



## PZJA Stakeholder Forum

28 August 2007

3:30pm – 7:30pm

The PZJA Stakeholder Forum was held in the  
Torres Strait Regional Authority Boardroom  
Thursday Island.

### Authority Members:

#### *Chair*

The Hon Senator Eric Abetz, Minister for Fisheries, Forestry and Conservation (Cth)

#### *Members*

Mr John (Toshie) Kris – Chair, Torres Strait Regional Authority

Mr Grant Hall, Deputy Director General (Fisheries), Department of Primary  
Industries and Fisheries (Queensland), representing the Hon Tim Mulherin MP

### Government Delegations

Duncan Souter, Adviser to the Hon Senator Eric Abetz

#### *Australian Government Department of Agriculture, Fisheries and Forestry (DAFF)*

Mr Allen Grant, Executive Manager, Fisheries and Forestry Division

Mr Robert Murphy, General Manager, Fisheries and Marine Environment

Mr Stuart Stark, A/g Manager, Torres Strait Fisheries Section

#### *Australian Fisheries Management Authority (AFMA)*

Mr Andy Bodsworth, Manager Northern Fisheries

Mr Jim Prescott, Manager, AFMA Thursday Island

#### *Torres Strait Regional Authority (TSRA)*

Mr Wayne See Kee, General Manager

Dr Marcus Finn, Fisheries Policy Officer

#### *Queensland Department of Primary Industries and Fisheries (QDPI&F)*

Mr Jim Gillespie, General Manager, Fisheries

Mr Shane Gaddes, Senior Fisheries Management Officer

### TVH Sector Fisheries Industry Representatives

#### *Rock Lobster Fishery*

Mr Brett Arlidge

(Manager, MG Kailis representing Queensland Rock Lobster Association)

Mr Chris Robb (Fisher)

## *FinfishFishery*

Mr Carl D'Aguiar (Queensland Seafood Industry Association)

### Community Fisher Group Representatives

Mr Francis Pearson – Poruma  
Mr Solomon Nona – Badu  
Mr Yen Loban - Muralug  
Mr Kila Odo – Mer  
Mr Charles David – Yam

### Observers

#### *Australian Fisheries Management Authority*

Ms Samantha Emerick, Fisheries Management Officer  
Dr Annabel Jones, Fisheries Management Officer  
Mr Erik Rauzens, Fisheries Management Officer  
Dr Ana Lara-Lopez , Fisheries Management Officer

#### *Australian Government Department of Foreign Affairs and Trade*

Ms Johanna Leahy, Torres Strait Treaty Liaison Officer

### Apologies

The Hon Tim Mulherin MP, Minister for Primary Industries and Fisheries (Qld)  
Mr Mark Millward, Chair, Torres Strait Prawn Entitlement Holders Association  
Mr Neil Green, President, Queensland Seafood Industry Association

### The recent passing of the Chair of the Masig (Yorke) Island Community Council

The PZJA Stakeholder Forum was opened in prayer led by Mr Francis Pearson. After the prayer a minute silence was observed to acknowledge the passing of TSRA Marine and Fisheries Portfolio member and Chair of the Masig Community Council. Members agreed that the decision record would acknowledge this observance.

The Chair of the Masig Community Council engaged with fisheries issues in a way that was focussed and logical, assisting the representatives from the many Torres Strait communities find a single voice and strategic way forward. His ongoing support for the traditional inhabitant representatives and his support for the idea of a direct voice for Torres Strait Islanders in fisheries consultations were immensely valuable contributions to the PZJA's management of the Torres Strait fisheries.

## PZJA Authority Meeting

29 August 2007

9:30am – 1:30pm

The PZJA Authority Meeting was held in the  
Torres Strait Regional Authority Boardroom  
Thursday Island

### Authority Members:

#### *Chair*

The Hon Senator Eric Abetz, Minister for Fisheries, Forestry and Conservation (Cth)

#### *Members*

The Hon Tim Mulherin MP\*, Minister for Primary Industries and Fisheries (Qld)

Mr John (Toshie) Kris – Chair, Torres Strait Regional Authority

### Government Delegations

Mr Duncan Souter, Adviser to the Hon Senator Eric Abetz

Ms Verena Mette\*, Adviser to the Hon Tim Mulherin MP

#### *Australian Government Department of Agriculture, Fisheries and Forestry (DAFF)*

Mr Allen Grant, Executive Manager, Fisheries and Forestry Division

Mr Robert Murphy, General Manager, Fisheries and Marine Environment

Mr Stuart Stark, A/g Manager, Torres Strait Fisheries Section

#### *Australian Fisheries Management Authority (AFMA)*

Mr Andy Bodsworth, Manager Northern Fisheries

Mr Jim Prescott, Manager, AFMA Thursday Island

#### *Torres Strait Regional Authority (TSRA)*

Mr Wayne See Kee, General Manager

Dr Marcus Finn, Fisheries Policy Officer

#### *Queensland Department of Primary Industries and Fisheries (QDPI&F)*

Mr Grant Hall, Deputy Director General (Fisheries)

Mr Jim Gillespie, General Manager, Fisheries

Mr Shane Gaddes, Senior Fisheries Management Officer

\* The Hon Tim Mulherin MP and Ms Mette participated in the PZJA meeting by telephone from Brisbane.

## 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 PJZA 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 – Mabuia 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 Co-ordinator - supporting	TSRA Fisheries Co-ordinator
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
QDPIF	General Manager - Fisheries Resource Management (QDPIF)
QDPIF	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

### Representation

Chair  
TSRA Member  
Scientific Member  
AFMA Member  
Executive Officer  
QDPI&F Member  
TVH Industry Member  
TVH Industry Member  
Industry Member  
Traditional Inhabitant Member

### Member

Toshio Nakata  
Policy Officer - Fisheries  
Tim Skewes  
Jim Prescott  
Erik Raudzens  
Shane Gaddes (Temporary)  
(Pearl Shell licensee)  
Pearl Industry operator  
Processor / Buyer  
Manai Nona  
Willie Wigness  
Kila Odo  
Willie Lui  
Francis Pearson  
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 (Dhangal-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 docket 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 exceptional 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 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

- (a) 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.

Dated this 15<sup>th</sup> day of October 2006



**ERIC ABETZ**

**Commonwealth Minister for Fisheries, Forestry and Conservation  
Chair  
Torres Strait Protected Zone Joint Authority**