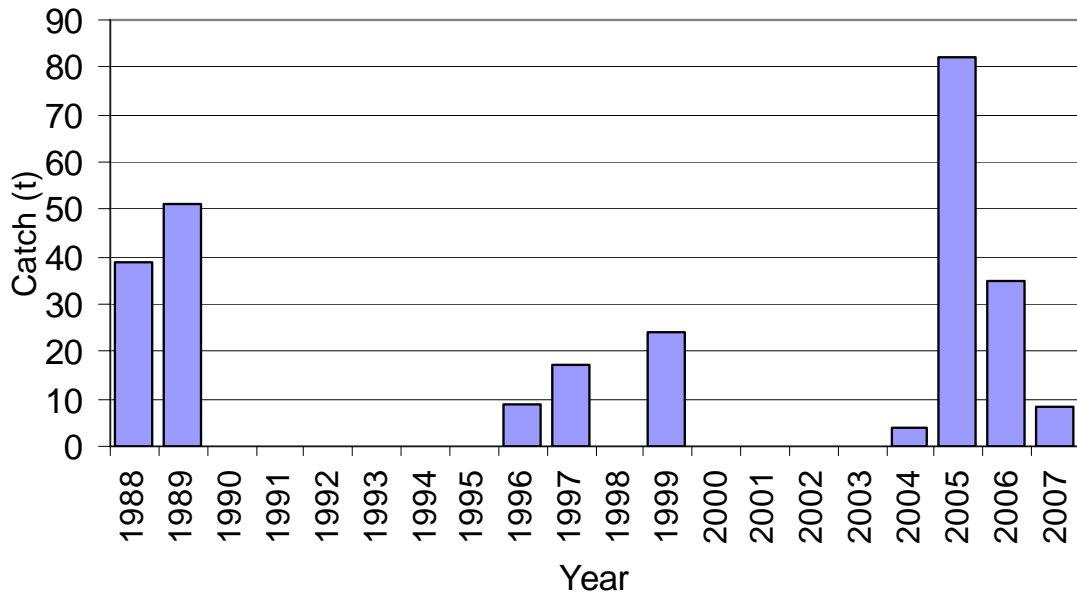
The catch in the fishery during 2007 was approximately 8.5 tonnes cleaned weight (Fig. 14), with an estimated value of \$34,000. Trochus meat is often consumed by fishers' families or other members of the community and there is interest to find a market for the valuable by-product of the fishery, trochus shells.

**Condition of the fishery:** The status of trochus stocks in the TSPZ is uncertain at present. Because of its small size, low value and lack of fishery data, a stock assessment of the fishery has not been possible.

**Management objectives:** The objectives adopted for the Torres Strait Trochus Fishery during 2006-07 were:

- to manage the resource to achieve its optimum utilisation;
- to maximise opportunities for Traditional Inhabitants of Australia; and
- to encourage Traditional Inhabitants of the Torres Strait to participate in the Trochus Fishery.

**Strategic Assessment:** The fishery was strategically assessed under the *Environment Protection and Biodiversity Conservation* (EPBC Act) in 2005 and formally declared a Wildlife Trade Operation on 28 November 2005. With export approval for the fishery due to expire on 25 November 2008, the fishery was reassessed for continued export approval of product from the TS Trochus Fishery. The Strategic re-assessment report is currently out for public comment.



*Fig. 14: Torres Strait Trochus Fishery catch between 1988 and 2007. Data not available between 1990-1995 and 2000-2003 inclusive (Source: Torres Strait Trochus and Bêche-de-mer Fishery Data Summary 2005 and 2007. AFMA 2007).*

**BÊCHE-DE-MER (SEA CUCUMBER)**

**Description of the fishery:** The Torres Strait Bêche-de-mer Fishery is an important commercial fishery to some Torres Strait Traditional Inhabitants. The fishery dates back to the 19<sup>th</sup> century or earlier. During its history there have been several “booms and busts” which have been a feature of these fisheries in most places.

Fishing for bêche-de-mer in the Torres Strait is mainly by free diving from dinghies crewed by two or three fishers or by hand collection along reefs at low tide. Once collected, the animal is gutted, graded, cleaned, boiled, smoked and dried. This is a labour-intensive process usually carried out on processing vessels or at shore-based facilities.

Participation in the Torres Strait Bêche-de-mer Fishery is limited to Traditional Inhabitants only, with the exception of one long-term non-Traditional Inhabitant who was active in the fishery prior to the introduction of licence limitation in the fishery in late 1995.

**Management objectives:** Objectives adopted for the Torres Strait Bêche-de-mer Fishery during 2006-07 were:

- to provide for the sustainable use of all bêche-de-mer stocks in the Torres Strait;
- to develop bêche-de-mer stocks for the benefit of Australian Traditional Inhabitants (as defined by the Torres Strait Treaty); and
- to develop an appropriate long-term management strategy for sandfish.

The catch in the fishery during 2005 was 7.1 tonnes whole weight (Fig. 15), with an estimated value of \$20,126. There has been no reported catch from docket book returns since 2005 which is attributed to a lack of activity in the fishery due to the poor market price obtained for the remaining bêche-de-mer species open to fishing.

**Condition of the fishery:** Bêche-de-mer is especially susceptible to overfishing because they are large, easily seen and collected, and do not require sophisticated fishing techniques.

During the 1990s, the fishery was based primarily on sandfish (*Holothuria scabra*), a high-value species occurring in relatively shallow waters, and as a result vulnerable to over-harvesting. Following concerns of serious resource depletion and overexploitation of sandfish stocks on Warrior Reef, five fishery-independent surveys were commissioned to assess the level of reduction in sandfish abundance in 1995-1996, 1998, 2000, 2002 and most recently 2004. Harvesting of this species has been prohibited since 1998 following CSIRO survey results that indicated the remaining stock on Warrior Reef was approximately 80% less than three years earlier. The subsequent surveys did not record any substantial increase in stock. The 2004 survey indicated a decline in stock abundance that may have been the result of illegal harvesting.

Since 1998 fishing switched to other high value species and until January 2003, fishing focused on surf redfish (*Actinopyga mauritiana*), black teatfish (*Holothuria whitmae*), white teatfish (*Holothuria fuscogilva*) and to a lesser extent, some lower-value species. As a result of a 2002 survey undertaken by CSIRO of the eastern

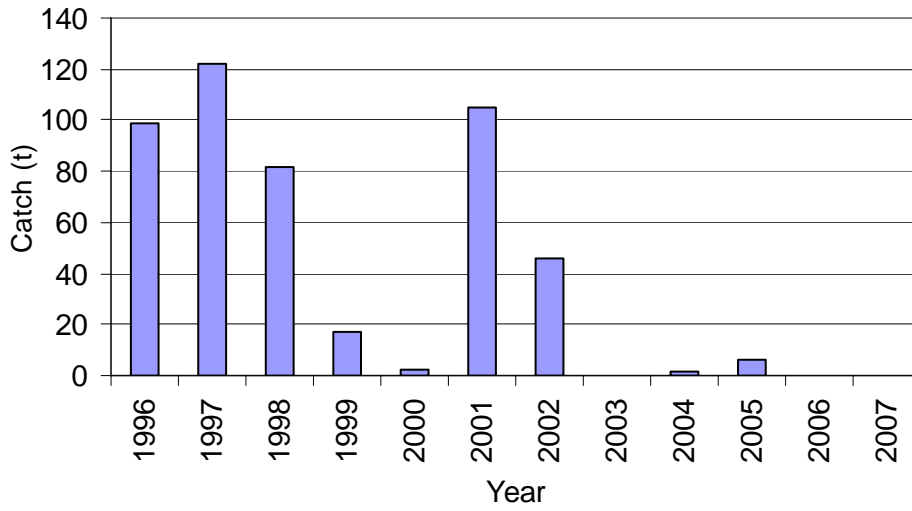
reefs of Torres Strait that indicated that the black teatfish and surf redfish had experienced significant declines in abundance, the PZJA set the Total Allowable Catch (TAC) for surf redfish and black teatfish at zero tonnes for both species, effectively closing the fishery for these two species. Another survey in 2005 showed no increase in abundance and the TAC of these two species remains set at zero.

Also as a result of the 2005 Survey of the eastern Torres Strait reefs, the PZJA agreed to set far more precautionary TACs for the white teatfish and prickly redfish of 15 and 20 tonnes respectively, based on advice from CSIRO. Setting single species quotas for both species was recommended by the then Minister for the Environment and Heritage.

The CRC Torres Strait project '*Sustainability Assessment of the Torres Strait Sea Cucumber Fishery*' was finalised during July 2006. Surveys conducted as part of the project showed that the three species currently closed to fishing, sandfish (*Holothuria scabra*), black teatfish (*Holothuria whitmae*) and surf redfish (*Actinopyga mauritiana*), had not recovered from their low densities observed in previous surveys. Although there is zero recorded harvest of these species in docket books for 2007, the extent of illegal, unregulated or unreported (IUU) harvest of these stocks is unknown and so the stocks are **classified uncertain with regard to overfishing**. Of the remaining fished species, prickly redfish (*Thelenota ananus*) and white teatfish (*Holothuria fuscogilva*) showed decreases in average density and/or average size. While the report, did not propose any changes to the recommended TACs of these species as catches have remained low since 2002, it led to the recommendation that they should be closely monitored through regular population surveys. The status of these two species remains **uncertain**, pending ongoing monitoring.

A number of management measures have been implemented in the fishery including: catch limits, limiting methods of catch to hand-held, banning the use of hookah or SCUBA gear; bag limits, limits to boat size and minimum size limits.

**Strategic Assessment:** The fishery underwent a strategic assessment process during 2005 and was formally declared a Wildlife Trade Operation in late June 2005. This designation provides the opportunity for harvesters to export product for three years where the conduct of the fishery meets a number of conditions which were set by DEWHA. The fishery was reassessed for continued export approval of product and on 18 June 2008, the Delegate for the Minister for the Environment and Water Resources agreed to declare the TSBDM a Wildlife Trade Operation (WTO) for three years, until 18 June 2011. This WTO declaration is subject to the conditions and recommendations developed by DEWHA.



*Fig. 15: Total Torres Strait Bêche-de-mer catch between 1996 and 2007. Note: To date no catch records have been returned for 2006 and 2007. (Source: Torres Strait Trochus and Bêche-de-mer Fishery Data Summary 2005 and 2007, AFMA 2007).*

## 6 LICENSING

Fishing boat licences are required to fish commercially in all PZJA fisheries. Two types of fishing boat licences exist: Traditional Inhabitant Fishing Boat (TIB) and Torres Strait Fishing Boat (TVH) Licences.

TIB licences are exclusively for Australian Traditional Inhabitants, that is, Torres Strait Islanders, Aboriginal people from five Northern Peninsula Area communities (Bamaga, Injinoo, New Mapoon, Seisia, and Umagico), certain former Papua New Guineans who are now Australian citizens, and their descendants, who are resident in the TSPZ or the outside but near area. TIBs must be fully owned and operated by Australian Traditional Inhabitants. Certain fisheries are restricted to Australian Traditional Inhabitants only, and therefore the entries for these fisheries are only found on TIB licences.

Either Australian Traditional Inhabitants or non-traditional inhabitant Australians can own TVH licences. A Torres Strait Master Fisherman's Licence (TMJ) is required to operate a TVH-licensed boat. The TMJ must also have fishery entries appropriate to operate the boat (Table 3).

The numbers of licences issued or renewed by the PZJA during 2007-08 which were current as at 30 June 2008 are provided in Tables 4 and 5. Numbers provided for boat licences exclude those held in "No Boat" status.

Under catch sharing arrangements set out in the Treaty, Papua New Guinea is entitled to 25 per cent of the fishing catch or effort in the Australian area of the TSPZ. The PZJA have been working towards introducing total allowable catches in the Tropical Rock Lobster, Reef Line, and Spanish Mackerel fisheries and a reallocation of these resources in order to meet the Australian Government's obligations to PNG, and to redistribute a greater share of the total allowable catches to Australian Traditional Inhabitants.

During 2007-08, the Australian government invited TVH licence holders with Tropical Rock Lobster fishery entries to submit tenders in two separate rounds for voluntary surrender of those entries (or of the whole licence if no other entries appeared on the licence). These processes resulted in Tropical Rock Lobster fishery entries being removed from 13 operations (consisting of 13 primary licences and 29 tender licences, including those held in "No Boat" status).

During 2007-08, the Australian government successfully negotiated with TVH licence holders with Reef Line and/or Spanish Mackerel fishery entries to voluntarily surrender all of those entries (or the whole licence if no other entries appeared on the licence). The holders were able to choose between a surrender date of 31 January 2008 or 30 June 2008. On 30 June 2008, the last of these surrenders were processed resulting in no TVHs with Reef Line or Spanish Mackerel entries.

*Table 3. Number of Master Fisherman's licences (TMJ) by combinations of Torres Strait fisheries (current as at 30 June 2008).*

<b>Fishery</b>	<b>No. of TMJs</b>
Bêche-de-mer	1
Tropical rock lobster	34
Tropical rock lobster, reef line and Spanish mackerel	1
Tropical rock lobster, reef line, Spanish mackerel, and pearl	8
Tropical rock lobster, reef line, and prawn	1
Tropical rock lobster, reef line, and pearl	1
Tropical rock lobster, reef line, Spanish mackerel, pearl, and prawn	3
Tropical rock lobster and Spanish mackerel	1
Tropical rock lobster, Spanish mackerel, and pearl	50
Tropical rock lobster and pearl	5
Reef Line	5
Reef line and Spanish mackerel	7
Reef line, Spanish mackerel, and prawn	5
Reef line and prawn	88
Spanish mackerel	6
Pearl	5
Prawn	52
Torres Strait fisheries which are not covered by a Fisheries Management Notice <sup>1</sup>	0
<b>Total</b>	<b>273</b>

<sup>1</sup> In 2004-05, the PZJA implemented a process to remove latent (unused) effort from the Tropical Rock Lobster and Finfish fisheries. This has resulted in a number of licences that no longer have any specific fishery entries. These "non-endorsed" licences still allow the operators to catch fish species that are not subject to specific management arrangements under a Fishery Management Notice (such as squid).

*Table 4. Number of Traditional Inhabitant Boat licences in each Torres Strait fishery (current as at 30 June 2008).*

<b>Fishery</b>	<b>TIBs</b>
Bêche-de-mer	73
Crab	97
Tropical rock lobster	349
Reef line	166
Spanish Mackerel	185
Pearl shell	55
Trochus	110

*Table 5. Number of Torres Strait Fishing Boat Licences (TVH) in each Torres Strait fishery (current as at 30 June 2008). Numbers provided for boat licences exclude those held in "No Boat" status.*

<b>Fishery</b>	<b>Primary</b>	<b>Tenders</b>	<b>Total</b>
Bêche-de-mer	0	0	0
Tropical rock lobster	12	32	44
Reef line <sup>2</sup>	3	11	14
Spanish Mackerel <sup>2</sup>	5	11	16
Pearl shell	13	31	44
Prawn	53	0	53
Torres Strait fisheries which are not covered by a Fisheries Management Notice <sup>1</sup>	3	12	15

<sup>1</sup> In 2004-05, the PZJA implemented a process to remove latent (unused) effort from the Tropical Rock Lobster and Finfish fisheries. This has resulted in a number of licences that no longer have any specific fishery entries. These “non-endorsed” licences still allow the operators to catch fish species that are not subject to specific management arrangements under a Fishery Management Notice (such as squid).

<sup>2</sup> Note that all remaining Reef Line and Spanish Mackerel fishery entries were surrendered on 30 June 2008.

## 7 SURVEILLANCE AND ENFORCEMENT

### BACKGROUND

The purpose of the surveillance and enforcement program is to:

- Carry out surveillance and enforcement duties to support the legislation and the policies of the PZJA.
- Provide an education and extension service for both traditional and commercial fisher persons to enhance the development and management of the fisheries within the Torres Strait Protected Zone (TSPZ).
- Undertake such duties as required by the PZJA to protect TSPZ resources and to enhance their exploitation by persons permitted to utilise these resources in keeping with the spirit of the Treaty between Australia and Papua New Guinea.

The program is run by the Queensland Boating and Fisheries Patrol (QBFP) out of its office on Thursday Island. The office is staffed by:

- 1 District Officer
- 3 Field Officers
- 1 Administrative Assistant

The program is planned as an at-sea surveillance program made up of a mix of surface platforms including:

- Private charter vessel;
- Royal Australian Navy vessel;
- Qld Police Vessels; and
- Locally based QDPI&F vessels.

The program is also supported by aerial surveillance provided by Coastwatch.

## PROGRAM OUTCOMES

### ***Private charter vessel***

A private charter vessel was utilised for 72 days during the program year.

Private charter vessels are utilised as the primary platform for TSPZ patrols.

Following a PZJA decision in July 2005 funds were made available for greater use of private charter vessels in 2007/08.

Utilising a private charter vessel to conduct patrols has improved the patrol presence in the TSPZ. All patrols are forecast up to three months in advance to ensure vessel availability.

The use of private charter vessels also enables the QBFP to conduct covert patrols, allowing officers to observe and detect offences that would not be possible in marked patrol vessels.

The potential for the QBFP to respond to issues is however dependent on the availability of charter vessels.

To facilitate a response capability the QBFP utilises alternative platforms. These platforms include those of the Thursday Island Water Police and the Australian Navy.

### ***Australian Navy***

The QBFP has used the naval vessel *Malu Baizam* to conduct 5 days at sea patrolling the TSPZ.

### ***Locally based QBFP vessels***

The QBFP has two DPI&F vessels that are used to address local fisheries and marine safety complaints.

#### 1) Patrol Vessel *Pelagic* 6.7 metre

*Pelagic* has a 2C survey and is based on Thursday Island. The vessel is used to patrol the Prince of Wales group of Islands and some of the closer islands

#### 2) Patrol Vessel *Sea Jay* 4.3 metre

*Sea Jay* has a 2D survey and is also based on Thursday Island. This vessel is used to patrol local areas and respond to local complaints.

### ***Queensland Police***

QBFP continues to conduct joint patrols with Queensland Police using various vessels.

Cross decking allows the QBFP to service client groups throughout the TSPZ while

being cost effective and maintaining staffing levels.

### **Community Visits**

In addition to carrying out inspections within the various fisheries, QBFP also has a responsibility to perform extension services such as community visits. These visits are imperative to assist in achieving voluntary compliance.

During 2007-08 the QBFP has achieved visits to the following communities:

- Badu Island
- Boigu Island
- Coconut Island
- Darnley Island
- Dauan Island
- Mabuig Island
- Kubin Village, Moa Island
- St Pauls Village, Moa Island
- Murray Island
- Saibai Island
- Stephen Island
- Warraber Island
- Yam Island
- Yorke Island

These visits are also used to gain intelligence. This information is used in forecasting TSPZ patrols. The visits allow stakeholders to liaise with officers and access information on issues pertaining to commercial, traditional and recreational fishing as well as boating safety issues.

Issues arising from visits to communities include licensing procedures and unlicensed fishing. Confusion as to the licensing requirements for traditional persons who wish to exercise their traditional rights in regards to traditional fishing remains. This is showcased when a traditional person applies for a TIB licence without intending to fish commercially.

Patrols have focused on the following fisheries:

- Prawn
- Tropical rock lobster
- Bêche-de-mer
- Dugong
- Reef Line
- Trochus

Education and non-compliance issues within these fisheries can be summarised as follows.

#### *Prawn*

- Failure to produce documentation (Vessel's fishing authority, vessel's fishing and

- safety manuals including manning certificates)
- Failure to carry safety equipment in accordance with registration requirements.

#### *Tropical Rock Lobster*

- Continued use of tenders that have been suspended under the 30% reduction
- Failure to hold a Torres Strait Master Fisherman's Licence
- Towing/usage of extra unlicensed boats as tenders
- Failure to comply with conditions of a licence
- Lack of knowledge of relevant licensing conditions
- Taking undersized lobster
- Failure to produce documentation (manning certificates)
- Failure to carry safety equipment in accordance with registration requirements

#### *Bêche-de-mer*

- Low activity in fishery
- Take of no take species (sandfish, black teat fish, surf redfish)
- Unlicensed fishing

#### *Reef line*

- Low knowledge of current fishery legislation (take/no take species)
- Failure to carry safety equipment in accordance with registration requirements

#### *Dugong*

- Lack of knowledge of the fishery sanctuary
- Failure to carry safety equipment in accordance with registration requirements

#### *Trochus*

- Lack of knowledge of legislation pertaining to the fishery with particular note to size limit.

### ***Proposed management arrangements***

Quota management arrangements for the TRL and Reef Line fisheries are in development which will have significant compliance implications. Dedicated patrols may be required to make enforcement of proposed exclusion zones around home Islands and proposed quota arrangements possible.

Outlined within are some of the foreseeable challenges that may impact on the QBFP with regards to compliance in the two fisheries.

### ***Quota***

Following the introduction of quotas in the Tropical Rock Lobster and Finfish fisheries (for which Management Plans are currently being developed), the QBFP may need to adjust compliance activities to undertake more land-based inspections. These

inspections will be within the TSPZ as well as at ports external to the TSPZ such as Cairns. This type of fishery management has been successful on mainland Australia, however, the geographical layout of the Torres Straits will make compliance more labour intensive with more travel involved.

When the new arrangements are implemented there may be a need to review the following:

- Number of inspections both on board TVH vessels and of commercial freezers within the TSPZ
- Further inspections on product that is shipped out of the TSPZ on board commercial freight vessels
- Staffing levels
- Budget allocation

### **Foreign**

From 1 June 2006 the QBFP has had no responsibility for the foreign compliance program, as this function was taken on by AFMA. During the reporting period, officers over this period have not been diverted from TSPZ issues and for the first time in many years Foreign Fishing Vessels (FFVs) have not impacted on the QBFP's performance.

### **Other comments**

The availability of an on-the-spot fine system would greatly streamline the QBFP's capacity to deal with less significant offences.

### **Overall achieved TSPZ patrol days:**

- |                   |      |
|-------------------|------|
| • Private charter | 77.5 |
| • Navy            | 5    |

## **OVERALL PROGRAM OUTCOMES**

### **District Response**

Whilst the QBFP conducts regular forecast patrols of the TSPZ, there is also an expectation by the communities to respond to as many complaints as possible. Utilisation of external agencies and private charter vessels can provide challenges to obtain a platform at short notice to mount a response. Therefore the use of alternative response mechanisms such as Coastwatch aircraft has been successful in some circumstances.

The QBFP's patrol vessel *Pelagic* is also utilised to respond to complaints. However, use is restricted due to the vessel's permitted area of operation. The vessel has successfully responded to complaints within this area.

A total of 82.5 days of the programmed at sea days were achieved on TSPZ duties

during the period.

A further 57 days, have been achieved utilising PV *Pelagic* to conduct patrols.

For the duration of 2007-08 the QBFP conducted the following inspections:

Commercial vessels inspected: 120

Persons inspected: 317

### ***District Operational Achievements***

TSPZ field duties were primarily conducted by the four authorised Thursday Island based QBFP Officers during 2007-08, achieving 139.5 days at sea.

- Charter vessels have proven to be advantageous to the program, and throughout the reporting period these vessels have been chartered *ad hoc*, as formal arrangements were not yet in place with charter operators. This sometimes meant that vessels were not available when forecast, due to weather, breakdown, other taskings. The ability of staff to forecast patrols three months in advance and achieve 82.5 days at sea compares well with other QBFP offshore platforms. Formal contractual arrangements to charter private vessels may enhance the TSPZ program.
- The QBFP is responsible for the assessment and issuing of Recreational Marine Drivers Licences on behalf of Marine Safety Queensland. Throughout the reporting period, the QBFP issued 57 Marine licences. The process, including conducting the assessment and associated administrative tasks, has provided invaluable assistance to the communities and vessel operators of the TSPZ.

### ***District Compliance Priorities***

Key priorities in the TSPZ have been determined through a Compliance Risk Assessment process.

Table 6. Key priorities in the TSPZ.

<b>Fishery</b>	<b>Risk</b>	<b>Targeted Days</b>	<b>Achieved Days</b>	<b>Strategy</b>	<b>Explanation</b>
Tropical Rock Lobster	Unlicensed tenders Size restriction Closures	77	58	At sea In port Aircraft	7 day spring tide closure/ latent effort
Prawn	VMS BRD/TED Gear restriction Shark finning Bycatch (TRL)	26	14.5	At sea In port Aircraft	Platform availability
Reef line	Unlicensed Excess tenders	10	5.5	At sea In port Aircraft	Platform availability
Spanish Mackerel	Unlicensed Vessel size	5	3	At sea In port Aircraft	Platform availability.
Pearl Shell	Unlicensed	2	Nil	At sea In port Aircraft	Continued surveillance C/W reports
Barramundi	Unlicensed Gear restriction	Nil	Nil	At sea In port Aircraft	Complaint response
Bêche-de-mer	Unlicensed (PNG nationals taking BDM within TSPZ) Take of no take species	4	Nil	At sea In port Aircraft	Complaint response/ alleged offenders are foreign requirement of armed boarding party
Crab	Unlicensed	1	1.5	At sea In port Aircraft	Intelligence suggest low commercial activity

Although the above table of compliance priorities for 2007-08 identifies that not all targeted days in each fishery were met, the days were achieved within half the reporting period.

To achieve targeted days Coastwatch aircraft, Police and Navy Vessels are being utilised as a response platform to gain access to communities. Officers may then access other government resources such as Australian Customs' Ready Response Vessel or Immigration vessels, as have previously been utilised as an alternative to achieve agreed targets. Utilisation of Customs and Immigration vessels has previously been rarely utilised, as the priorities of these other agencies have received

precedence. However the option exists and will be utilised when and if required.

The DPI&F is committed to protecting the resources of the TSPZ by ensuring that PZJA policies and legislation are adhered to. By combining proactive education and extension services along with targeted enforcement, it is expected that all agreed targets for 2008/9 will be reached. The addition of dedicated patrols will assist but not resolve totally that days are not lost due to a lack of available vessels.

The following table depicts offences detected for the period.

*Table 7. Offences detected during 2007-08.*

<b>Number of offences</b>	<b>Description of offence</b>
14	Unregistered commercial fishing ship Marine Infringement Notices under the <i>Transport Operations Act 1994</i> were issued for these offences.
1	2 charges and prosecutions for the operating of a vessel that was carrying fish taken by an unlicensed fishing vessel.
15	Total offences reported

## 8 RESEARCH PROGRAMS

Following the conclusion of CRC Torres Strait in June 2006, research priorities for 2007-08 have focused on reforming a Torres Strait Scientific Advisory Committee (TSSAC). The TSSAC will focus on fisheries issues rather than broader environmental issues as had been required by CRC Torres Strait.

To this end, the membership of the TSSAC was revised and the terms of reference were amended to reflect the narrower focus of the Committee.

Members were formally recruited during the 2007-08 year and held their first meeting in June 2008.

In 2008-09 the TSSAC will provide independent advice on strategic direction for fisheries research in Torres Strait and recommend research projects for funding by AFMA and where appropriate other funding providers. AFMA has \$500,000 available for Torres Strait fisheries research per annum.

In the 2007-08 period a number of research projects were funded by AFMA from the Torres Strait Research budget to conduct tactical research. Research projects included:

Research project	Research provider	Principal Investigator
Tropical Rock Lobster stock assessment	CSIRO	Dr Yimin Ye
Tropical Rock Lobster tail marking project	CSIRO/AFMA	Dr Ana Lara-Lopez
Tropical Rock Lobster tail to whole weight conversion ratio	CSIRO	Dr Darren Dennis
Tropical Rock Lobster length frequency distribution	CSIRO/AFMA	Dr Darren Dennis

## **9 TENDER PROCESSES FINALISED IN 2007/2008**

### **RESTRUCTURE OF THE FINFISH AND TROPICAL ROCK LOBSTER FISHERIES**

At PZJA 18 (5-6 July 2005) it was agreed that a restructure should occur in both the Tropical Rock Lobster (TRL) and Finfish fisheries. This would assist the fisheries move towards a greater Traditional Inhabitant Boat (TIB) allocation through the surrender of non-islander licences in the Australian share of the fishery. In addition this process would be used to secure the 25 per cent that must be provided to PNG under Article 22 of the Treaty. This decision was made with regard to the overall aims of the Treaty and the *Torres Strait Fisheries Act 1984* including the obligations under Article 26 of the Treaty to have regard to the desirability of promoting economic development in the Torres Strait area and employment for the traditional inhabitants and to share with PNG the allowable catch of the Torres Strait Protected Zone commercial fisheries listed under Article 22 of the Treaty.

#### **FINFISH FISHERY**

The PZJA originally agreed to facilitate a 50:50 split of the Finfish fishery. In an out of session decision on 7 June 2007 it was agreed that depending on the level of funding commitments provided, the Finfish fishery resource allocation may be given effect through a mediation process with a tender as a contingency.

The overall objective of the mediation process was to allow for 100 per cent of Australia's share of a Total Allowable Catch (TAC) for Finfish to be provided to community fishers (TIB), with the Australian Government holding the shares of the fishery required to meet obligations under the Torres Strait Treaty to Papua New Guinea.

On 18 December 2007, the Australian Government Minister for Agriculture, Fisheries and Forestry, the Hon Tony Burke MP announced that funding totalling \$10.6 million from the Australian Government and the TSRA had been successfully completed and resulted in the buyout of 100 percent of the non-traditional TVH licences in the Torres Strait Finfish fishery.

DAFF executed its option for the surrender of all TVH licences in the fishery in late January 2008. All licences accepted in the process were surrendered by 30 June 2008.

#### **TROPICAL ROCK LOBSTER FISHERY**

The PZJA had previously agreed that as soon as practically achievable a 50:50 resource allocation between the TIB and TVH sectors should be implemented. To achieve this DAFF conducted two tender processes on behalf of the PZJA. The first tender resulted in two successful tenders and then a second round was conducted which resulted in a further 11 successful tenders. Overall 13 primary and 29 associated tenders were surrendered, leaving a total of 13 primaries and 34 tenders in the TRL fishery. The TRL two phase tender process achieved a reallocation of approximately 30.1 per cent of the fishery. This achieved the 25 per cent target for PNG and a reallocation of 5.1 per cent to the Traditional Inhabitant sector. This

increases the Traditional Inhabitant sector holding to a 53.5 per cent share of the 75 per cent Australian component of the fishery. This increase will allow for expansion of the Traditional Inhabitant sector and result in further localised indigenous economic development as a result of a larger share of Torres Strait fishery.

## 10 FINANCIAL ARRANGEMENTS

### COST SHARING

The financial basis for management of PZJA fisheries is the Cost Sharing Agreement that the Commonwealth and Queensland Governments initially entered into on 17 January 1986. This agreement was updated in July 1999 following negotiations between Commonwealth and Queensland government officials.

The Agreement states that:

- the Commonwealth Government funds the full cost of a program of initial capital items approved by Ministers;
- the Commonwealth and Queensland Governments share equally the recurrent costs of managing PZJA fisheries; and
- the Commonwealth and Queensland Governments share equally the cost of replacement of initial capital items and any subsequent capital items approved.

The PZJA at its 22<sup>nd</sup> meeting agreed to the Agreement continuing in its current form for the 2008-2009 financial year with a review to be undertaken during the 2008-2009 financial year to consider options on fisheries management administrative arrangements for the Torres Strait.

### CAPITAL ITEMS

Implementation of the initial capital items program, fully funded by the Commonwealth, began in 1985-86 and was completed in the first half of the financial year 1991-92. The list of capital items purchased as at 30 June 1999 and still held include:

- a joint fisheries/quarantine administrative centre on Thursday Island;
- housing in Cairns, originally to accommodate State officers engaged in the program; and
- the regional fisheries manager's and QDPI&F district officer's residences on Thursday Island.

In August 2007, the Commonwealth (through AFMA) disposed of the extension to the main wharf on Thursday Island to the Queensland Ports Corporation. The Commonwealth also commenced arrangements to dispose of the housing in Cairns with one property sold at auction on 21 June 2008.

The acquisition costs of replacement capital items purchased since then are shared equally between the State and Commonwealth. During 2007-08 there were no additional capital costs incurred.

## RECURRENT COSTS

Recurrent expenditure includes the salaries and related expenses of Commonwealth and Queensland government officers performing duties for the management and enforcement/surveillance program for the PZJA fisheries, together with the costs of operating and maintaining capital items. The recurrent cost figure comprises the funds spent by the Commonwealth and Queensland Governments in accordance with the Cost Sharing Agreement. The Commonwealth and Queensland share the costs related to management of the Torres Strait fisheries but not those related to research and monitoring.

Recurrent costs are expressed net of license fees and other levies recovered. The Commonwealth cost has been reduced by \$250,000 due to the provision of a subsidy for Torres Strait Prawn levies for the 2006-07 and 2007-08 financial years.

These costs are reconciled quarterly and annually to ensure recurrent costs are equally shared. Recurrent costs are shown in the Table 9 below.

*Table 9. Recurrent costs incurred in managing Torres Strait fisheries during the 2007-08 financial year.*

<b>Government</b>	<b>Costs</b>
Commonwealth	\$ 1,340,307
Queensland	\$ 1,596,622
<b>Total Recurrent Costs</b>	<b>\$ 2,936,929</b>

## RESEARCH COSTS

Research costs are not subject to the Cost Sharing Agreement. The Commonwealth and Queensland Governments separately fund fisheries research in the TSPZ in accordance with the overall State and Commonwealth research programs approved by Ministers. The research costs are shown in the Table 10.

*Table 10. Research costs incurred during 2007-08.*

<b>Government</b>	<b>Costs</b>
<b>Commonwealth</b>	
Dugong management and conservation	\$ 11,120
Relative abundance survey assessment of Tropical Rock Lobster	\$ 319,834

Age composition, weight conversion ratios and effects of tail tagging in Tropical Rock Lobster Fishery \$ 9,552

Total allowable catch and stock abundance survey -Tropical Rock Lobster \$ 77,191

### Queensland

Torres Strait Prawn Fishery Stock Assessment and Monitoring Programs \$ 309,400

Marine Debris \$ 87,200

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**Total Torres Strait Research \$ 814,297**

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The total expenditure as part of the cost sharing agreement in the 2007-08 financial year was \$3,548,822 (capital, recurrent and research costs).

## TOTAL COSTS

### 2007/2008 Draft Overall PZJA Budget

#### Protected Zone Joint Authority

Description	AFMA	QDPI&F	DAFF	TSRA	Total
<b><u>Direct Costs</u></b>					
Salaries & On-costs	\$764,068	\$648,131	\$409,979	\$228,150	\$2,050,328
Consultants and Contractors	\$98,556	\$250,000	\$145,000	\$10,000	\$503,556
Travel & Subsistence	\$261,149	\$80,000	\$56,000	\$135,933	\$533,082
Other Administrative Costs	\$432,684	\$81,000	\$11,000	\$27,329	\$552,013
<b>Total Direct Costs</b>	<b>\$1,556,457</b>	<b>\$1,059,131</b>	<b>\$621,979</b>	<b>\$401,412</b>	<b>\$3,638,979</b>
<b><u>Overheads</u></b>	<b>\$544,889</b>	<b>\$6,000</b>	<b>\$59,542</b>		<b>\$610,431</b>
<b><u>Research</u></b>	<b>\$506,600</b>		<b>\$500,000</b>		<b>\$1,006,600</b>
<b><u>Research Administration</u></b>	<b>\$33,823</b>		<b>\$250,000</b>		<b>\$283,823</b>
<b><u>Indirect Costs</u></b>					
Logbook program	\$87,443				\$87,443
Data Management	\$18,750				\$18,750
Compliance	\$85,355	\$75,000			\$160,355
Observers	\$221,024				\$221,024
<b>Total Indirect Costs</b>	<b>\$412,572</b>	<b>\$75,000</b>			<b>\$487,572</b>
<b>Total Costs</b>	<b>\$3,054,341</b>	<b>\$1,140,131</b>	<b>\$1,431,521</b>	<b>\$401,412</b>	<b>\$6,027,405</b>

## ANNEX A: PZJA OUTCOMES 2007-08

### *PZJA 21: 28-29 August 2007*

The following decisions of the PZJA were agreed at PZJA 21, held on 28-29 August, 2007.

#### **Tropical Rock Lobster Fishery**

##### ***Update on management plan***

1.1.1 The PZJA **NOTED** the TSFMAC provided:

- (a) an update on the progress of developing a draft management plan and quota monitoring system (QMS) for the Tropical Rock Lobster (TRL) fishery;
- (b) an outline of key elements of the TRL management plan; and
- (c) a revised timetable for completion of the TSFF management plan in 2008.

1.1.2 The PZJA **NOTED** progress on the development of the TRL fishery management plan and **AGREED IN PRINCIPLE** to the proposed management arrangements recommended by the TSFMAC pending consideration of:

- (a) how the recommendations would be implemented (whether in the management plan, amendments to fisheries management notices or conditions of licenses);
- (b) matters highlighted at decision 1.2; and
- (c) the financial impacts of the proposals.

##### ***Unresolved Issues***

1.2.1 The PZJA **NOTED**:

- (a) that agreement on the issues of Master Fisherman Licences (MFL), Boat Replacement Policy, and Season Opening for the TRL fishery was not reached at the July 2007 TSFMAC meeting;
- (b) the TIB and TVH sectors have a further round of discussions on the issues stated in 1.2.1.a at the next TRL WG meeting;
- (c) the analysis of unresolved TRL management issues including the options available and the likely stakeholder concerns;
- (d) that the following two recommendations proposed by the TRL WG in May 2007, could not be agreed upon at the July TSFMAC meeting due to concerns raised by the TIB sector:
  - “i) All product landed (by TVH operators) should go directly to/through a land based licensed fish receiver or sold to a buyer processor licensed boat;*
  - ii) A schedule of approved landing places will be determined primarily on the basis that there are premises to receive/purchase the landed product (noting that there are some islands where the product may be transhipped by air)”;* and

- (e) the options available and the stakeholder concerns for approving landing and unloading locations for TVH operators.

1.2.2 The PZJA **NOTED** that there has been extensive consultation on new management arrangements since the PZJA agreed to move to an output controlled system in April 2005.

1.2.3 The PZJA **AGREED** that:

- (a) the TRL Working Group has an opportunity to resolve matters at meetings to be held before mid-November; and
- (b) where the TRL Working Group is unable to make a recommendation on unresolved issues, as the decision maker in the fishery, the PZJA will make a decision in the best interests of the fishery so that the management plan and supporting instruments can be drafted and implemented.

1.2.4 The PZJA **REAFFIRMED** its commitments (PZJA 20.1.1.f and 20.1.2.f) to implement the licence surrender processes in the Finfish and Tropical Rock Lobster fisheries and, at the completion of the process:

- (a) re-evaluate and discuss with the TVH and TIB sectors the outcomes of the tender processes; and
- (b) engage with stakeholders with the objective of identifying a desired allocation between sectors (and a pathway to achieving that goal and other aspirations).

### ***Interim Management Arrangements***

1.3.1 The PZJA **NOTED** that:

- (a) in the absence of a Tropical Rock Lobster (TRL) management plan, which would give effect to a new output management system, interim arrangements are required to manage effort in the fishery in 2008;
- (b) there will be a reduction in effort by the TVH sector after the tender process, and this effort could potentially be taken up by the TIB sector; and
- (c) the TVH sector does not fully agree to maintaining interim arrangements as outlined at 1.3.2.

1.3.2 The PZJA **AGREED** to extend 2007 arrangements into 2008 which:

- (a) reduce by 30% the number of tenders each non-community licence holder may use; and
- (b) maintain “moon/tide hookah closures” three days before, on, and three days after, either the full or new moon each month.

1.3.3 The PZJA **AGREED** that the PZJA Standing Committee should examine methods for the implementation 1.3.2.a, including consideration of “dory months” as proposed by representatives at the PZJA Stakeholder Forum on 28 August 2007 for possible implementation in the 2008 season.

## **Finfish Fishery**

### ***Update on management plan***

2.1.1 The PZJA **NOTED**:

- (a) the update on the progress of developing a draft management plan and quota

- monitoring system (QMS) for the Finfish (FF) fishery;
- (b) the outline of key elements of the FF management plan; and
- (c) the revised timetable for completion of the FF management plan.

2.1.2 The PZJA **AGREED** that the ban on live fishing for coral trout in Torres Strait be lifted by revoking the FMN No. 63 on implementation of the Finfish management plan.

2.1.3 The PZJA **NOTED** progress on the development of the Finfish Fishery management plan and **AGREED IN PRINCIPLE** to the proposed management arrangements recommended by the TSFMAC pending consideration of:

- (a) how the recommendations would be implemented (whether in the management plan, amendments to fisheries management notices or conditions of licenses);
- (b) matters highlighted in decision 2.2; and
- (c) the financial implications of the proposals.

#### ***Unresolved issues***

2.2.1 The PZJA **NOTED** that there has been extensive consultation on new management arrangements since the PZJA agreed to move to an output controlled system in April 2005.

2.2.2 The PZJA **AGREED** that:

- (a) the Finfish Working Group has an opportunity to resolve matters at a meeting scheduled for December 2007; and
- (b) where the Finfish Working Group is unable to make a recommendation on unresolved issues the PZJA, as the decision maker in the fishery, will make a decision in the best interests of the fishery so that the management plan and supporting instruments can be drafted and implemented.

#### ***Interim Management Arrangements***

2.3.1 The PZJA **NOTED** that in the absence of a Finfish management plan in 2008, which would give effect to a new output management system, interim arrangements will be required to manage effort in the fishery in 2008;

2.3.2 The PZJA **AGREED** to continue the current management arrangements in the Reef Line and Spanish mackerel fisheries during the 2008 season and until new management arrangements are finalised.

### **Prawn Fishery**

#### ***Update on management plan***

3.1.1 The PZJA **NOTED** the TSPMAC has had preliminary discussion on the setting of reference points based on a harvest strategy policy, and that the TSPMAC will further evaluate harvest strategy options at its December 2007 meeting.

3.1.2 The PZJA **NOTED** progress on implementing the management plan.

***Bycatch Management*****3.2.1 The PZJA AGREED:**

- (a) to add the 'Popeye Fish Excluder' to the list of approved Bycatch Reduction Devices detailed in Fisheries Management Notice No. 70, for the Torres Strait Prawn Fishery (TSPF); and
- (b) to the 'Popeye Fish Excluder' being defined as it is in the QLD East Coast Otter Trawl (ECOTF) Fishery in recognition of the overlap of operators between the ECOTF and TSPF.

3.3.1 The PZJA **NOTED** the consultation process undertaken to finalise the 2007/2008 TSPF budget.

3.3.2 The PZJA **AGREED** to the draft Explanatory Statement for the setting of levies in the prawn fishery for 2008 to be finalised by the PZJA Chair when levy amounts have been agreed in accordance with cost sharing arrangements.

***Leasing Arrangements (Entitlements)***

3.4.1 That the PZJA **NOTED** that the TSPEHA does not endorse external leasing within the TSP fishery but would accept internal leasing under a management plan.

3.4.2 The PZJA **AGREED** to provide for internal leasing of effort units in the TSP fishery in the TSPF management plan.

3.4.3 The PZJA **AGREED** that internal leasing costs would be applied on a fee for service basis.

***Utilisation of the Torres Strait Prawn Fishery*****3.5.1 The PZJA NOTED that:**

- (a) Torres Strait Prawn Entitlement Holders Association (TSPEHA) raised concerns over the 31.8% effort cuts in the TS prawn fishery in 2006, proposed alternative management arrangements and concerns over government proposals to introduce leasing in to the fishery; and
- (b) PZJA government agencies agreed to work towards identifying solutions in regard to increased access for the 2007 and 2008 season.

**3.5.2 The PZJA NOTED that:**

- (a) the Australian Government negotiated access to unused 2007 season fishing days in the TSPF allocated to PNG under the Torres Strait Treaty;
- (b) PZJA agencies held a preliminary Harvest Strategy Workshop in July 2007 to consider the issues raised by the TSPEHA and identify alternative harvest strategy options for discussion at the TSPMAC in December 2007; and
- (c) Any adjustment to the 9200 days as part of a harvest strategy would be made consistent with sound scientific advice on the impact of additional effort on the status of the stocks and the impact on other stocks and the marine environment.

**Allocation Issues*****Catch Verification Policy***

4.1 The PZJA **AGREED** to:

- (a) the Catch History Verification Policies for the TRL and Finfish (Spanish Mackerel and Reef Line) fisheries; and
- (b) the steps involved in determining the final allocation of units of quota under formal Management Plans for the TRL and Finfish Fisheries as outlined in the agenda paper.

***Finfish Allocation matters***

4.2.1 The PZJA **NOTED**:

- (a) the TIB sector is reserving the right to make a recommendation about when to allocate to PNG its 25% share of reef line quota until there is information on the success of the proposed 100% buy out (of the TVH sector); and
- (b) the TVH sector support the removal of the 25% PNG share from the coral trout TACC on implementation of the TACC.

4.2.2 The PZJA **NOTED** concerns raised by the TSFMAC about potential consequences to operators if there is any activation of catch sharing arrangements with PNG in the reef line fishery.

4.2.3 The PZJA **AGREED** that any request to activate catch sharing in further fisheries would be responded to by the Australian Government as and when such a request was made. Any associated reduction to the Australian fishing capacity would be made to all holders of entitlements on a pro-rata basis in accordance with Australia's rights and obligations under the Torres Strait Treaty.

4.2.4 The PZJA **NOTED** DAFF is communicating with the Queensland Seafood Industry Association on its proposal to secure a 100% surrender of TVH entitlements in the Finfish fishery.

***Appeals mechanism under a management plan***

4.3.1 The PZJA **AGREED** to an appeals mechanism for decisions made under management plans comprising an internal merits review as a first step and an external merits review to be made by the Administrative Appeals Tribunal, consistent with arrangements set out in Section 15A of the *Torres Strait Fisheries Act 1984* and the *Administrative Appeals Tribunal Act 1975*.

***Tropical Rock Lobster Tender Process***

4.4 The PZJA **NOTED** that:

- (a) DAFF ran a request for tender (RFT) process in collaboration with PZJA Agencies to fund payments for the voluntary surrender of fishing entitlements in the Torres Strait Tropical Rock Lobster fishery;
- (b) the RFT closed on 13 July 2007 and tenders received were evaluated by a panel composed of the Standing Committee members from DAFF, QDPIF and the TSRA, and an independent representative nominated by industry. The

panel evaluated tenders to determine value for money in line with the tender objectives and the funding available;

- (c) based on the evaluation of the tenders received it is likely that a small number of tenders will be accepted, but that the panel does not expect that this RFT process will meet the specified tender objectives;
- (d) in accordance with the PZJA tender policy the tender panel has recommended that industry be informed of the average price paid per percentage of provisional quota allocation surrendered in the first RFT and that a second RFT process be employed to allow licence holders to resubmit tenders for the voluntary surrender of Fishing Entitlements in the Torres Strait Tropical Rock Lobster fishery; and
- (e) a detailed report on the RFT process will be provided to the PZJA at the conclusion of the second round.

### ***Community Fishing Allocation Options***

#### **4.5 The PZJA NOTED:**

- (a) PZJA decisions (19.4.2(b)(i) and 20.4.4.4(a)) that the community fishing sector has 2 years of operation under a competitive Total Allowable Catch (TAC) to decide how to most appropriately utilise and share their fisheries allocation within their sector;
- (b) progress on reports being developed by ABARE and a consultant commissioned by the TSRA; and
- (c) the ABARE and TSRA reports will assist the community fishing sector make an informed decision on a quota sharing model within the 2 year timeframe.

### **PZJA Consultative Structure**

#### ***Appointments and Membership***

##### **5.1.1 The PZJA AGREED to:**

- (a) increase the total number of traditional inhabitant members representing each of the communities on the TSFMAC from 23 to 24 to allow for the inclusion of a representative from Warraber;
- (b) amend Fisheries Management Paper No. 1 – *Torres Strait Committees and Associated Committees and Working Groups* to reflect the increase in Traditional Inhabitant Membership;
- (c) replace the Prawn Fishery non-traditional member on TSFMAC with a Processor Member as there is no longer a need for a prawn industry representative in this forum;
- (d) fill the non-traditional inhabitant member vacancy on the TSFMAC with a TRL Industry Representative; and
- (e) make the following appointments:

## Torres Strait Fisheries Management Advisory Committee:

<b>Representation</b>	<b>Member</b>
TSRA – Yam Island	Mr Charles David
TSRA – Badu Island	Mr Manai Nona
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warria
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
TSRA – Murray Island	Mr Kila Odo
TSRA – Coconut Island	Mr Francis Pearson
TSRA – Darnley Island	Mr Kenny Bedford
TSRA – Boigu Island	Mr Dimas Toby
TSRA – Dauan Island	Mr Phillip Biggie
TSRA – Kubin	TBA
TSRA – Saibai Island	Mr Jerry Babia
TSRA – Seisia	Mr Harold Townsend
TSRA – St Pauls	TBA
TSRA – TRAWQ	Mr Railey Gibia
TSRA – Hammond Island	Mr Seriako Dorante
TSRA - Stephens Island	TBA
TSRA – Bamaga	Mr Clifford Waisu
TSRA – Umagico	Mr Connie Young
TSRA – Horn	Mr Willy Wigness
TSRA – Injinoo	Mr Robert Bagie
TSRA – New Mapoon	Mr Trevor Lifu
TSRA - Warraber	Mr. Willie Lui
TSRA Fisheries Coordinator - supporting	TSRA Fisheries Coordinator
Fish Receiver representative	Nomination to be sought
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 TRL	Nomination to be sought

QDPI&F	General Manager - Fisheries Resource Management (QDPIF)
QDPI&F	QDPIF Senior Fisheries Management Officer (Torres Strait)
AFMA	Senior Manager – Northern Fisheries
AFMA	Manager - Torres Strait Fisheries
Research Member (TSFSAC Chair)	<i>Vacant</i>
Chair	<i>Vacant</i>
DEW	Sustainable Fisheries Officer **
TSRA	Fisheries Portfolio Board Member
Executive Officers	AFMA / QDPI&F

Hand Collectables Working Group:

<b>Representation</b>	<b>Member</b>
Chair	Toshio Nakata
TSRA Member	Policy Officer - Fisheries
Scientific Member	Tim Skewes
AFMA Member	Jim Prescott
Executive Officer	Erik Raudzens
QDPI&F Member	Shane Gaddes (Temporary)
TVH Industry Member	(Pearl Shell licensee)
TVH Industry Member	Pearl Industry operator
Industry Member	Processor / Buyer
Traditional Inhabitant Member	Manai Nona
Traditional Inhabitant Member	Willie Wigness
Traditional Inhabitant Member	Kila Odo
Traditional Inhabitant Member	Willie Lui
Traditional Inhabitant Member	Francis Pearson
Traditional Inhabitant Member	Charles David

5.1.2 The PZJA **NOTED** progress towards re-establishment of the

Torres Strait Scientific Advisory Committee (TSSAC).

5.1.3 The PZJA **AGREED**:

- (a) to the Terms of Reference for the Torres Strait Fisheries Scientific Advisory Committee as outlined in the agenda paper;
- (b) to remove the position of DEW Permanent Observer from the membership of the TSFMAC; and
- (c) to the composition of the Torres Strait Scientific Advisory Committee (TSSAC).

***Role and Function of the PZJA Standing Committee***

5.2.1 The PZJA **NOTED** that

- (a) the PZJA is the decision maker in the Torres Strait Protected Zone Joint Authority fisheries; and
- (b) the revised *Torres Strait Fisheries Act 1984* provides for the PZJA to delegate functions to an officer of the Australian Fisheries Management Authority, the Queensland Government, the Department of Agriculture, Fisheries and Forestry and the Torres Strait Regional Authority.

5.2.2 The PZJA **AGREED** that the PZJA Standing Committee's role and function is to provide strategic advice to the PZJA on the management of the fisheries in accordance with the PZJA's statutory obligations and to oversee the implementation of the PZJA's agreed policy commitments.

**Reporting – Environment Protection and Biodiversity Conservation Act 1999**

6.1 The PZJA **NOTED**:

- (a) the advice from the AFMA Environment Committee about progress with the implementation of recommendations arising from strategic and export assessments under the EPBC Act; and
- (b) the proposed timetable for reassessment of the Torres Strait Rock Lobster Fishery.

6.2 The PZJA **AGREED**:

- (a) that the AFMA Environment Committee report be forwarded to the Environment Minister by the PZJA Chair on behalf of the PZJA; and
- (b) to facilitate EPBC awareness and compliance that EPBC reporting become a standing PZJA agenda item.

## **Compliance**

### ***Domestic compliance***

7.1.1 The PZJA **NOTED** the domestic compliance update

7.1.2 The PZJA **ENDORSED** the TSFMAC proposal that two additional domestic compliance officers be made available to focus on Torres Strait fisheries matters upon implementation of the management plans.

7.1.3 The PZJA **NOTED** that the provision of permanent additional domestic compliance officers for Torres Strait fisheries will be dependent on the ability of DPI&F and AFMA to fund these positions under cost sharing arrangements.

### ***Boat sticker registration system***

7.2 The PZJA **NOTED**:

- (a) progress to date with proposed amendments to the *Torres Strait Fisheries Regulations 1985* which would give effect to the introduction of a boat registration sticker system in Torres Strait fisheries; and
- (b) that implementation of the boat registration sticker system is expected to occur early in 2008.

### ***Foreign compliance***

7.3 The PZJA **NOTED** the update on issues for the Torres Strait foreign fishing compliance program.

## **TIB Licence Eligibility Verification**

8.1.1 The PZJA **AGREED** that if changes to the Queensland *Local Government Act 1993* remove some of the Community Chairs relied upon to verify Traditional Inhabitant Identification status for PZJA licensing purposes, that as an interim arrangement that the:

- (a) elected divisional representative on the Torres Strait Island Regional Council (TSIRC) or the Northern Peninsula Area Regional Council (NPARC) for the community the applicant resides in replace the Community Chairs; and
- (b) new Chair of the TSIRC or the NPARC (depending on the region the applicant resides in) replace the Island Coordinating Council Chairperson.

8.1.2 The PZJA **AGREED** that the TSRA and Queensland licensing bring forward a proposal for a long term arrangement.

## **Aquaculture**

9 The PZJA **NOTED** the update from the Queensland Department of Primary Industry and Fisheries regarding aquaculture development in

the Torres Strait.

### **2007/08 Budgets and Cost Sharing Arrangements**

10 The PZJA **NOTED**:

- (a) the draft cost sharing budget for the Torres Strait fisheries for the 2007/2008 financial year; and
- (b) the indicative budget for all PZJA Agencies budget for the 2007/2008 financial year.

### **Turtle and Dugong Fishery**

#### ***Update on the Northern Australia Indigenous Land and Sea Management Alliance (NAILSMA) Turtle and Dugong Project***

11.1 The PZJA **NOTED** the progress of the TSRA's Land and Sea Management Unit's Turtle and dugong project, particularly that seven Torres Strait communities aim to have drafted community based management plans for turtle and dugong by December 2007.

#### ***Dugong population simulation model***

11.2 The PZJA **NOTED** progress on the dugong population simulation model (Dhanganal-sim).

### **Hand Collectables Fisheries**

12 The PZJA **NOTED** that the:

- (a) completion of a data summary of Hand Collectable fisheries catch data, and the establishment of the Hand Collectables Working Group; and
- (b) Hand Collectables working group will discuss the recommendations of the CRC Torres Strait Project Sustainability assessment of the Torres Strait sea cucumber fishery.

### **Australia / Papua New Guinea Bilateral Fisheries Discussions**

13 The PZJA **NOTED**:

- (a) the draft agenda for the Australia / PNG Fisheries Bilateral Discussions.
- (b) that DAFF is seeking agreement from Papua New Guinea to an agenda for the 2 - 3 October 2007 Annual Bilateral Fisheries Discussions as agreed to by PZJA agencies.

### **Torres Strait fisheries legislative amendments**

14.2 The PZJA **NOTED**:

- (a) the TSPMAC and TSFMAC have been advised of legislative amendments affecting the Torres Strait fisheries; and
- (b) DAFF has written to all licensees informing them of changes to legislation and that AFMA will implement a consultation strategy on new management arrangements.

### **PZJA Annual Report – 2005/06**

15 The PZJA **AGREED** to endorse and sign the Torres Strait Protected Zone Joint Authority Annual Report 2005-06 so that AFMA may table the report in the Australian Parliament in accordance with Section 41 of the *Torres Strait Fisheries Act 1984*.

### **PZJA Out of Session Decisions**

16.1 That the PZJA **CONFIRMED** the following out of session decisions as decisions of the PZJA, subject to decision 16.11:

#### ***Decisions made by correspondence on the 7 June 2007***

##### ***Tender Policy***

16.2.1 The PZJA **AGREED** to the key tender policy elements to action the PZJA resource allocation decisions from PZJA 18 and 19, as modified by PZJA 20.

16.2.2 The PZJA **AGREED** that separate processes may be run for the Tropical Rock Lobster and Finfish fisheries; and

- (a) that depending on the level of funding commitments provided, the Finfish Fishery resource allocation may be given effect through a mediation process with a tender as a contingency measure.

16.2.3 The PZJA **NOTED** the proposed timeline for the tender process set out in the agenda paper which may be subject to change.

##### ***Starting point for the resource allocation in lobster and finfish fisheries***

16.3.1 The PZJA **AGREED** to accept the report provided by AFMA “report to stakeholders on the data used to establish the historical catch ratios of the Community and non-Community sectors” which has been compiled in accordance with PZJA 19.2B;

- (a) that the report provided be published on the PZJA website; and
- (b) that based on the results in the report provided by AFMA, the starting point for the resource allocation process being

conducted by the PZJA is as follows:

- (i) Reef Line (coral trout) fishery - 16% TIB and 84% TVH;
- (ii) Spanish Mackerel fishery - 7% TIB and 93% TVH; and
- (iii) Tropical Rock Lobster fishery - 35% TIB and 65% TVH.

16.3.2 The PZJA **NOTED** the following assumptions used by AFMA in the report:

- (a) the assumption that the catches recorded on the dockets or logbooks are accurate;
  - (i) Catches recorded on sales dockets are considered to be very accurate since they are the basis of payment to the fisher; and
  - (ii) Catches recorded on logbooks are generally estimates. Some inaccuracies are likely. Inaccuracies may be random or non-random (insistently under or over estimates). It would be expected that there would be differences between what some fishers have sold (and can demonstrate that they sold) versus what is in their respective logbooks.
- (b) the assumption that logbook and docket book records are complete;
  - (i) It is thought that the logbook records are quite complete for the relevant periods. Close examination of the data reveals numerous temporal gaps for some fishers, however it is thought that these are generally because fishers were active in another jurisdiction or were just inactive; and
  - (ii) There is greater concern about the completeness of the dockets collection of this data was purely on a voluntary basis and it was done post-hoc for much of the relevant period. It is possible that some buyers did not supply all of their records, but it is thought that the records from most buyers are quite complete. Further investigation of this would probably produce some additional information but the marginal improvement to the total catches would not warrant the substantial costs.
- (c) The assumption that the data collected from buyers has been correctly coded "LOG" or "NONLOG" according to whether or not the data was reported, respectively, on the docket and in a logbook or only on a docket.
  - (i) It is probable that some errors were made coding the data. As a result some community catch will be

attributed to the non-community sector, but likewise some non-community catch was probably also attributed to the community sector; and

- (ii) It is considered that such errors were relatively insignificant in terms of the sectoral shares. The marginal improvement that would be gained from continued investigation of this is not considered to warrant the time or cost.
- (d) The assumption that the form of product recorded in the logbook or docket book was accurate and that the conversion factors were correct.
  - (i) This is probably a relatively minor issue. Some fishers have claimed that forms recorded on their logbooks were erroneous. This may be the case however AFMA has not changed these records at this point and will not do so until a further data validation/verification process is undertaken as part of any allocation process that may occur.

***Allocation – Finfish Allocation Advisory Panel Report and Allocation Formulae***

16.4.1 Regarding additional work requested by the PZJA

The PZJA **NOTED** that:

- (a) following the PZJA request of 30 January 2007, the AAP conducted additional consultation with stakeholders and have considered the data provided by AFMA following their data cleaning/verification process;
- (b) the AAP has also considered the PZJA request for the provision of general criteria for exceptional circumstances and evidence standards to support claims against general criteria; and
- (c) the AAP submitted a final revised report to the PZJA on 26 March 2007 for the Torres Strait Finfish Fishery.

***For the Spanish Mackerel Fishery***

16.4.2 Based on the information presented in the revised final AAP Torres Strait Finfish Fishery report, the PZJA NOTED that the AAP:

- (a) recommends that the persons eligible to be granted ITE fishing concessions are those persons to whom a Spanish Mackerel licence has been granted and is current at the time of the PZJA decision to allocate ITE fishing concessions. Any such person ceases to be eligible upon the surrender of the licence prior to the decision to allocate the ITE concessions;

- (b) recommends that the formula for determining the allocation of ITE fishing concessions between eligible persons is:
  - (i) an allocation of 10% of the TAE allocated equally to all fishing platforms (primary vessel and associated tenders) that are attached to primary licences (single and dual endorsed) in recognition of the market value; and
  - (ii) a catch history allocation of 90% of the TAE allocated to primary licences (single and dual endorsed) based on the best three years of verified catch history over the five year period 1997- 2001, in recognition of utilization of the licence.
- (c) recommends that exceptional circumstances apply to licence holders Beverley Joy Hurst and LF & PE Hudson. Details of these exceptional circumstances are provided in section 8.3 of the revised final report.

***For the Reef Line Fishery***

10 The PZJA **NOTED**:

- (a) the draft cost sharing budget for the Torres Strait fisheries for the 2007/2008 financial year; and

16.4.3 Based on the information presented in the revised final AAP Torres Strait Finfish Fishery report, the PZJA **NOTED** that the AAP:

- (a) recommends that the persons eligible to be granted ITE fishing concessions are those persons to whom a Reef Line licence has been granted and is current at the time of the PZJA decision to allocate ITE fishing concessions. Any such person ceases to be eligible upon the surrender of the licence prior to the decision to allocate the ITE concessions.
- (b) recommends that the formula for determining the allocation of ITE fishing concessions between eligible persons is:
  - (i) an allocation of 10% of the TAE allocated equally to all fishing platforms (primary vessel and associated tenders) that are attached to primary licences (single and dual endorsed) in recognition of the market value;
  - (ii) a catch history allocation of 90% of the TAE allocated to primary licences (single and dual endorsed) based on the best three years of verified catch history; and
  - (iii) taking into account the AAP's views on the application of the 2002 Investment Warning to catch history in the Reef Line fishery, the three years of verified catch history must include:
    - A. one year within the period 1999 – 2001 inclusive

- (prior to 2002 Investment Warning);
- B. year within the period 2002 – 2005 inclusive; and
  - C. an additional one year within the period 1999-2005 inclusive.
- (c) recommends that exceptional circumstances apply to licence holders LF & PE Hudson. Details of these exceptional circumstances are provided in section 8.3 of the final revised report.

***For both the Spanish Mackerel and Reef Line Fisheries***

16.4.4 Based on the information presented in the revised final AAP Torres Strait Finfish Fishery report, the PZJA **NOTED** that the AAP:

- (a) does not make any precise recommendations as to general criteria for exceptional circumstances but provides guidance on the application of general criteria for exceptional circumstances in sections 5.7 and 8.3 of the revised final report;
- (b) recommends that additional exceptional circumstances may also apply according to sections 5.7 and 8.3 of the revised final report; and
- (c) recommends that broad based evidentiary standards be applied to support claims against general criteria for exception circumstances, as per the recommendations in sections 5.8 and 8.4 of the AAP final revised finfish report.

16.4.5 The PZJA **AGREED**:

- (a) to accept the final revised report of the AAP;
- (b) that to provide clarity to the AAP recommendations, eligible persons are the “holders” of:
  - (i) TVH licences with a Spanish Mackerel and/or Reef Line entry;
  - (ii) no-boat letters issued in respect of such a TVH licence by a PZJA licensing delegate;
  - (iii) licences that at the point in time where the allocation is to occur, have been expired for no more than 3 months and are eligible for renewal in accordance with existing PZJA licence renewal policy;
- (c) that while the AAP recommendations have been made in respect of ITEs, following PZJA OOS 2, the final formula adopted should be expressed in relation to ITQs;
- (d) that the method by which quota is held is a matter for the PZJA to decide in line with the quota monitoring and quota management systems currently being developed;

- (e) that subject to the above and based on the recommendations in the revised final AAP Torres Strait Finfish Fishery report, to adopt the AAP recommendations presented in paragraphs 3.2, 3.3 and 3.4 above as the PZJA allocation formula for the Torres Strait Spanish Mackerel and Reef Line Fisheries;
- (f) that the Chair of the PZJA issues a statement to licence holders advising them of the allocation decisions and that the AAP report is available on the PZJA website; and
- (g) in the context of a decision on a starting point under PZJA OOS 2, that the PZJA licensing delegate and AFMA should work together to conduct a provisional allocation to all eligible licence holders in the Spanish Mackerel and Reef Line fisheries and advise licence holders of their provisional allocation.

***Allocation – Tropical Rock Lobster Allocation Advisory Panel Report and Allocation Formulae***

16.5.1 Regarding Additional Work Requested by the PZJA, the PZJA **NOTED** that:

- (a) following the PZJA request of 30 January 2007, the AAP conducted the additional consultation with stakeholders and have considered the data provided by AFMA following their data cleaning/verification process;
- (b) the AAP has also considered the PZJA request for the provision of general criteria for exceptional circumstances and evidence standards to support claims against general criteria; and
- (c) the AAP submitted a final revised report to the PZJA on 26 March 2007 for the Torres Strait Tropical Rock Lobster (TRL) Fishery.

***For the Tropical Rock Lobster Fishery***

16.5.2 The PZJA **NOTED** that the AAP:

- (a) recommends that the persons eligible to be granted ITQ fishing concessions are those persons to whom a TRL licence has been granted and is current at the time of the PZJA decision to allocate ITQ fishing concessions. Any such person ceases to be eligible upon the surrender of the licence prior to the decision to allocate the ITQ concessions;
- (b) recommends that the formula for determining the allocation of ITQ fishing concessions between eligible persons is:
  - (i) an allocation of 20% of TAC allocated equally to all tenders in the fishery that are attached to a fully transferable primary TVH licence in recognition of the market value of fully transferable licences and their

- associated tenders, and
- (ii) a catch history allocation of 80% of TAC allocated to transferable and non-transferable primary TVH licences based on the best three years of verified catch history over the five year period 1997- 2001, in recognition of utilization of the licence;
- (c) recommends that because non-transferable licences have no tradeable value they should not be included in the 20% of TAC allocated in recognition of the market value of licences and their associated tenders;
  - (d) did not identify any circumstances or rules for the transfer, amalgamation or separation of fishing concessions in order to maintain the intent of the allocation process;
  - (e) is not aware of any exceptional circumstances applying in the TRL fishery;
  - (f) does not make any precise recommendations as to general criteria for exceptional circumstances but provides guidance on the application of general criteria for exceptional circumstances in sections 5.9 and 8.5 of the AAP final revised report;
  - (g) recommends that additional exceptional circumstances may apply according to sections 5.9 and 8.5 of the AAP final revised report; and
  - (h) recommends that broad based evidentiary standards be applied to support claims against general criteria for exception circumstances, as per the recommendations in sections 5.10 and 8.6 of the AAP final revised report.

#### 16.5.3 The PZJA **AGREED**:

- (a) to accept the final revised report of the AAP;
- (b) to provide clarity to the AAP recommendations, eligible persons are the “holders” of:
  - (i) TVH licences with a TRL entry;
  - (ii) no-boat letters issued in respect of such a TVH licence by a PZJA licensing delegate;
  - (iii) licences that at the point in time where the allocation is to occur, have been expired for no more than 3 months and are eligible for renewal in accordance with existing PZJA licence renewal policy;
- (c) that while the AAP recommendations have been made in respect of ITEs, following PZJA OOS 2, the final formula adopted should be expressed in relation to ITQs;
- (d) that the method by which quota is held is a matter for the PZJA to decide in line with the quota monitoring and quota

- management systems currently being developed;
- (e) that subject to the above and based on the recommendations in the revised final AAP Torres Strait TRL Fishery report, adopts the AAP recommendations presented in paragraph 4.2 above as the PZJA allocation formula for the Torres Strait TRL Fishery;
  - (f) that the Chair of the PZJA issues a statement to licence holders advising them of the allocation decisions and that the AAP report is available on the PZJA website; and
  - (g) in the context of a decision on a starting point under PZJA OOS 2, that the PZJA licensing delegate and AFMA should work together to conduct a provisional allocation to all eligible licence holders in the TRL fishery and advise licence holders of their provisional allocation.

***Statements of Future Operating Environment in the Finfish and Tropical Rock Lobster fisheries.***

**16.6 The PZJA AGREED:**

- (a) to endorse the implementation of an Individual Transferable Quota (ITQ) system for the Torres Strait Finfish (Reef Line and Spanish Mackerel) fisheries;
- (b) the Reef Line fishery allocations will be based on coral trout quota alone;
- (c) the Total Allowable Commercial Catch for both Spanish Mackerel and Reef Line fisheries will be based on the average catch for the years 2001-2005; and
- (d) to approve for release and publication on the PZJA website of the statements on the “Future Operating Environment” in the Torres Strait Finfish (including Reef Line and Spanish Mackerel), and the Tropical Rock Lobster fisheries which note the above and other relevant future operating environment conditions:
  - (i) Future operating environment for the Torres Strait Finfish fisheries (including Reef Line and Spanish Mackerel fisheries); and
  - (ii) Future operating environment for the Torres Strait Tropical Rock Lobster Fishery.

***Strategic Assessment Issues***

16.7.1 The PZJA **AGREED** that the Chair write to the Australian Government Minister for the Environment and Water Resources to submit:

- (a) the “Strategic Assessment Report for the Torres Strait Turtle and Dugong Fishery” for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);

and

- (b) the “Report on PZJA Progress in Implementation of Strategic Assessment Recommendations”.

16.7.2 The PZJA **AGREED** to publish both the reports on the PZJA website.

16.7.3 The PZJA **NOTED** that the PZJA will not, or has not, met a number of deadlines set out in the strategic assessment recommendations in relation to the Beche-de-mer Fishery, Trochus Fishery and Finfish Fishery.

### ***Legislative Amendments***

16.8 The PZJA **NOTED**:

- (a) amendments to the *Torres Strait Fisheries Act 1984* and the *Fisheries Levy Act 1984* are being prepared with a view them being introduced into the Australian Parliament on 23 May 2007;
- (b) the amendments are consistent with PZJA decisions 19.3.1, 19.3.2 and 20.8.2;
- (c) contrary to advice provided under PZJA 20.4.5(a), there is currently no provision in the current legislation for merits review of decisions under a management plan and nor have any amendments been included to introduce merits review in the current amendments (due to a broader Commonwealth fisheries assessment of merits review noted under PZJA 20.4.5(b)); and
- (d) that the Department of Agriculture, Fisheries and Forestry (DAFF) has conducted consultation with stakeholders and PZJA agencies over the past year on the nature and shape of the amendments, in particular in the context of management plan discussions where operational changes following on from legislative amendments would be implemented.

### ***Licensing - <No Boat> period for TVH Licences***

16.9 The PZJA **AGREED** to remove the maximum three year restriction on boat replacements for Torres Strait Fishing Boat Licences (TVHs) held in <No Boat> status.

### ***Decisions made by correspondence on the 25 July 2007***

16.10 The PZJA **AGREED** that due to new legislative arrangements which commence on 26 July 2007 to remake existing delegations under subsection 38(1) of the *Torres Strait Fisheries Act 1984*.

### ***Correction to decision 16.8(c)***

16.11 The PZJA **CORRECTED** information at 16.8(c) and **NOTED** that AFMA has received advice from the Attorney General’s Department (Cth) which clarifies that the PZJA can make provision for the reconsideration of decisions made under a plan of management

(outlined at s15A(6)(i) of the *Torres Strait Fisheries Act 1984*), providing a legislative basis for any mechanism developed at Decision 4.3.1.

### **Section 31 Arrangements**

17.1 The PZJA **NOTED** that:

- (a) the *Torres Strait Fisheries Act 1984* (Cth) (TSF Act) allows for fisheries to be managed under the laws of the Commonwealth or Queensland; and
- (b) in April 1997 the PZJA agreed that the future management of all Torres Strait fisheries be effected under the TSF Act.

17.2 The PZJA **AGREED**:

- (a) that Section 31 arrangements should be made to confirm that the PZJA may make provision for and in relation to traditional fishing in fulfilling its obligation to keep constantly under consideration the condition of the fishery; and
- (b) the PZJA Chair remakes existing notices that have an impact on traditional harvest.

17.3 The PZJA **AGREED** that, where feasible, other irregularities in respect of the PZJA's 1997 decision on single jurisdiction management and Gazettal Notice S125 should be corrected in implementing decision 17.2.2.

### **Cost of implementing a Quota Management System**

18 The PZJA **NOTED**:

- (a) progress to determine the most appropriate service provider for key Torres Strait management functions under management plans, including quota management and key licensing functions; and
- (b) the desirability of developing and implementing cost effective management systems to achieve value for money for contributing fishers (in cost recovered fisheries) and funding agencies.

### **Other business**

19 The PZJA NOTED imminent personnel movements within the PZJA agency and consultative mechanisms and specifically cited:

- (a) the AFMA Thursday Island Manager, Mr Jim Prescott, was moving on after over six years of service to the better management of the fisheries. Mr. Prescott has been directly responsible for improved fisheries management practices in the

- fisheries and has always advocated an appropriate balance in the economic, social and environmental aspects of the PZJA's decision making; and
- (b) Professor Russell Reichelt has provided four years of exemplary service as the Chair of the TSFMAC during a time of considerable reforms to the operation of the fisheries. Professor Reichelt always convened the TSFMAC discussions in a culturally appropriate manner, providing all participants with a reasonable opportunity to express their views.
- 20 The PZJA **AGREED** to reconvene on 30 April – 1 May 2008.

***PZJA 22: 30 April-1 May 2008***

The following decisions of the PZJA were agreed at PZJA 22, held on 30 April- 1 May 2008.

**TROPICAL ROCK LOBSTER FISHERY**

***Update on management plan***

1.1.1 The PZJA **NOTED** the recommendations of the Torres Strait Fisheries Management Advisory Committee that:

- (a) the Tropical Rock Lobster Working Group recommendation “To Remove the moon/tide closure of the 27 to 30 of September 2008” was not endorsed by the Torres Strait Fisheries Management Advisory Committee; and
- (b) the Tropical Rock Lobster Working Group recommendation to “Apply the 30 per cent tender reduction as in previous years except for the two tender packages who will have the same tender months but will be able to nominate a block of continuous months they want to fish using both tenders” has been implemented for the 2008 season.

1.1.2 The PZJA **AGREED** to the recommendations of the Torres Strait Fisheries Management Advisory Committee:

- (a) that the Department of Agriculture, Fisheries and Forestry is to prepare a report on the outcomes of the Tropical Rock Lobster tender process for submission to the next Torres Strait Tropical Rock Lobster Working Group and Torres Strait Fisheries Management Advisory Committee to assist members to explain and communicate outcomes to communities; and
- (b) to the current licensing system being simplified by restructuring it such that only the main vessel would require a licence with its tenders attached to the same licence, and discarding the carrier

boat licence (TPC A) needed for the main vessel, subject to existing Master Fisherman Licensing requirements being maintained.

### ***Results of Tender Process***

#### 1.2.1 The PZJA **NOTED**:

- (a) the tender process run by the Australian Government Department of Agriculture, Fisheries and Forestry, funded by Queensland and the Australian Governments, to facilitate the voluntary surrender of fishing entitlements in the Torres Strait Tropical Rock Lobster fishery has been completed;
- (b) that the Australian Government holds 25 per cent of the Australian portion of the Tropical Rock Lobster fishery within the Torres Strait Protected Zone, to meet obligations to Papua New Guinea;
- (c) that of the Australian share of the Torres Strait Tropical Rock Lobster Fishery, 53.5 per cent is held by Traditional Inhabitant Boat interests and the remainder is held by Transferable Vessel Holder interests; and
- (d) that the Community Fisher Group is unhappy with the tender process outcome believing that it fails to meet traditional inhabitants aspirations and presents no room for growth in the Traditional Inhabitant Boat sector.

1.2.2 The PZJA **AGREED** that the PZJA Standing Committee should engage with both the Transferable Vessel Holder and Traditional Inhabitant Boat interests to fulfil the PZJA 21 Decision: 1.2.4.

### ***Update on Management Plan***

1.3.1 The PZJA **NOTED** the recommendations of the Torres Strait Fisheries Management Advisory Committee, including:

- (a) the progress on the Tropical Rock Lobster Management Plan and Quota Monitoring System; and
- (b) that pending resolution of the unresolved management issues discussed in agenda item 1.4, the Tropical Rock Lobster Management Plan is expected to be completed before the 2010 fishing season commences and that interim arrangements will be required for the 2009 fishing season.

### ***Management Plan – Unresolved Issues***

#### 1.4.1 The PZJA **NOTED**:

- (a) that at PZJA 21 (PZJA 21 1.2.3) the PZJA agreed to provide the

Tropical Rock Lobster Working Group with a final opportunity to resolve outstanding management issues, and if they were unable to, then the PZJA would make a decision in the best interests of the fishery;

- (b) the Tropical Rock Lobster Working Group was given the opportunity to discuss and resolve the unresolved management issues at its November 2007 meeting, as requested by the PZJA;
- (c) the Torres Strait Fisheries Management Advisory Committee was given the opportunity to discuss and resolve the unresolved management issues at the 10th meeting of the Torres Strait Fisheries Management Advisory Committee in March 2008;
- (d) that neither the Tropical Rock Lobster Working Group nor the Torres Strait Fisheries Management Advisory Committee have been able to resolve the unresolved management issues;
- (e) the analysis provided by the PZJA Standing Committee of all remaining unresolved Tropical Rock Lobster management issues including the options available;
- (f) the Community Fisher Group position paper on its concerns of the outcomes of the tender process and new management system developed following the 10th meeting of the Torres Strait Fisheries Management Advisory Committee; and
- (g) the Transferable Vessel Holder sector's views on the unresolved management issues developed following the 10th meeting of the Torres Strait Fisheries Management Advisory Committee.

1.4.2 The PZJA **REQUESTED** that a high level officer from each of the PZJA agencies engage with the stakeholders, to develop an agreed approach to the outstanding issues and that the recommendations arising from this meeting be given to the PZJA for out of session consideration before the end of July 2008.

### ***Report from the Resource Assessment Group***

1.5.1 The PZJA **NOTED** the recommendations from the Tropical Rock Lobster Resource Assessment Group, including the:

- (a) review of the 2006 stock assessment report;
- (b) review of the results from the 2007 stock assessment;
- (c) review of the steps to set the preliminary and final Total Allowable Catch and exploration of different options to set the preliminary Total Allowable Catch;
- (d) review of the 2007 fishery performance against the Total

Allowable Catch; and

- (e) request for delivery of accurate and timely data to be made available by Australian Fisheries Management Authority for the stock assessments.

1.5.2 The PZJA **REQUESTED** that:

- (a) the Australian Fisheries Management Authority provide CSIRO with appropriate data by the end of January each year for the stock assessment; and
- (b) the Australian Government Department of Agriculture, Fisheries and Forestry to request that Papua New Guinea, through the bilateral process, provide CSIRO with timely, accurate and current Torres Strait Tropical Rock Lobster data for the stock assessment process by the end of January each year.

## **FINFISH FISHERY**

### ***Results of the Finfish Buyout***

2.1.1 The PZJA NOTED that:

- (a) on 30 June 2008, the final 12 Transferable Vessel Holder licences in the Torres Strait Finfish Fishery will be surrendered and this will complete the voluntary surrender process conducted by the Australian Government Department of Agriculture, Fisheries and Forestry, funded by the Australian Government and the Torres Strait Regional Authority; and
- (b) Australia can now meet its obligations under the Torres Strait Treaty to Papua New Guinea in relation to this fishery.

### ***Finfish Leasing Arrangements***

2.2.1 The PZJA NOTED the progress of the Torres Strait Finfish Leasing arrangements for the 2008/2009 season and that the Torres Strait Regional Authority expects leasing arrangements to be in place by no later than 1 July 2008.

2.2.2 The PZJA **REQUESTED** that:

- (a) the Torres Strait Regional Authority and Community Fisher Group representatives to work co-operatively to deliver leasing arrangements for the Torres Strait Finfish fishery that help to maintain the economic, environmental and social value of the fishery; and
- (b) that PZJA agencies continue to work with the Torres Strait

Regional Authority and Community Fisher Group representatives to deliver improved benefits to the Traditional Inhabitant Boat sector through their access to 100 per cent of the available Australian share of the Finfish fishery.

### ***Management Plan - Update and Future Environment***

2.3.1 The PZJA **NOTED**:

- (a) the ongoing importance of the development of a management plan for the Finfish fishery to ensure that a sustainable harvest strategy is maintained; and
- (b) that the Finfish Management Plan is expected to be completed before the 2010 fishing season and that interim arrangements will be required for the 2009 fishing season.

## **PRAWN FISHERY**

### ***Consultation***

3A.1 The PZJA **NOTED** the fax submission received on 1 May 2008 (fax header dated 26 April and referring to industry meeting dated 30 April) from the Torres Strait Prawn Entitlement Holders: M&R Millward, R Giddins and B Wilson.

3A.2 The PZJA **DEFERRED** its discussion of agenda item 3 until all PZJA members had the opportunity to read and consider the fax submission provided by the Torres Strait Prawn Entitlement Holders and resumed discussions of agenda item 3 at the conclusion of discussing agenda item 10.

### ***Management Plan - Update***

3.1.1 The PZJA **NOTED** the progress of the Torres Strait Prawn Fishery Management Plan.

3.1.2 The PZJA **AGREED** to implement the Torres Strait Prawn Fishery Management Plan before 1 March 2009.

### ***Permanent prohibitions in the North-West of the Fishery***

3.2.1 The PZJA **NOTED** the consultation undertaken with stakeholders regarding the proposed prohibition on the taking, processing or carrying of prawn in the Territorial Seas of Kerr Islet, Deliverance Island and Turu Cay.

3.2.2 The PZJA **AGREED**:

- (a) to a permanent prohibition on the taking, processing or carrying of prawn in the Territorial Seas of Kerr Islet, Deliverance

Island and Turu Cay is to be implemented.

- (b) to write to the Papua New Guinea Minister for Fisheries and Marine Resources seeking complementary closures to the surrounding waters.

### ***Research Update***

3.3.1 The PZJA **NOTED** the recommendations of the Torres Strait Prawn Management Advisory Committee including:

- (a) the update on the research being undertaken in the Torres Strait Prawn Fishery (TSPF); and
- (b) that the outcomes of this research will be used to develop a spatial management system for the TSPF.

### ***Interim 2008 Harvest Strategy Proposal***

3.4.1 The PZJA **NOTED** that while it made no specific recommendations to the PZJA, the Torres Strait Prawn Management Advisory Committee agreed:

- (a) that the development and implementation of an interim Harvest Strategy for 2008 should take precedence over the finalisation of the management plan; and
- (b) that a long term Harvest Strategy would be developed that is consistent with the management plan.

3.4.2 The PZJA **NOTED** the following information relating to strategies that may assist Torres Strait Prawn Fishery operators during 2008 prior to the management plan implementation in 2009:

- (a) that consistent with PZJA 21.3.5.1(b) and in response to the Torres Strait Prawn Management Advisory Committee agreements listed at 3.4.1, PZJA agencies held stakeholder workshops in Mooloolaba, Cairns and Thursday Island in February 2008; and
- (b) subsequent to this consultation an interim Harvest Strategy, endorsed by stakeholders, was developed based on an increase in the Total Allowable Effort (TAE) to 12,000 days, complemented by a spatial management system.

3.4.3 The PZJA **NOTED** Standing Committee discussions on a harvest strategy for the remainder of 2008, which have resulted in the following scenarios being presented to the PZJA for consideration:

- (a) A spatial management system and an offer to industry

equivalent to an increase in the TAE to 12,000 allocated fishing days;

- (b) A spatial management system and an offer to industry equivalent to an increase in the TAE to 10,700 allocated fishing days; or
- (c) Maintaining the status quo of 9,200 allocated fishing days.

3.4.4 The PZJA **RECOGNISED** the urgent need to build fishing effort in the Torres Strait Prawn Fishery in the 2008 fishing season.

3.4.5 The PZJA **AGREED** that its agencies will work with individual licence holders to understand their particular situation and to the extent possible allocate additional fishing effort for the 2008 fishing season.

3.4.6 The PZJA **AGREED** to retain 9,200 days as the basis of allocation for the 2008 fishing season.

3.4.7 The PZJA **DIRECTED** that this allocation will be kept under review during the 2008 season, and if further allocation of fishing effort is required this will be considered.

3.4.8 The PZJA **AGREED** that the Torres Strait Prawn Management Advisory Committee will formally develop a long term Harvest Strategy with a range of rules that control the intensity of fishing activity according to the biological and economic conditions of the fishery consistent with the determination of reference points under the TSPF Draft Management Plan.

3.4.9 The PZJA **NOTED** community fisher group (CFG) representative's concerns regarding the trawl rubbish that has been discarded in the region of Yorke and Coconut Islands in the past and the agreement by PZJA management agencies to facilitate an assessment of the amount and type of trawl rubbish, including an estimate on whether it could be removed and at what cost.

### ***Review of Management Cost***

3.5.1 The PZJA **AGREED** to request the Torres Strait Prawn Management Advisory Committee to review possible options to reduce management costs in the Torres Strait Prawn Fishery and to make a recommendation to the PZJA at its next meeting.

## **TURTLE AND DUGONG FISHERY**

### ***Torres Strait Turtle and Dugong Community Management Plan Update***

4.1.1 The PZJA **NOTED**:

- (a) funding for the development of community-based management plans under the North Australian Indigenous Land and Sea Management Alliance program ends in September 2008;
- (b) that the Torres Strait Regional Authority will be making a bid for funding under the new Australian Government “Caring for our Country” program;
- (c) that once the six plans have been successfully negotiated and agreed to by the community and stakeholders that funding needs to be identified to support their implementation; and
- (d) as a parallel process the Standing Committee investigate the opportunities for the community-based plans to be given some legal basis, including being formally recognised under the *Torres Strait Fisheries Act 1984*.

4.1.2 The PZJA **AGREED**:

- (a) to commend communities on the progress to date of community-based management plans;
- (b) to urge communities to remain engaged in the process of developing and finalising community-based management plans; and
- (c) to ask the Standing Committee to investigate the opportunities to support the extension of the planning process to other communities, as well as implementation, monitoring and compliance programs.

**HAND COLLECTABLE FISHERIES**

***Torres Strait Hand Collectables Working Group - Report***

5.1 The PZJA **NOTED** the recommendations of the Torres Strait Fisheries Management Advisory Committee including:

- (a) the outcomes of the Torres Strait Hand Collectables Working Group;
- (b) the Torres Strait Hand Collectables Working Group’s concerns regarding significant illegal fishing on the Warrior Reef complex for bêche-de-mer; and
- (c) the Torres Strait Hand Collectables Working Group’s recommendation that research to address uncertainties regarding trochus stocks and the recovery of bêche-de-mer be given priority.

## **PZJA CONSULTATIVE STRUCTURE**

### ***PZJA Fisheries Management Paper No. 1 – Revision***

6.1.1 The PZJA **NOTED** that the PZJA Fisheries Management Paper No. 1 (October 2005) has been revised and updated and that the main amendments to the policy include:

- (a) the inclusion of operational procedures for all consultative committees/groups including the Management Advisory Committees, Scientific Advisory Committees, Resource Assessment Groups and Working Groups;
- (b) cost recovery provisions; and
- (d) a review of appropriate membership for each committee/group.

6.1.2 The PZJA **AGREED** to endorse the revised PZJA Fisheries Management Paper No. 1 (May 2008) as PZJA policy, and to revoke the previous version of October 2005.

### ***Committee Membership Changes***

6.2.1 The PZJA **NOTED** that selection processes have occurred consistent with PZJA Fisheries Management Paper No 1 (October 2005) for various vacancies in the PZJA Consultative structure.

6.2.2 The PZJA **AGREED** that in accordance with Subsections 40(7) and 40(8) of the *Torres Strait Fisheries Act 1984* (the Act) and from the date of signing the record of the meeting in accordance with Subsection 40(9) of the Act:

- (a) to appoint Mr John Pollock as Chair of the Torres Strait Fisheries Management Advisory Committee, for a period of three years;
- (b) to appoint Mr Brett Arlidge and Mr Daniel Takai as the Tropical Rock Lobster Industry and Fish Receiver members respectively of the Torres Strait Fisheries Management Advisory Committee for a period of three years;
- (c) to appoint Mrs Rosemary Millward and Mr Robert Giddins as Prawn-non-traditional inhabitant (Industry) members of the Torres Strait Prawn Management Advisory Committee for a period of two years backdated to 17 February, 2007;
- (d) to appoint Mr Ian Cartwright as Chair of the Torres Strait Scientific Advisory Committee for a period of three years;
- (e) to appoint the members of the Torres Strait Scientific Advisory Committee as provided in Table 4 of PZJA 22 Decision 6.2.4;
- (f) to appoint Mr John Pollock as acting Chair of the Torres Strait Tropical Rock Lobster Resource Assessment Group for a period no longer than 12 months while a permanent Chair is

being recruited; and

- (g) to appoint the members of the Torres Strait Tropical Rock Lobster Resource Assessment Group as provided in Table 3 of PZJA 22 Decision 6.2.4.

#### 6.2.3 The PZJA **AGREED**:

- (a) to begin a recruitment process for a new Prawn – non-traditional inhabitant (Industry) member to fill the position formerly held by Mr Bob Robbins who resigned from the Torres Strait Prawn Management Advisory Committee on 17th April, 2008; and
- (b) that agency members on each committee and working group will be appointed internally by each agency as required.

6.2.4 The PZJA **ENDORSED** the membership of each of the seven PZJA consultative committees and groups provided below from Table 1 through to Table 7.

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

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	Mr John Pollock	1-May-2008	30-April-2010
Executive Officer	Dr Ana Lara-Lopez	N/A	N/A
TSRA – Badu Island	VACANT – TBD	-	-
TSRA – Bamaga	Mr Clifford Waisu	1-May-2008	30-April-2011
TSRA – Boigu Island	Mr Dimas Toby	1-May-2008	30-April-2011
TSRA – Coconut Island	Mr Francis Pearson	1-May-2008	30-April-2011
TSRA – Darnley Island (Erub)	Mr Kenny Bedford	1-May-2008	30-April-2011
TSRA – Dauan Island	VACANT – TBD	-	-
TSRA – Hammond Island	Mr Seriako Dorante	1-May-2008	30-April-2011
TSRA – Horn	Mr Willy Wigness	1-May-2008	30-April-2011
TSRA – Injinoo	Mr Robert Bagie	1-May-2008	30-April-2011
TSRA – Kubin	VACANT – TBD	-	-
TSRA – Mabuiag Island	Mr Terrence Whap	1-May-2008	30-April-2011
TSRA – Murray Island (Mer)	Mr Kila Odo	1-May-2008	30-April-2011
TSRA – New Mapoon	Mr Trevor Lifu	1-May-2008	30-April-2011
TSRA – Port Kennedy	Mr Graham Hirakawa	1-May-2008	30-April-2011
TSRA – Saibai Island	Mr Jerry Babia	1-May-2008	30-April-2011
TSRA – Seisia	Mr Harold Townsend	1-May-2008	30-April-2011
TSRA - Stephens Island	Mr William Stephen	1-May-2008	30-April-2011
TSRA – St Pauls	VACANT – TBD	-	-
TSRA – TRAWQ	Mr Railey Gibia	1-May-2008	30-April-2011
TSRA – Umagico	Mr Connie Young	1-May-2008	30-April-2011
TSRA - Warraber	Mr Willie Lui	1-May-2008	30-April-2011

TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban	1-May-2008	30-April-2011
TSRA – Yam Island (Iama)	Mr Charles David	1-May-2008	30-April-2011
TSRA – Yorke Island	Mr Lota Warria	1-May-2008	30-April-2011
Fish Receiver representative	Mr Daniel Takai	1-May-2008	30-April-2011
Tropical Rock Lobster – non-traditional inhabitant	Dr Ray Moore	1-May-2008	30-April-2011
Finfish (Reef Line) - non-traditional inhabitant	Mr Carl D’Aguiar	1-May-2008	30-April-2011
Finfish (Spanish Mackerel) - non-traditional inhabitant	Mr Shaun Hansen	1-May-2008	30-April-2011
Tropical Rock Lobster – non-traditional inhabitant	Mr Brett Arlidge	1-May-2008	30-April-2011
Scientific Member (TSSAC Chair)	Mr Ian Cartwright	1-May-2008	30-April-2011
TSRA	Mr Toshio Nakata	N/A	N/A
QDPI&F	Manager (Fisheries)	N/A	N/A
QDPI&F	Senior Fisheries	N/A	N/A
AFMA	Senior Manager, TS	N/A	N/A
AFMA	Manager, TS Fisheries	N/A	N/A
DEWHA	Sustainable Fisheries	N/A	N/A

Table 2. Torres Strait Prawn Management Advisory Committee (TSPMAC).

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	Mr Jim Gillespie (QDPI&F)	28-April-2006	27-April-2009
Executive Officer	Ms Lisa Cocking (AFMA)	N/A	N/A
CFG - Darnley Island	Mr Ken Bedford	28-April-2006	27-April-2009
CFG - Yam Island	Mr Charles David	28-April-2006	27-April-2009
CFG - Yorke Island	Mr Lota Warria	28-April-2006	27-April-2009
Prawn, non-traditional inhabitant	Mr Barry Wilson	28-April-2006	27-April-2009
Prawn, non-traditional inhabitant	Mr Mark Millward	28-April-2006	27-April-2009
Prawn, non-traditional inhabitant	Mr Robert Giddins	17-February-2007	16-February-2009
Prawn, non-traditional inhabitant	Mrs Rosemary Millward	17-February-2007	16-February-2009
Prawn, non-traditional inhabitant	VACANT - TBD	-	-
Scientific Member	Mr Clive Turnbull (QDPI&F)	28-April-2006	27-April-2009
TSRA	Mr Toshio Nakata	N/A	N/A

AFMA	Senior Manager, TS Fisheries – Dr David Wilson (Acting)	N/A	N/A
AFMA	Manager, TS Fisheries (CBR)	N/A	N/A
QDPI&F	Manager (Fisheries Resources) - Mr Andrew Thwaites	N/A	N/A
QDPI&F	Senior Fisheries Management Officer – Mr Shane Gaddes	N/A	N/A
Compliance Member (QBFP)	Mr Lyndon Peddell	N/A	N/A
Papua New Guinea (NFA)**	Mr Lester Baule	N/A	N/A
Papua New Guinea (NFA)**	Mr Philip Polon	N/A	N/A
DFAT treaty liaison officer**	Ms Joannah Leahy	N/A	N/A
DAFF**	VACANT – TBD	N/A	N/A
DEWHA**	Mr Robert Ferguson	NA	M/A
ABARE**	Mr Simon Vieira	NA	N/A

\* Membership is “owned” by the organisation not the member representative

\*\* Denotes permanent observer status (dates in brackets indicate the date permanent observer status was confirmed).

Table 3. Torres Strait Scientific Advisory Committee (TSSAC).

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	Mr Ian Cartwright	1-May-2008	30-April-2011
Executive Officer	Dr Annabel Jones (AFMA)	1-May-2008	30-April-2011
Scientific Member – Social/Economic Scientist	Ms Sevaly Sen	1-May-2008	30-April-2011
Scientific Member	Dr Yimin Ye	1-May-2008	30-April-2011
Scientific Member	Dr Roland Pitcher	1-May-2008	30-April-2011
Scientific Member	Dr Stephen Newman	1-May-2008	30-April-2011
Industry Member	Mr Tony Vass	1-May-2008	30-April-2011
Community Fisher	Mr Charles David	1-May-2008	30-April-2011
AFMA Member	Dr David Wilson	N/A	N/A
QDPI&F Member	Mr Shane Gaddes	N/A	N/A

Table 4. Torres Strait Tropical Rock Lobster Resource Assessment Group (TS TRLRAG).

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	Mr John Pollock	1-May-2008	30-Apr-2009

Executive Officer	Ms Samantha Emerick (AFMA)	N/A	N/A
Queensland Industry	Mr Jim Fogarty	1-May-2008	30-Apr-2011
Queensland DPI&F Scientist	Senior Fisheries Biologist	1-May-2008	30-Apr-2011
Torres Strait Fishery (PNG)	NFA Manager PNG-Torres Strait Fisheries	1-May-2008	30-Apr-2011
Torres Strait Industry (PNG Indigenous rep)	Mr Meremi Maina	1-May-2008	30-Apr-2011
Torres Strait Industry (Australian Indigenous rep)	Community Fisher Group representative	1-May-2008	30-Apr-2011
Torres Strait Industry (Australian TVH rep)	TVH representative (vacant)	1-May-2008	30-Apr-2011
Scientist	Dr Yimin Ye (CSIRO)	1-May-2008	30-Apr-2011
Independent Fisheries Scientist	Mr Nokome Bentley	1-May-2008	30-Apr-2011
Bureau of Rural Sciences	Fisheries Scientist	1-May-2008	30-Apr-2011
TSRA	TSRA Fisheries Coordinator	N/A	N/A
AFMA	Manager, TS Fisheries (TI) - Dr Annabel Jones	N/A	N/A
QDPI&F	Senior Fisheries Management Officer – Mr Shane Gaddes	N/A	N/A
GBRMPA**	Senior Project Manager	N/A	N/A
PNG**	NFA Fisheries Officer	N/A	N/A

\*\* Denotes Permanent Observer Status

Table 5. Torres Strait Tropical Rock Lobster Working Group (TSTRLWG).

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	Mr Kerrod Beattie	1-May-2008	30-June-2011
Executive Officer	Dr Ana Lara-Lopez (AFMA)	N/A	N/A
TSRA – Badu Island	VACANT - TBD	1-May-2008	30-June-2011
TSRA – Yam Island	Mr Charles David	1-May-2008	30-June-2011
TSRA – Port Kennedy	Mr Graham Hirakawa	1-May-2008	30-June-2011
TSRA – Yorke Island	Mr Lota Warriia	1-May-2008	30-June-2011
TSRA – Mabuiag Island	Mr Terrance Whap	1-May-2008	30-June-2011
TSRA – Waiben, Ngurapai, Muralag Islands	Mr Yen Loban	1-May-2008	30-June-2011
TRL – non-community	Dr Ray Moore	1-May-2008	30-June-2011

TRL – non-community	Mr Phillip Hughes	1-May-2008	30-June-2011
TRL – non-community	Mr Brett Arlidge	1-May-2008	30-June-2011
QDPI&F	Senior Fisheries Management Officer – Mr Shane Gaddes	N/A	N/A
AFMA	Dr Annabel Jones, A/g Manager, TS Fisheries (TI)	N/A	N/A
TSRA	TSRA Fisheries Coordinator & Fisheries Policy Officer	N/A	N/A
Scientific Member	Dr Yimin Ye (CSIRO)	1-May-2008	30-June-2011
Compliance Member (QBFP)	Mr Lyndon Peddell	N/A	N/A

Table 6. Torres Strait Finfish Working Group (TSFFWG).

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	VACANT - TBD	-	-
Executive Officer	Mr Erik Raudzens (AFMA)	N/A	N/A
TSRA – Mer (Murray) Island	Mr Kila Odo	1-May-2008	30-June-2011
TSRA – Masig (Yorke) Island	Mr Lota Warri	1-May-2008	30-June-2011
TSR A – Warraber Island	Mr Willie Lui	1-May-2008	30-June-2011
TSRA – Erub (Darnley) Island	Mr Ken Bedford	1-May-2008	30-June-2011
TSRA – Poruma (Coconut) Island	Mr Francis Pearson	1-May-2008	30-June-2011
TSRA – Ugar (Stephens) Island	Mr William Stephen	1-May-2008	30-June-2011
Finfish (Reef Line) – non-traditional inhabitant	Mr Carl D’Aguiar (QSIA)	1-May-2008	30-June-2011
Finfish (Spanish mackerel) – non-traditional inhabitant	Mr Shaun Hanson (QSIA)	1-May-2008	30-June-2011
Finfish – non-traditional inhabitant	Mr Neil Green (QSIA)	1-May-2008	30-June-2011
Scientific Member	VACANT - TBD	-	-
TSRA Fisheries Officer	TSRA Fisheries Coordinator	N/A	N/A
AFMA	Dr Annabel Jones, A/g Manager, TS Fisheries (TI)	N/A	N/A
QDPI&F	Fisheries Management Officer – Mr Shane Fava	N/A	N/A

Compliance (QBFP)	Mr Lyndon Peddell	N/A	N/A
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Table 7. Torres Strait Hand Collectables Working Group (TSHCWG).

REPRESENTATION	MEMBER	APPOINTMENT DATE	TERM ENDS
Chair	Mr Toshio Nakata (TSRA)	28-August-2007	27-August-2011
Executive Officer	Mr Erik Raudzens (AFMA)	N/A	N/A
Traditional Inhabitant Member	VACANT - TBD	-	-
Traditional Inhabitant Member	Mr Willie Wigness	28-August-2007	27-August-2011
Traditional Inhabitant Member	Mr Kila Odo	28-August-2007	27-August-2011
Traditional Inhabitant Member	Mr Willie Lui	28-August-2007	27-August-2011
Traditional Inhabitant Member	Mr Francis Pearson	28-August-2007	27-August-2011
Traditional Inhabitant Member	Mr Charles David	28-August-2007	27-August-2011
TVH Industry Member	VACANT – TBD (Pearl Shell licensee)	-	-
TVH Industry Member	VACANT – TBD (Pearl Industry operator)	-	-
Industry Member	VACANT – TBD (Processor / Buyer)	-	-
Scientific Member	Tim Skewes	28-August-2007	27-August-2011
TSRA	Fisheries Coordinator	N/A	N/A
AFMA	VACANT - TBD	N/A	N/A
QDPI&F	Fisheries Management Officer – Mr Shane Fava	N/A	N/A

## **EPBC ACT REPORTING**

### ***Assessment Status of Torres Strait Fisheries***

7.1.1 The PZJA **NOTED** the update provided on the *Environmental Protection and Biodiversity Conservation Act 1997* (EPBC Act) assessment status of Torres Strait Fisheries.

7.1.2 The PZJA **AGREED**:

- (a) that the Chair of the PZJA will inform the Minister for Environment, Heritage and the Arts that a reassessment of the Finfish fishery should be undertaken prior to the expiration of the current Wildlife Trade Operation assessment; and
- (b) to the recommendations arising from the Department of Environment, Water, Heritage and the Arts' reassessment of the Torres Strait Tropical Rock Lobster Fishery for continued export approval of product from the fishery, and for the Chair of the PZJA to write to the Minister for the Environment, Heritage and the Arts informing them of that agreement.

***DEWHA Prawn Fishery Strategic Assessment Recommendations***

7.2.1 The PZJA **NOTED** the update provided on the Environmental Protection and Biodiversity Conservation Act 1997 assessment status of the Torres Strait Prawn Fishery.

7.2.2 The PZJA **AGREED** to the draft conditions and recommendations arising from the Department of the Environment, Water, Heritage and the Arts' reassessment of the Torres Strait Prawn Fishery.

***Aquaculture Assessment***

7.3 The PZJA **NOTED** that the Yorke Island Sea Sponge Farm is progressing and is an example of the potential of aquaculture in the Torres Strait.

**COMPLIANCE**

***Domestic Compliance Report***

8.1 The PZJA **NOTED** the Domestic Compliance Report for the period August 2007 to April 2008 provided by the Torres Strait Fisheries Management Advisory Committee.

***Foreign Compliance Report***

8.2.1 The PZJA **NOTED**:

- (a) the update on issues associated with the Torres Strait foreign fishing compliance program and, in particular, the close co-operation with Papua New Guinea in recent operations; and
- (b) that a fisheries legislation amendment bill was introduced into the Federal Parliament in March 2008. It contains measures to combat illegal, unreported and unregulated fishing and will

amend the *Torres Strait Fisheries Act 1984* to add new requirements of foreign boats equipped for fishing.

## **LICENCING**

### ***Fish Receivers Licence Update***

9.1.1 The PZJA **NOTED**:

- (a) that an amendment was made to the *Torres Strait Fisheries Act 1984* resulting in the requirement for all current Torres Strait buyers to hold a Fish Receivers Licence, enforceable as of 28 June 2008;
- (b) the development of the necessary systems for the adoption of this licensing process are currently being completed by PZJA agencies; and
- (c) the establishment of fish receivers licences is a vital component of the catch validation process associated with the upcoming fisheries management plans.

9.1.2 The PZJA **AGREED** that the fee charged for the licence will be set at \$100 when the *Torres Strait Fisheries Regulation 1985* is amended to include the fee for the new licence.

## **PAPUA NEW GUINEA / AUSTRALIA FISHERIES BILATERALS**

### ***Outcomes from Bilateral Discussions – Tropical Rock Lobster***

10.1 The PZJA **NOTED** in relation to Tropical Rock Lobster fishery that:

- (a) Australia and Papua New Guinea agreed at a Catch Sharing Working Group in November 2007 to rollover 2007 arrangements into 2008 and to further discuss the catch sharing arrangement for this fishery;
- (b) Papua New Guinea has subsequently requested that six primary and 42 tender vessels be considered for cross endorsement; and
- (c) that PZJA agencies have now commenced a native title notification process in relation to this request.

### ***Other Bilateral Outcomes and Future Meetings***

10.2 The PZJA **NOTED**:

- (a) the next bilateral discussions are to be held in Cairns in October 2008 and that a catch sharing working group will be held before that to discuss catch sharing arrangements; and

- (b) the record of the 2007 bilateral fisheries discussions.

### **AUTHORITY MEETING ONLY**

#### **FINANCE**

##### ***Sale of Cairns Properties***

11.1.1 The PZJA **AGREED** to:

- (a) the sale of the properties in Cairns; and
- (b) the relevant representatives from Queensland and the Commonwealth be authorised to undertake all necessary steps to give effect to this recommendation.

11.1.2 The PZJA **NOTED** that subject to the Commonwealth and Queensland Governments financial management requirements, the proceeds obtained from the sale of the Cairns properties will be used to secure accommodation on Thursday Island.

##### ***Cost Sharing Arrangement***

11.2.1 The PZJA **NOTED** that the 'Agreement between the Commonwealth of Australia and the State of Queensland relating to the cost of management of fisheries in the area of the Australian jurisdiction in the Torres Strait Protected Zone established under the Torres Strait Treaty' signed on July 10th, 1999, will continue in its current form for the 2008-2009 financial year.

11.2.2 The PZJA **AGREED** to a review of the 'Agreement' during the 2008-2009 financial year to consider options on fisheries management administrative arrangements for the Torres Strait. Further the PZJA has requested that agencies review the current agreement and provide options for consideration prior to the finalisation of the 2009-2010 PZJA budget.

#### **ANNUAL REPORT**

##### ***PZJA Annual Report 2006/07***

12.1 The PZJA **AGREED** to finalise the Torres Strait Protected Zone Joint Authority Annual Report 2006-07 so that the report may be tabled in the Australian Parliament in accordance with Section 41 of the *Torres Strait Fisheries Act 1984*.

#### **LEGISLATION**

##### ***Remaking Section 31 arrangements***

13.1 The PZJA **NOTED** that a new arrangement between the Australian and the Queensland Governments under section 31 of the *Torres Strait Fisheries Act 1984* to permit the PZJA to manage traditional fishing within the area of Australian jurisdiction and the Protected Zone coastal waters of Queensland under Commonwealth law is currently being drafted. It will be ready for signature by the Australian and Queensland Ministers and the Queen's representatives after the Office of Best Practice Regulations' consideration of the current draft and followed by relevant native title notifications.

#### ***Merits Review***

13.2 The PZJA **NOTED** the review into appeals mechanisms under the *Fisheries Management Act 1991* is scheduled to be completed by 30 June 2008 and will provide the basis for a review of appeals mechanisms under the *Torres Strait Fisheries Act 1984* in the next financial year.

#### **OTHER BUSINESS**

14.1 The PZJA **AGREED** to work on a nine month meeting schedule.

#### **OUT OF SESSION DECISIONS**

15.1 The PZJA **CONFIRMED** the following out of session decision made as a decision of the PZJA.

#### ***Decisions made by correspondence on the 16 February 2008***

15.2 The Torres Strait Protected Zone Joint Authority (PZJA) Standing Committee recommends that the PZJA **AGREED** to the setting of levies for the Torres Strait Prawn fishery for 2008 at \$2,786.78 per licence and \$9.88 per day.

15.3 The PZJA Standing Committee recommends that the PZJA **NOTED**:

- (a) the Torres Strait Prawn Management Advisory Committee considered the proposed budget and levies for the 2008 season and agreed to them at their fifth meeting in December 2007;
- (b) that these levy amounts have been set in accordance with cost sharing arrangements and licence holders have been notified on 17 December 2008 of these proposed levy amounts;
- (c) the PZJA agreed at PZJA 21 that the Explanatory Statement for the setting of levies in the prawn fishery for 2008 was to be finalised by the PZJA Chair when levy amounts have been agreed in accordance with cost sharing arrangements;
- (d) if these levy amounts are agreed the PZJA Chair will finalise the

Explanatory Statement and present it along with the proposed *Fisheries Levy (Torres Strait Prawn Fishery) Regulation* amendments to the Executive Council at the next possible opportunity to be made so as to have effect before the fishing season commences on 1 March 2008.

## ANNEX B: PROTECTED ZONE JOINT AUTHORITY CONSULTATIVE STRUCTURE: MEMBERSHIP AND MEETINGS

### PROTECTED ZONE JOINT AUTHORITY (PZJA)

- Senator the Hon Eric Abetz, Commonwealth Minister for Fisheries, Forestry and Conservation (Chairman from July 2007 to October 2007);
- The Hon Tony Burke, MP, Commonwealth Minister for Agriculture, Fisheries and Forestry (Chairman from November 2007 to June 2008);
- The Hon Tim Mulherin, MP, Queensland Minister for Primary Industries and Fisheries; and
- Mr John T. Kris, Chair of the Torres Strait Regional Authority.

### MEMBERSHIP OF TORRES STRAIT CONSULTATIVE BODIES

#### *Torres Strait Fisheries Management Advisory Committee (TSFMAC):*

REPRESENTATION	MEMBER
Chair	Mr John Pollock
Executive Officer	Dr Ana Lara-Lopez (AFMA)
TSRA – Badu Island	VACANT – TBD
TSRA – Bamaga	Mr Clifford Waisu
TSRA – Boigu Island	Mr Dimas Toby
TSRA – Coconut Island (Poruma)	Mr Francis Pearson
TSRA – Darnley Island (Erub)	Mr Kenny Bedford
TSRA – Dauan Island	VACANT – TBD
TSRA – Hammond Island	Mr Seriako Dorante
TSRA – Horn	Mr Willy Wigness
TSRA – Injinoo	Mr Robert Bagie
TSRA – Kubin	VACANT – TBD
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Murray Island (Mer)	Mr Kila Odo
TSRA – New Mapoon	Mr Trevor Lifu
TSRA – Port Kennedy	Mr Graham Hirakawa

TSRA – Saibai Island	Mr Jerry Babia
TSRA – Seisia	Mr Harold Townsend
TSRA - Stephens Island	Mr William Stephen
TSRA – St Pauls	VACANT – TBD
TSRA – TRAWQ	Mr Railey Gibia
TSRA – Umagico	Mr Connie Young
TSRA - Warraber	Mr Willie Lui
TSRA – Waiben, Ngurapai and	Mr Yen Loban
TSRA – Yam Island (Iama)	Mr Charles David
TSRA – Yorke Island (Massig)	Mr Lota Warria
Fish Receiver representative	Mr Daniel Takai
Tropical Rock Lobster – non-	Dr Ray Moore
Finfish (Reef Line) - non-traditional	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) - non-	Mr Shaun Hansen
Tropical Rock Lobster – non-	Mr Brett Arlidge
Scientific Member (TSSAC Chair)	Mr Ian Cartwright
TSRA	Mr Toshio Nakata
QDPI&F	Manager (Fisheries Resources) – Mr Andrew
QDPI&F	Senior Fisheries Management Officer – Mr Shane
AFMA	Senior Manager, TS Fisheries – Dr David Wilson
AFMA	Manager, TS Fisheries (TI) – Dr Annabel Jones
DEWHA	Sustainable Fisheries Officer **

**Torres Strait Prawn Management Advisory Committee (TSPMAC):**

REPRESENTATION	MEMBER
Chair	Mr Jim Gillespie (QDPI&F)
Executive Officer	Ms Lisa Cocking (AFMA)
CFG - Darnley Island	Mr Ken Bedford
CFG - Yam Island	Mr Charles David
CFG - Yorke Island	Mr Lota Warria
Prawn, non-traditional inhabitant	Mr Barry Wilson
Prawn, non-traditional inhabitant	Mr Mark Millward
Prawn, non-traditional inhabitant	Mr Robert Giddins
Prawn, non-traditional inhabitant	Mrs Rosemary Millward
Prawn, non-traditional inhabitant	VACANT - TBD
Scientific Member	Mr Clive Turnbull (QDPI&F)
TSRA	Mr Toshio Nakata
AFMA	Senior Manager, TS Fisheries – Dr David Wilson (Acting)
AFMA	Manager, TS Fisheries (CBR)

QDPI&F	Manager (Fisheries Resources) - Mr Andrew Thwaites
QDPI&F	Senior Fisheries Management Officer – Mr Shane Gaddes
Compliance Member (QBFP)	Mr Lyndon Peddell
Papua New Guinea (NFA)**	Mr Lester Baule
Papua New Guinea (NFA)**	Mr Philip Polon
DFAT treaty liaison officer**	Ms Joannah Leahy
DAFF**	VACANT – TBD
DEWHA**	Mr Robert Ferguson
ABARE**	Mr Simon Vieira

\* Membership is “owned” by the organisation not the member representative

\*\* Denotes permanent observer status (dates in brackets indicate the date permanent observer status was confirmed).

***Torres Strait Scientific Advisory Committee (TSSAC):***

REPRESENTATION	MEMBER
Chair	Mr Ian Cartwright
Executive Officer	Dr Annabel Jones (AFMA)
Scientific Member –	Ms Sevaly Sen
Scientific Member	Dr Yimin Ye
Scientific Member	Dr Roland Pitcher
Scientific Member	Dr Stephen Newman
Industry Member	Mr Tony Vass
Community Fisher Representative	Mr Charles David
AFMA Member	Dr David Wilson
QDPI&F Member	Mr Shane Gaddes

***Torres Strait Finfish Working Group (TSFFWG):***

REPRESENTATION	MEMBER
Chair	VACANT - TBD
Executive Officer	Mr Erik Raudzens (AFMA)
TSRA – Mer (Murray) Island	Mr Kila Odo
TSRA – Masig (Yorke) Island	Mr Lota Warria
TSR A – Warraber Island	Mr Willie Lui
TSRA – Erub (Darnley) Island	Mr Ken Bedford
TSRA – Poruma (Coconut) Island	Mr Francis Pearson
TSRA – Ugar (Stephens) Island	Mr William Stephen
Finfish (Reef Line) – non-traditional inhabitant	Mr Carl D’Aguiar (QSIA)

Finfish (Spanish mackerel) – non-traditional inhabitant	Mr Shaun Hanson (QSIA)
Finfish – non-traditional inhabitant	Mr Neil Green (QSIA)
Scientific Member	VACANT - TBD
TSRA Fisheries Officer	TSRA Fisheries Coordinator
AFMA	Dr Annabel Jones, A/g Manager, TS
QDPI&F	Fisheries Management Officer – Mr
Compliance (QBFP)	Mr Lyndon Peddell

**Torres Strait Tropical Rock Lobster (TRL) Working Group (TSTRWLG):**

REPRESENTATION	MEMBER
Chair	Mr Kerrod Beattie
Executive Officer	Dr Ana Lara-Lopez (AFMA)
TSRA – Badu Island	VACANT - TBD
TSRA – Yam Island	Mr Charles David
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warri
TSRA – Mabuiag Island	Mr Terrance Whap
TSRA – Waiben, Ngurapai, Muralag Islands	Mr Yen Loban
TRL – non-community	Dr Ray Moore
TRL – non-community	Mr Phillip Hughes
TRL – non-community	Mr Brett Arlidge
QDPI&F	Senior Fisheries Management Officer – Mr
AFMA	Dr Annabel Jones, A/g Manager, TS Fisheries
TSRA	TSRA Fisheries Coordinator & Fisheries
Scientific Member	Dr Yimin Ye (CSIRO)
Compliance Member (QBFP)	Mr Lyndon Peddell

**Torres Strait Hand Collectables Working Group (TSHCWG):**

REPRESENTATION	MEMBER
Chair	Mr Toshio Nakata (TSRA)
Executive Officer	Mr Erik Raudzens (AFMA)
Traditional Inhabitant Member	VACANT - TBD
Traditional Inhabitant Member	Mr Willie Wigness
Traditional Inhabitant Member	Mr Kila Odo
Traditional Inhabitant Member	Mr Willie Lui
Traditional Inhabitant Member	Mr Francis Pearson
Traditional Inhabitant Member	Mr Charles David
TVH Industry Member	VACANT – TBD (Pearl Shell licensee)

TVH Industry Member	VACANT – TBD (Pearl Industry operator)
Industry Member	VACANT – TBD (Processor / Buyer)
Scientific Member	Tim Skewes
TSRA	Fisheries Coordinator
AFMA	VACANT - TBD
QDPI&F	Fisheries Management Officer – Mr Shane Fava

**Torres Strait Tropical Rock Lobster Research Advisory Group  
(TSTRLAG):**

REPRESENTATION	MEMBER
Chair	Mr John Pollock
Executive Officer	Ms Samantha Emerick (AFMA)
Queensland Industry	Mr Jim Fogarty
Queensland DPI&F Scientist	Senior Fisheries Biologist
Torres Strait Fishery (PNG)	NFA Manager PNG-Torres Strait Fisheries
Torres Strait Industry (PNG Indigenous rep)	Mr Meremi Maina
Torres Strait Industry (Australian Indigenous rep)	Community Fisher Group representative
Torres Strait Industry (Australian TVH rep)	TVH representative (vacant)
Scientist	Dr Yimin Ye (CSIRO)
Independent Fisheries Scientist	Mr Nokome Bentley
Bureau of Rural Sciences	Fisheries Scientist
TSRA	TSRA Fisheries Coordinator
AFMA	Manager, TS Fisheries (TI) - Dr Annabel
QDPI&F	Senior Fisheries Management Officer – Mr
GBRMPA**	Senior Project Manager
PNG**	NFA Fisheries Officer

\*\* Denotes Permanent Observer Status

## MEETINGS

- **Protected Zone Joint Authority**
  - Meeting 21: 28-29 August 2007
  - Meeting 22: 30 April- 1 May 2008
- **Torres Strait Fisheries Management Advisory Committee**
  - Meeting No. 9: 11-12 July 2007
  - Meeting No. 10: 18-19 March 2008

- **Torres Strait Scientific Advisory Committee**  
Meeting No. 45: 17-18 June 2008
- **Torres Strait Prawn Management Advisory Committee**  
Meeting No. 5: 4-5 December 2007
- **Torres Strait Finfish Working Group**  
No meeting
- **Torres Strait Tropical Rock Lobster Working Group**  
28-29 November 2007
- **Torres Strait Hand Collectables Working Group**  
Meeting No. 1: 9-10 October 2007
- **Torres Strait Tropical Rock Lobster Research Advisory Group**  
Meeting No. 4: 4-5 October 2007  
Meeting No. 5: 4-5 March 2008

## **ANNEX C: REPORTS RELATED TO TORRES STRAIT FISHERIES 2007-08**

- Fairhead, L. and Hohnen, L. 2007, *Torres Strait Islanders: Improving their Economic Benefits from Fishing*, ABARE Research Report 07.21 Prepared for the Fisheries Resources Research Fund, Canberra, November 2007.
- Dunkerley, K., Lara-Lopez, A (2008). *Impacts of tail clipping on the Tropical Rock Lobster*. AFMA Thursday Island.
- Turnbull, C.T., Fairweather, C, O'Neil M, and Tanimoto M (2007) *Research in the Torres Strait Prawn Fishery*, Second Quarterly Report to Department of Agriculture Fisheries and Forestry, 30 October 2007.
- Turnbull, C.T. and Rose, C.L. (2007) *Towards Ecologically Sustainable Management of the Torres Strait Prawn Fishery*, CRC Torres Strait Task T1.5 Final Report. Department of Primary Industries and Fisheries, Queensland.
- Williams AJ, Begg GA, Little LR, Currey LM, Ballagh AC, Murchie CD (2007). *Evaluation of the eastern Torres Strait reef line fishery*. Fishing and Fisheries Research Centre Technical Report No. 1
- Y. Ye, D.M. Dennis, T.D. Skewes, T. J. Taranto, M. D. E. Haywood, D. T. Brewer, T. J. Wassenberg, D. Chetwynd, I. M. McLeod, A. G. Donovan. 2006. *Sustainability Assessment of the Torres Strait Rock Lobster Fishery*. CSIRO Cleveland. CRC-TS Project Task Number: 1.3.

## **ANNEX D: FREEDOM OF INFORMATION ACT AND OCCUPATIONAL HEALTH AND SAFETY ACT STATEMENTS**

Information relating to the *Freedom of Information Act 1982* and *Occupational Health and Safety (Commonwealth Employment) Act 1991* with respect to Torres Strait fisheries is contained within the annual report issued by the Australian Fisheries Management Authority.