

Torres Strait Regional Authority Response to the Australian Productivity Commission's Request for Information on Marine Fisheries and Aquaculture 23 March 2016

The Torres Strait Regional Authority (TSRA) welcomes the Productivity Commission's Inquiry into the regulatory burden imposed on Australian marine fisheries and aquaculture sectors.

Torres Strait Islander and Aboriginal people (Indigenous inhabitants) in the Torres Strait region have a strong cultural link to the fisheries resources. Commercial fishing provides one of the main opportunities for employment and economic development. Management of fisheries resources in the Torres Strait balances unique challenges and opportunities, particularly in relation to ensuring that management measures are consistent with the rights of Indigenous people and do not unnecessarily impede economic development through access to opportunities for both traditional and commercial fishing.

The Protected Zone Joint Authority

Management of Torres Strait fisheries is coordinated between the Commonwealth and Queensland Governments through a joint authority, known as the Protected Zone Joint Authority (PZJA). The PZJA is established under the *Torres Strait Fisheries Act 1984* (TSF Act), and is comprised of the Commonwealth and Queensland Ministers with responsibility for Fisheries and the Chairperson of the TSRA. The Australian Fisheries Management Authority, the Commonwealth Department of Agriculture, the Queensland Department of Agriculture and Fisheries, and the TSRA support the PZJA Members and administer various policy and fisheries management functions of the PZJA.

The PZJA receives formal advice on fisheries management issues from Management Advisory Committees (MACs), which are comprised of Indigenous inhabitant and industry representatives, scientists and government. In this way, Indigenous inhabitants are able to actively participate in fisheries management and provide advice on how management decisions may affect traditional fishing and/or Traditional Inhabitant commercial fishers. Indigenous inhabitant representatives are also members of Resource Assessment Groups, which provide scientific advice on fisheries resources to MACs and the PZJA. The TSRA provides capacity building training to Indigenous representatives on these committees to ensure that their engagement is informed and effective. Having the Chairperson of the TSRA as a member of the PZJA, coupled with the current model of consultative forums, affords Indigenous inhabitants far greater influence over management of fisheries compared to other Indigenous groups in Australia. This model also demonstrates the maturity of the Traditional Inhabitant sector and their ability to influence management of fisheries in the region.

Roadmap to 100% Indigenous ownership

The objectives of the TSF Act reflect the Torres Strait Treaty between Australia and Papua New Guinea. Two key objectives that relate to Indigenous fishing are:

- Section 8 a) to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;
- Section 8 g) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.

The PZJA is currently undertaking consultation on a 'Road Map to 100 per cent Ownership of the Torres Strait Commercial Fisheries by Torres Strait Communities'. This reflects the aspirations of fishers in the region to own and obtain economic benefit from all commercial fisheries in the region.

At present, all licences for the Torres Strait Prawn Fishery are held by the non-Indigenous sector and the Torres Strait Tropical Rock Lobster Fishery has 55.53 per cent ownership by Traditional Inhabitants. There are also some non-Traditional Inhabitant licences in the pearl fishery, however all other fisheries (finfish, bêche de mer, trochus and crab) are 100 per cent Indigenous owned.

Increasing ownership in the Tropical Rock Lobster Fishery is regarded as the highest priority in the Road Map process, as this is the most valuable fishery in the Torres Strait and has a relatively high level of Traditional Inhabitant fisher participation. Since 2005, the PZJA has committed to introducing quota management in the fishery through a new management plan. However, to date the fishery remains subject to effort controls and the introduction of a new management plan is expected in 2017.

The current effort controls do not adequately constrain the non-Indigenous sector's nominal allocation of the Total Allowable Catch. The delay in implementation of quota management also presents future financial uncertainty for all Tropical Rock Lobster fishers. Quota management will also support revenue generation through leasing unused Traditional Inhabitant quota to the non-Indigenous sector.

Compliance and catch monitoring

The Queensland Boating and Fishing Patrol conducts surveillance and enforcement of fishing regulations in the Torres Strait Protected Zone, on behalf of the PZJA. There is concern among Communities and through the fishing industry in the region that compliance monitoring and enforcement is not adequate, with anecdotal reports of a high level of suspected illegal fishing occurring.

Catch reporting is identified as an issue by Traditional Inhabitant fishers. Torres Strait fisheries do not use fish receiver permits. These permits, used in other parts of Australia, could be used to cross-check logbook data and would fill a significant gap in catch reporting which is voluntary for Traditional Inhabitants. Reliable catch reporting is a vital element of the quota management framework to ensure ongoing sustainability of commercial fishing and to maintain the value of quota holdings.

Licensing and policy impediments to TIB participation

There are two main types of commercial fishing licences in the Torres Strait, Transferable Vessel Holder (TVH) licences and Traditional Inhabitant Boat (TIB) licences. Developmental permits can also be issued on a case by case basis. The number of TVH licences is capped and no new licences can be issued. TIB licences are not capped but can only be issued to Torres Strait Traditional Inhabitants. This distinction renders a TVH licence to be an asset with monetary value that can be used as collateral for business development. TIB licences are not capped. This protects the Indigenous inhabitants' right to fish commercially in a manner that suits their aspirations. However, full-time Indigenous inhabitant fishers would benefit from an ability to use their licences as collateral to grow their businesses.

At present, TIB licences can only be issued in the name of a Traditional Inhabitant as an individual. There is no provision to issue a licence to TIB fishers in a joint venture as a partnership, or in the name of a company owned by one or more Indigenous fishers. This restriction reduces the ability of Traditional Inhabitants to attract funding from investors and their ability to enter into cooperative arrangements between themselves to increase capital available to the business.

TIB licence holders and TIB nominated vessels are not permitted to employ non-traditional inhabitants to obtain specialised or capacity building skills that may be required to increase the size and efficiency of their fishing business. While this restriction was designed to protect Indigenous inhabitants' employment outcomes, the effect has been to restrict viable businesses from growing when the required skills are not available from another Indigenous fisher in the region.

The TSRA supports a review of the TSF Act and its regulations to remove the unintended consequences restricting economic development for Indigenous fishers.

Other barriers to industry development

The Torres Strait is a remote region. While the region is rich in fisheries resources, it has limited infrastructure and access to specialist skills to develop its commercial fishing industry. The region's fishery-derived products are of high value, however, high transport costs to economic hubs and export hubs erode the commercial viability of some products. While not in itself a regulatory issue, recognition that transport subsidies for remote industries would assist the development of the Torres Strait fishing industry as the region's primary Indigenous employer and the focus for economic development and wealth creation in the region.