



Australian Government

Department of Agriculture, Fisheries and Forestry

**Department of Agriculture, Fisheries and Forestry
submission to the Senate Foreign Affairs, Defence
and Trade Committee inquiry into the administration
and management of matters relating to Australia's
northern air, sea and land approaches in the region of
the Torres Strait**

INQUIRY INTO MATTERS RELATING TO THE TORRES STRAIT REGION	3
Introduction	3
Outline of DAFF submission	3
A. Biosecurity and Quarantine Activities	4
(i) Biosecurity Challenges in the Torres Strait Region	4
(ii) DAFF's Role in Managing these Challenges	4
a) The Torres Strait Treaty and the Quarantine Act framework	4
b) Quarantine Risk Identification and Management Activities in the Torres Strait	6
c) Challenges to the Effective Delivery of Quarantine Services in the Region	7
B. Plant and Animal Health Cooperation Activities	8
(i) Animal Health Cooperation	9
(ii) Plant Health Cooperation	10
a) Enhanced Biosecurity Capacity and Early Detection of Exotic Pests	10
b) Emergency Plant Pest Response Arrangements in the Torres Strait	11
C. Fisheries management	13
(i) The Torres Strait Treaty and the Torres Strait Fisheries Act Framework	13
a) Torres Strait Protected Zone Joint Authority	13
b) Functions of the Protected Zone Joint Authority	14
c) Powers of the Protected Zone Joint Authority	15
d) Functions of the Chair of the Protected Zone Joint Authority	16
(ii) Operational Aspects of the Torres Strait Fisheries	16
a) Traditional Fishing	16
b) Catch Sharing Obligations (with PNG)	16
c) Commercial fishing	17
(iii) Challenges in Fisheries Management in the Torres Strait	18
a) Challenges in the Fisheries Management and Administration of the PZJA	18
b) Ownership of Fisheries Resources	18
c) Illegal Foreign Fishing	19
d) PNG's Torres Strait Enforcement Program	20
e) Identification of legitimate traditional fishers	21
f) Unsurveyed waters	21
g) Air, Sea and Land Transport Linkages	21
(iv) Cooperation and Capacity Building	22
a) Capacity Building	22
b) Co-operation	22
ATTACHMENT A Graphic depiction of quarantine zones as defined within the Quarantine Act 1908 and the Quarantine Proclamation 1998	23
ATTACHMENT B Examples of recent collaborative animal health projects	24
ATTACHMENT C Examples of collaborative plant health projects	25
ATTACHMENT D Summary of Torres Strait Fisheries	26

INQUIRY INTO MATTERS RELATING TO THE TORRES STRAIT REGION

Introduction

The Senate has referred the following terms of reference to its Foreign Affairs, Defence and Trade Committee:

The administration and management of matters relating to Australia's northern air, sea and land approaches in the region of the Torres Strait, including:

- a. the provisions of the Torres Strait Treaty;*
- b. the role of the Torres Strait Regional Authority in respect of treaty and border issues, including how the authority interacts with the governments and people of Papua New Guinea (PNG);*
- c. the extent of cooperation with, and between, Australia's northern neighbours, PNG and Indonesia, in relation to the health, welfare and security of the Torres Strait region and communities in and around this region; and*
- d. the challenges facing this region in relation to:*
 - i. the management of fisheries,*
 - ii. the contribution of international trade and commerce to regional economic sustainability,*
 - iii. the maintenance of strong border security across the Torres Strait region, including but not limited to, issues related to Australia's defence, bio-security, public health, immigration and customs,*
 - iv. cooperation between federal, state and local levels of government, and*
 - v. air, sea and land transport linkages.*

Outline of DAFF submission

The submission of the Department of Agriculture, Fisheries and Forestry (DAFF) describes the present management of biosecurity and fisheries in the Torres Strait region and the current challenges involved in this management. The primary areas of focus are:

- A) biosecurity and quarantine activities
- B) animal and plant health cooperation
- C) fisheries management.

A. Biosecurity and Quarantine Activities

(i) Biosecurity Challenges in the Torres Strait Region

A number of serious pests, weeds and diseases exotic to mainland Australia are present in countries to our immediate north. These include varroa mites in honey bees, citrus greening disease and citrus canker. There are also several serious pests and diseases that occur in the Torres Strait but have not established on the Australian mainland. These include papaya fruit flies, Japanese encephalitis and Asian tiger mosquito.

The islands of the Torres Strait can provide a pathway for the southwards movement of these quarantine threats. This particular risk pathway has been recognised within various forums over time including findings of the 1988 Lindsay Review into Quarantine in Northern Australia. Risk factors specific to the Torres Strait region also arise from:

- ▶ prevailing climatic and environmental conditions that can facilitate the unassisted movement of risk organisms through natural pathways including seasonal wind and tidal actions, and migratory bird movements.
- ▶ traditional human movements between Papua New Guinea (PNG) and Torres Strait under the provisions of the Torres Strait Treaty (the Treaty).
- ▶ domestic movements of people, cargo, vessels, aircraft and mail southwards from Torres Strait to mainland locations.
- ▶ unlawful activities by foreign nationals, particularly those relating to unauthorised fishing in Torres Strait and other coastal waters.

In view of the above, the Torres Strait and countries to its immediate north provide a particular focus for quarantine risk management activity delivered by DAFF.

- ▶ The Australian Quarantine and Inspection Service (AQIS) manages quarantine controls at Australia's borders. Quarantine regulatory functions are delivered in accordance with the legislative provisions of the *Quarantine Act 1908* and subordinate Quarantine Regulations and Proclamations.
- ▶ The Office of the Chief Veterinary Officer (OCVO) and the Office of the Chief Plant Protection Officer (OCPPO) within the Biosecurity Services Group (BSG) of DAFF provide leadership roles in national plant health and animal health policy development. They collaborate with relevant authorities in PNG and Indonesia on these issues.

(ii) DAFF's Role in Managing these Challenges

a) The Torres Strait Treaty and the Quarantine Act framework

The Torres Strait Treaty (the Treaty) is an agreement between Australia and Papua New Guinea which describes the boundaries between the two countries and how the

sea area may be used. The following Treaty articles are relevant to the provision of quarantine services within the Torres Strait:

- ▶ Article 11 (Free movement & traditional activities including traditional fishing) provides that, subject to the other provisions of the Treaty, each party shall continue to permit free movement and the performance of lawful traditional activities in, and in the vicinity of, the Torres Strait Protected Zone (TSPZ) by the traditional inhabitants of the other party.
- ▶ Article 16 (Immigration, customs, quarantine & health) provides that, except as otherwise provided in the Treaty, the parties will apply quarantine procedures in such a way as not to prevent or hinder free movement or the performance of traditional activities in, and in the vicinity of, the TSPZ by the traditional inhabitants of the other party.

In 1985 the *Quarantine Act 1908* (the Act) was amended to recognise the TSPZ to mean the zone established under Article 10 and described in Annex A of the Treaty. This zone is located in the northern area of the Torres Strait. At the same time, Quarantine Proclamations 14A, 99P, 116A and 117A were enacted to regulate the movement of animal and plant materials from an additional zone covering the southern Torres Strait Islands and closer to mainland Australia. In 2000, this zone was formally proclaimed a “Special Quarantine Zone” (SQZ) in *Quarantine Proclamation 1998* (Proclamation). See map of TSPZ and SQZ locations at **Attachment A**.

The legislative framework established under the existing Act and Proclamation provides for restrictions on the southward movement of items through the Torres Strait. This includes the movement of traditional inhabitants from PNG into the TSPZ for traditional activities; all movements from the TSPZ to the SQZ and from either zone to the mainland.

There are no quarantine restrictions for products moving north into the Torres Strait from the Australian mainland.

International quarantine requirements apply to all items from PNG, including items being moved by traditional inhabitants for traditional activities.

Items that cannot be moved south from the zones without a valid movement permit are live animals; poultry products including eggs or feathers with skin attached; meat or dairy products (excluding canned items); untreated hides or skins or other animals products; fresh fruit and vegetables; live plants, plant material that can be propagated or plant products made from banana material, sugar cane, maize, cassava, citrus or raw cotton; or soil.

Fish and crustacean products can be moved freely between the two zones and to the mainland without quarantine restriction.

A small number of movement permits are issued annually by AQIS in the Torres Strait. These are generally issued for domestic cats and dogs travelling back with their owners to the mainland. A movement permit provides quarantine authority for a single event. Movement permits can be obtained through designated quarantine officers within the Torres Strait operation. There is currently no fee attached to these permits.

b) Quarantine Risk Identification and Management Activities in the Torres Strait

DAFF dedicates significant resources to the identification and management of quarantine risks in and to the region. These include quarantine inspection and surveillance activities delivered at the border, including at the proclaimed international gateways at Horn Island (air arrival pathway) and Thursday Island (sea arrival pathway). Quarantine staff located at various ports in northern Australia monitor people and goods arriving on the Australian mainland. Quarantine officers are also permanently based on all of the outer inhabited islands within the Torres Strait. A majority of the 21 quarantine staff currently operating in the Torres Strait are employed from local communities. Additional quarantine management measures include:

- ▶ the identification and evaluation of quarantine risks unique to northern Australia
- ▶ the development and implementation of strategies to minimise the potential spread of pests, weeds and diseases through the Torres Strait via community engagement
- ▶ co-operative activities with indigenous ranger groups on initiatives that assist the quarantine surveillance effort
- ▶ regulating the southward movement of quarantine material into islands in the Torres Strait Protected Zone (closest to PNG), from this zone to the Special Quarantine Zone (closest to mainland Australia) and from either zone onto mainland Australia.

DAFF works in collaboration with a range of other agencies and community stakeholders in meeting its quarantine management responsibilities. Significant relationships specific to addressing risks in and to the Torres Strait include:

- ▶ Delivery of animal and plant health surveys in PNG and Indonesia with representatives of the relevant biosecurity authorities to assist in evaluating and determining emerging quarantine threats.
- ▶ Quarantine surveillance capacity building activities in PNG.
- ▶ Participation in inter-government and inter-agency forums relating to the Treaty to ensure awareness of, and address issues relating to, the provision of quarantine services in the Torres Strait and collaborative activities in PNG. Significant forums in this regard include the Joint Advisory Council, Environmental Management Committee, Interdepartmental Committee and the Health Initiatives Committee.
- ▶ Quarantine officers in the Torres Strait regularly participate in Treaty Awareness Visitations (TAVs) co-ordinated by the Department of Foreign Affairs and Trade to promote awareness of, and compliance with, Australian quarantine requirements in PNG villages subject to Treaty provisions.
- ▶ The operation of formal agreements between AQIS and the Department of Immigration and Citizenship (DIAC) with respect to resource sharing and combined service delivery for specified activities.
- ▶ Operations managers from AQIS and other Commonwealth border agencies, including the Australian Customs and Border Protection Service (Customs) and DIAC, participate in regular consultations regarding resource deployment and

operational planning matters. These formal and informal interactions assist in the co-ordination of border management activity between the agencies, minimising impacts on island communities and identification of potential collaboration with regard to each agency's operations.

- ▶ AQIS collaborates with the Australian Customs and Border Protection Service and the Australian Defence Force with regard to deployment of assets from the respective agencies in support of elements of quarantine surveillance and response activity.
- ▶ Co-operation with Queensland Biosecurity, technical consultants and research institutions in the delivery of the Long Term Containment Strategy for Exotic Fruit Flies in Torres Strait and other initiatives impacting AQIS animal and plant health surveillance in Torres Strait.
- ▶ Regular consultation with local government authorities, the Torres Strait Regional Authority and other community stakeholders on matters relating to quarantine operations aligned to native title and other local operating requirements.

AQIS engages with indigenous communities in coastal regions of northern Australia on a fee-for-service basis to undertake specific quarantine support activities including insect trapping, weed and plant disease collection, wood boring pest surveillance, and participation in AQIS pest and disease surveillance activities. Collaborative activities of this nature have, to date, been focussed primarily on coastal areas along the north of the Australian mainland with several activities conducted with indigenous ranger groups from lower Torres Strait islands since 2006.

The 2008 independent review of Australia's quarantine and biosecurity arrangements (the Beale review) noted the effectiveness of the Northern Australia Quarantine Strategy (NAQS) which was established in 1989. The Beale review recommended NAQS be enhanced and remain a part of the Australian Government's biosecurity monitoring and surveillance activities. The Australian Government has agreed in-principle to the broad package of reforms recommended by the Beale review. The government is committed to moving ahead with reforming Australia's biosecurity arrangements and is carefully considering how to give effect to the Beale review recommendations. These considerations include matters specific to the operation of the Treaty and applicable quarantine legislation.

c) Challenges to the Effective Delivery of Quarantine Services in the Region

The delivery of effective quarantine services relevant to the Torres Strait requires the management of unique challenges arising from the region's geography, culture and community expectations, infrastructure and operating environment. Challenges to the maintenance of strong border security, and co-operation between governments specific to quarantine arise from the following:

- ▶ Geographic proximity of Torres Strait to PNG and other northern neighbours makes it vulnerable to the movement of diseases, pests and weeds of quarantine concern via human activity as well as natural (unassisted) pathways
- ▶ Environmental factors such as the prevailing climatic conditions, particularly the annual monsoonal air circulation during the northern wet season brings moisture-laden air from the New Guinea landmass onto the Australian mainland and Torres Strait. To this end, prevailing northerlies offer wind-assisted transfer of pests,

pathogens and potentially some weed seeds into Torres Strait and other areas at the time when conditions are most suitable for their establishment. Other environmental factors that can provide potential pathways for the entry and distribution of pests, weeds or diseases of quarantine concern include prevailing tidal movements, and migratory activities of wild bird populations.

- ▶ The region's relative remoteness from other major service hubs and Australian population centres makes it difficult to attract and retain staff and can create logistical problems.
- ▶ Infrastructure limitations, particularly with respect to quarantine treatment facilities and service providers.
- ▶ Cultural and familial ties and associated movements between inhabitants of Torres Strait with PNG and mainland Australia.
- ▶ Illegal people movements and fishing activity by overseas nationals which offer further conduits for the transfer of organisms of quarantine concern.
- ▶ Community perceptions pertaining to domestic quarantine and human health regulation are often broader than the actual extent and scope of Commonwealth responsibilities
- ▶ Constraints to some elements of service delivery arising from reliance on third party providers to support aspects of quarantine surveillance activity. Whilst the existing Border Protection Command (BPC) asset base (particularly helicopters) supports the delivery of critical quarantine services including those relating to the Long-Term Containment Strategy for Exotic Fruit Flies in Torres Strait, the availability of BCP assets for non-essential biosecurity functions is periodically constrained through the allocation of assets to higher priority functions.
- ▶ Technical, resource and administrative challenges impacting border management and surveillance capability in PNG and other northern neighbours.
- ▶ Complexities in ensuring ongoing access to local facilities and surveillance locations in compliance with applicable community, cultural, and government operating requirements.
- ▶ AQIS access to animal and plant health surveillance sites in Torres Strait is subject to a range of approvals arising from the operation of local cultural protocols, applicable native title legislation, as well as administrative requirements of local government authorities and prescribed body corporations.

B. Plant and Animal Health Cooperation Activities

DAFF activities to help manage pre-border quarantine risks in the Torres Strait are supported by animal and plant health survey work delivered in PNG and Indonesia which is aimed at identifying potential threats to the Torres Strait and other areas within Australia. In addition to offshore animal and plant health surveillance, the Office of the Chief Veterinary Officer (OCVO) and the Office of the Chief Plant Protection Officer (OCPPPO) co-ordinate collaborative activities with the PNG government with the objective of enhancing its capacity to monitor and manage existing and emerging quarantine risks of potential impact to PNG and Australian territories including the Torres Strait. This collaboration is underpinned by a

memorandum of understanding (MOU), with collaborative animal health activities supported by both departmental and external (AusAID) funding.

DAFF regards ongoing biosecurity cooperation with PNG and Indonesia as a high priority. These activities provide invaluable intelligence on these countries' animal health status, thereby forewarning Australia of new or emerging threats in our northern region. Early warning enables timely implementation of risk mitigation measures where appropriate, and greatly improves the success of subsequent control and eradication programs. In addition, the strong support gained from the neighbouring countries through these activities strengthens relationships and facilitates the exchange of pest and disease information between these countries and with Australia.

(i) Animal Health Cooperation

The OCVO collaborates with the National Agriculture Quarantine and Inspection Authority (NAQIA) in PNG and the Ministry of Agriculture (MOA) in Indonesia under the MOU on 'Collaborative Animal and Plant Health and Quarantine Activities'. This work strengthens our pre-border biosecurity through a program of animal disease surveys, public awareness, training and capacity building activities. An overview of recent collaborative animal health projects is provided in **Attachment B**.

OCVO also undertakes cooperative capacity building activities through the APEC and ASEAN fora, aimed at strengthening the capacity of our near neighbours to manage and mitigate the threat of animal disease.

NAQIA has major capacity constraints impeding delivery of its core functions with regard to animal health and quarantine. In particular, PNG has a critical shortage of veterinarians, limiting their ability to detect and respond to emergency animal disease.

Although Indonesia is not constrained by the availability of veterinarians, access to Indonesia for surveillance activities can be erratic due to political turbulence. Due to the importance of the disease pathway to Australia, Papua Province is a highly desired location for a collaborative animal health survey. The last collaborative survey in this region took place in 2005. Further collaborative animal health surveys with the Indonesian Government are under negotiation; however, it is unlikely they will consider Papua Province as a suitable location as this region is of particular political security sensitivity for Indonesia. These broader sensitivities are unlikely to be overcome for the progression of animal health projects, so alternative regions to survey will be considered.

OCVO and OCPPO work together to avoid duplication on activities which focus on capacity building, pest and disease surveys and maintaining effective relationships with our near neighbours. Collaboration is further strengthened through investing in strong links within DAFF, between federal and state governments and with PNG and Indonesian Governments. OCVO is represented at the Torres Strait Treaty cycle of meetings, attended the 2009 Australia-PNG Ministerial forum in Brisbane and is advancing an emergency response agreement for PNG with the Queensland Government. The recent high level biosecurity meeting in 2009 in PNG had attendance by both the Australian Chief Veterinary Officer and the Queensland Chief

Veterinary Officer. Furthermore, monthly teleconferences are held between DAFF and NAQIA to address ongoing biosecurity issues.

To complement departmental funds for this work, AusAID funds are required for larger projects. The current Papua New Guinea-Australia Quarantine Twinning Scheme (PAQTS) (see further details under the Plant Health Cooperation section below) enables a series of projects to be negotiated each year with NAQIA to build their institutional capacity and undertake essential surveillance and training. In Indonesia, AusAID funded the successful Indonesia Quarantine Strengthening Project (IQSP), while a second and much larger proposal is currently being scoped with Indonesian authorities, AusAID and the OCVO to begin in 2010.

(ii) Plant Health Cooperation

OCPPPO works on a range of national and international activities directed at maintaining Australia's plant health status and preparedness to respond to plant health issues such as incursions of emergency plant pests.

a) Enhanced Biosecurity Capacity and Early Detection of Exotic Pests

OCPPPO coordinates collaborative plant health surveillance and biosecurity activities in PNG, East Timor and Indonesia with the aim of strengthening regional biosecurity and quarantine capacity to support international market access and trade and reduce the risk of pest and disease incursions into Australia. These activities are conducted under separate bilateral MOUs with each of the collaborating countries. All are nearing review.

OCPPPO collaborates with NAQIA in PNG and Indonesia's MOA (Directorate General of Horticulture) to deliver plant health surveillance activities and biosecurity capacity building activities in PNG and Indonesia. These activities contribute to providing early awareness of emerging threats that can have adverse impact on Australian agriculture, allowing for activities that best prepare Australian governments and industry to respond effectively in the event of an incursion of these pests and mitigate their impact on agriculture, the environment and community.

OCPPPO coordinates surveillance activities for exotic pests and diseases of agricultural plants in PNG jointly with NAQIA because PNG does not have the capacity to carry out this work independently. The joint program provides opportunity to improve capacity and capability of PNG staff to undertake this work - particularly in the areas of planning, detection, identification and communications. An overview of recent collaborative plant health projects is provided in **Attachment C**.

To facilitate the cooperation between the federal and state governments, OCPPPO extends an invitation to the Queensland Department of Employment, Economic Development and Innovation to participate in plant health surveillance activities in PNG and as noted above, the Queensland Chief Veterinary Officer recently joined DAFF representatives at high level meetings with NAQIA in PNG.

To further strengthen regional bio-security and quarantine capacity and assist NAQIA in addressing some of its capacity constraints, OCPPPO manages the AusAID Papua New Guinea Australian Quarantine Twinning Scheme (PAQTS).

PAQTS commenced on 1 March 2007 and will continue until 30 June 2010. Funding for the period was \$1.5 million.

Key outcomes to be achieved through PAQTS are:

- ▶ Strengthened institutional capacity of NAQIA through improving the agency's organisational, human resource and technical capabilities;
- ▶ Improved ability by PNG to prevent incursions and to detect, monitor and control exotic pests and diseases of quarantine concern;
- ▶ Improved PNG quarantine capacity to support international market access and trade;
- ▶ Transfer of knowledge and skills from AQIS officials to their PNG counterparts and
- ▶ Establishment of an inter-organisational partnership between AQIS and NAQIA in which there is ongoing knowledge-sharing and dialogue between the agencies.

The PAQTS activities conducted to date have been:

- ▶ a capacity review of NAQIA,
- ▶ veterinary case development addressing PNG's need for more veterinarians,
- ▶ training in plant and animal pest and disease surveillance,
- ▶ the documentation of the PNG import permit issuing and import risk analysis process,
- ▶ a quarantine risk analysis of PNG,
- ▶ an import risk analysis workshop incorporating the outcomes of the quarantine risk analysis,
- ▶ the implementation of a surveillance and control program in the Eastern Highlands of PNG in response to a new pathogenic form of the honeybee mite, *Varroa jacobsoni*. The pest was identified in an AQIS survey of PNG and Indonesian Papua in July 2008, and,
- ▶ the implementation of the Australian Fumigation Accreditation Scheme (AFAS).

Future PAQTS activities include an emergency response plan development and scenario testing workshop for plant and animal health decision makers in PNG and plant and animal surveillance and sample handling training.

Plant health surveillance activities in PNG, Timor Leste and Indonesia are supported by DAFF appropriation funds. AusAID funding is necessary for additional PAQTS capacity building projects in PNG.

b) Emergency Plant Pest Response Arrangements in the Torres Strait

In Australia, an Emergency Plant Pest Response Deed (the Deed) established in 2005 underpins national decision making regarding emergency plant pest responses. The Deed is a formal, legally binding agreement between the Australian government, all state and territory governments, the national coordinating body for plant health - Plant Health Australia - and national plant industry body signatories. The Deed replaces previous informal arrangements and provides a formal role for industry to participate and assume a greater responsibility in decision making and cost sharing in relation to

emergency plant pest responses. An emergency plant pest (EPP) is defined in the Deed and is generally a plant pest that is not present in Australia or under official control and is considered to have a significant adverse economic impact regionally and nationally if it were to become established.

The Deed covers the management and funding of responses to EPP incidents, including the potential for owner reimbursement costs for growers.

Using standardised processes and practices, the Chair of a national Consultative Committee on Emergency Plant Pests (CCEPP) prepares a preliminary report to the National Management Group (NMG) to enable that committee to determine whether an emergency plant pest response plan is required. The NMG is comprised of Chief Executives of Australian primary industries agencies and industry peak bodies impacted by the EPP. If the NMG determines that eradication is economically and technically feasible, the Chief Plant Health Manager of the affected state agency will develop the response plan in consultation with CCEPP.

The Commonwealth and Queensland biosecurity authorities work together closely to coordinate response actions for an EPP in the Torres Strait area through to the north of Cape York.

Currently AQIS and the Queensland Department of Employment, Economic Development and Innovation are maintaining a watching brief on detected outbreaks of the Mango leaf gall midge, Red banded mango caterpillar, Vegetable leafminer and Spider mite.

C. Fisheries management

Fisheries in the Torres Strait Protected Zone are jointly managed by an authority comprised of the Commonwealth, Queensland and the Torres Strait Regional Management Authority. This authority is known as the Torres Strait Protected Zone Joint Authority (PZJA). The authority consists of the Commonwealth Minister for Agriculture, Fisheries and Forestry, the Queensland Minister for Primary Industries and Fisheries and the chairperson of Torres Strait Regional Authority. The authority is also supported by four government agencies.

There are a number of challenges associated with managing fisheries in the Torres Strait region, including effective governance, illegal foreign fishing and issues related to the ownership of fisheries resources.

(i) The Torres Strait Treaty and the Torres Strait Fisheries Act Framework

Commercial and traditional fishing in the Torres Strait is managed under the *Torres Strait Fisheries Act (1984)* (the Act). The purpose of the Act is to give effect, in Australian law, to the provisions of the Torres Strait Treaty (1984) (the Treaty) that relate to fisheries and fishing in the Torres Strait:

- ▶ Part 5 of the Treaty contains most of the relevant articles, including; priority of traditional fishing and application of measures to traditional fishing, conservation, management and optimum utilisation, conservation and management of individual fisheries, sharing of the catch of the Protected Zone commercial fisheries, transitional entitlement, preferential entitlement, licensing arrangements, third state fishing in Protected Zone commercial fisheries, inspection and enforcement.

The Act draws on and is closely aligned to the Treaty. Section 8 of the Act is a set of objectives that are to be pursued in the management of protected zone fisheries by the PZJA and it is stated in this section that “regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty”. The objectives of the Act are discussed further below. Under the Act the PZJA is the relevant authority in relation to fisheries management in the Torres Strait. This includes the management of traditional fishing but not recreational fishing which is managed by Queensland under relevant State legislation.

a) Torres Strait Protected Zone Joint Authority

As noted above, the PZJA, comprised of the Commonwealth, Queensland and the Torres Strait Regional Authority, manages Torres Strait fisheries. It meets generally at least annually. The Commonwealth Minister for Agriculture Fisheries and Forestry, the Hon. Tony Burke is the Chair of the Joint Authority. The authority is supported by four agencies:

- The **Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF)** provides the Secretariat to the PZJA. It has overarching responsibility for legislative, policy formation and compliance, is responsible for the bilateral relationship with PNG (including the annual catch sharing discussions) and provides advice to the PZJA Chair on his/her responsibilities.
- The **Queensland Department of Employment, Economic Development and Innovation - Primary Industries and Fisheries (QPI&F)** administers all aspects of the PZJA's licensing administration. QPI&F has responsibility for the PZJA's domestic compliance activities and provides advice to the Queensland Minister.
- The **Torres Strait Regional Management Authority** coordinates the participation of the Community Fisher Group (a consultative body of local indigenous fishers) in the fisheries management consultative process. The TSRA provides advice to the Chairperson of the TSRA in their capacity as a member of the PZJA.
- The **Australian Fisheries Management Authority (AFMA)** provides overarching fisheries management services to the PZJA, including the development of management plans under the Act, and coordinates the PZJA's foreign compliance activities in association with border protection agencies. AFMA provides advice to the PZJA on its management services and also can provide advice to the PZJA Chair, through DAFF, as a Commonwealth agency within the Fisheries portfolio. AFMA maintains an office on Thursday Island. The office currently has four fisheries management staff (one manager, two fisheries officers and an administrative officer) as well as two foreign compliance staff. Queensland Boating and Fisheries Patrol (part of QPI&F) also has two staff who are co-located with AFMA. These two staff undertake domestic compliance duties, i.e. monitoring and enforcing compliance with domestic fisheries management legislation by Australian nationals.

b) Functions of the Protected Zone Joint Authority

The PZJA has a number of functions relating to the management of fisheries which are under single jurisdiction management by the Commonwealth. These functions are (Section 34 of the Act):

- keeping constantly under consideration the condition of the fisheries;
- formulating policies and plans for the good management of the fisheries; and
- for the purposes of the management of the fisheries, exercising powers conferred on it by the Act; and
- cooperating and consulting with AFMA and other Joint Authorities in matters of common concern. Under section 39, the PZJA is also required, where it considers it appropriate to do so, to seek the views of the Joint Advisory Council established under Article 19 of the Treaty, who are traditional inhabitants and Australian citizens, on any matter relating to a fishery where that matter affects their interests. This Council is run by the Department of Foreign Affairs and Trade.

The following fisheries are currently managed by the PZJA (Section 31 of the Act) (see **Attachment D** for a summary of the fisheries):

- traditional fishing as defined in the Treaty;

- those fisheries which Australia and Papua New Guinea have agreed to jointly manage under Article 22 of the Treaty: Prawn, Spanish Mackerel, Pearl Shell, Tropical Rock Lobster, Turtle and Dugong;
- the barramundi fishery in the territorial waters adjacent to the six Australian islands near the Papua New Guinea coast: Saibai, Boigu, Moimi, Jaumag, Ausbusi and Dauan; and
- formerly Queensland managed fisheries: Finfish, Crab, Trochus and Beche-de-Mer.
- In addition the PZJA, in the administration of the Act, must have regard to the rights and obligations conferred on Australia by the Treaty and in particular to the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing (section 8 of the Act).

After considering the objectives of the Act and relevant provisions of the Treaty a Specialist Group appointed by the PZJA in February 2005 found that the following hierarchy of considerations should be applied by the PZJA in its administration of the Act:

- Principle 1: Protection of the fishery resource;
- Principle 2: Protection of the traditional way of life and livelihood of traditional inhabitants;
- Principle 3: Enhancing economic and employment opportunities for traditional inhabitants; and
- Principle 4: Enhancing economic and employment opportunities for non-traditional inhabitants, and in a more general sense enhancing economic and employment opportunities in the Torres Strait region.

c) Powers of the Protected Zone Joint Authority

The Act confers the powers needed to manage and regulate fishing to the PZJA. These include licencing, the ability to require information to be furnished and regulating fishing by publishing notices and making Management Plans.

In general terms, the primary mechanisms for regulation of fishing under the Act by the PZJA to date are:

- The creation of a plan of management for the prawn fishery ;
- the creation of fishing notices which largely prohibit the taking of fish or the use of equipment
- licences issued for commercial fishing licences;
- endorsement of Papua New Guinean licences in accordance with the Treaty;
- creation of entries and conditions on commercial licences and Treaty endorsed licences; and
- policy decisions of the PZJA which guide how licensing staff administer the legislation.

Using the delegation provisions under section 38 of the Act, in broad terms the powers of the PZJA to determine management arrangements have been delegated to AFMA and the powers in respect of licensing and enforcement have been delegated to the QPI&F.

To enable the functions of the PZJA to be carried out, the Commonwealth and the State of Queensland entered into a Cost Sharing Agreement. Generally under the

Cost Sharing Agreement fisheries revenue and recurrent costs of QPI&F and AFMA, such as staff and operational expenses, are shared. Capital expenditure is dealt with on a case by case basis.

To assist the PZJA to carry out its functions, advisory committees may be appointed under section 40(7) of the Act. In addition a standing committee of senior officials from each of the agencies represented on the PZJA has been formed to guide the delivery of recommendations for decisions by the PZJA.

d) Functions of the Chair of the Protected Zone Joint Authority

The Commonwealth Minister, as the chair of the PZJA, has specific functions in relation to the decision making processes of the PZJA. This includes governance type functions, such as the ability to call for a meeting of the authority and the ability to decide a matter if a unanimous decision cannot be reached by the authority. The Commonwealth Minister also has certain governance obligations such as the requirement to publish annual reports and a record of meetings.

A record of recent meetings and decisions of the PZJA can be found at www.pzja.gov.au

(ii) Operational Aspects of the Torres Strait Fisheries

a) Traditional Fishing

After ensuring the sustainability of the fisheries, the Treaty establishes traditional fishing as having a priority over other forms of harvest.

Traditional fishing is the taking, by traditional inhabitants for their own, or their dependants' consumption, or for use in traditional activities, of the living natural resources of the sea (including turtles and dugongs). The sea includes the seabed, estuaries and coastal tidal areas. Torres Strait traditional inhabitants of both PNG and Australia may undertake traditional fishing activities in both the Australian and PNG waters of the TSPZ. In line with a policy of placing few restrictions on traditional fishing, traditional fishers may be exempt from size restrictions, a prohibition on the taking of female crabs and some other restrictions that may apply to either commercial or recreational fishing. However, some regulation of traditional fishing occurs, including the implementation of gear restrictions, bag limits and area closures (eg Dugong and Tropical Rock Lobster). These regulations are implemented with the support of traditional fishers.

b) Catch Sharing Obligations (with PNG)

Catch sharing obligations with PNG apply to certain fisheries, under Articles 22 and 23 of the Treaty. Where Australia and PNG identify a fishery in the TSPZ as one where common conservation and management arrangements should apply, they must negotiate arrangements to share the catch as prescribed by the Treaty. This is currently done at bilateral and catch sharing working group meetings held between Australia and PNG. These are held on an annual basis and the hosting duties alternate

between the two countries. Catch sharing arrangements apply in the Tropical Rock Lobster, Prawn and Spanish Mackerel fisheries.

The catch sharing formula applied to commercial fishing is set out in Article 23 of the Treaty, as follows:

“In respect of any relevant period where the full allowable catch of a particular Protected Zone commercial fishery might be taken, each Party shall be entitled to a share of the allowable catch apportioned...as follows:

- (a) in areas under Australian jurisdiction, except as provided in (b) below:
Australia – 75 per cent
Papua New Guinea – 25 per cent*
- (b) within the territorial seas of Anchor Cay, Black Rocks, Bramble Cay, Deliverance Island, East Cay, Kerr Islet, Pearce Cay and Turu Cay:
Australia – 50 per cent
Papua New Guinea – 50 per cent*
- (c) in areas under Papua New Guinea jurisdiction:
Australia – 25 per cent
Papua New Guinea – 75 per cent.”*

c) Commercial fishing

Community Fishing (TIB)

Community fishing is carried out by traditional inhabitants on a commercial basis. Entitlements are issued through Traditional Inhabitant Boat (TIB) fishing licences. Eligibility to hold a TIB licence is dependent on a person's eligibility to qualify as a traditional inhabitant under the Treaty.

Non-community commercial fishers

Non-community (or non-traditional inhabitant) commercial fishers can only enter the Torres Strait fisheries either by joining the crew of a boat under a Torres Strait Fishing Boat Licence known as a Transferable Vessel Holder (TVH) licence, or by buying an existing TVH licence. TVH licences are endorsed for one or more of the following fisheries:

- Tropical Rock Lobster
- Pearl Shell
- Beche de Mer, and
- Prawn.

Some TVH licences do not have any endorsements in the above fisheries and these licences can only operate in fisheries which are not covered by a Management Notice (for example squid and sponge). A Torres Strait Master Fisherman's Licence is also required to work on a TVH licensed boat. The Master Fisherman's Licence must be endorsed for the same fishery or fisheries as the TVH licence.

(iii) Challenges in Fisheries Management in the Torres Strait

The remote location and dispersed communities creates challenges for fisheries management. There are more than twenty different communities that are involved in fisheries. Consultation is both expensive and time consuming as fisheries representatives need to be either transported (usually by air) to a central location or agency staff must undertake extensive travel.

a) Challenges in the Fisheries Management and Administration of the PZJA

The involvement of four agencies with different perspectives and skills assists in bringing a greater level of expertise to the management of the fisheries. However, the PZJA has recognised that having four support agencies brings a potential for inefficiency and duplication of effort. To ensure administrative arrangements are as efficient as possible the four agencies are cooperating on a review of administrative arrangements to streamline management of the fisheries. A public consultation period for this review closed on 31 August 2009 and the PZJA agencies are analysing the information received. A report will be prepared for the PZJA with any necessary recommendations early in 2010. Details of the review can be found at www.pzja.gov.au

b) Ownership of Fisheries Resources

Fisheries management in the Torres Strait is also influenced by the ownership of the fisheries resource. The Torres Strait Islanders are seeking a greater ownership of the Torres Strait Tropical Rock Lobster fishery. The unresolved ownership issues have impacted on the willingness of some Torres Strait Islanders to participate in fisheries management and consultation. Some Torres Strait Islanders have advised that they are unwilling to engage on future management of the fisheries until their aspirations of ownership are resolved. The questions over ownership have stalled long term decisions over management of the fishery and have also resulted in disagreement between some Torres Strait traditional fishers and the non-indigenous commercial sector over fisheries management arrangements.

These same issues are not evident in the Torres Strait Finfish fishery or the Torres Strait Prawn fishery. The finfish fishery is now 100% owned by traditional inhabitants and traditional inhabitants are not engaged in the prawn fishery.

The PZJA is developing a 5 year business plan for the Tropical Rock Lobster (TRL) fishery which is expected to be finalised in the first half of 2010. The business plan will allow each sector to express their desires for the TRL fishery and document their current views on:

- infrastructure, capacity development, training and skills transfer requirements;
- future economic, marketing and business opportunities including business models and structures, transition schemes and partnerships.

The business plan could provide a range of business models that could increase the participation of Torres Strait Islanders in the fishery and contribute to providing certainty to the future operating environment for the non Torres Strait islanders who

have commercial fishing interests. The business plan, negotiations and outcomes could assist the implementation of an output controls system in the fishery.

c) Illegal Foreign Fishing

The key issue to consider in the Torres Strait is illegal fishing by foreign nationals in Australia's territorial waters which has a direct impact on our domestic fisheries.

The threat of illegal foreign fishing in waters to the north of Australia remains high. The main drivers of illegal foreign fishing in the region continue to be over-exploitation of PNG, Indonesian and East Timorese fishing grounds by domestic and foreign fishers (legal and illegal), poverty, lack of alternative livelihoods, high fish prices and the potential for large financial gain.

The Australian Government has set about establishing a strong deterrence regime against illegal foreign fishing in Australia's northern waters. The regime has two main thrusts – addressing the illegal fishing problem at source – through education and awareness-raising; and direct enforcement – through vessel detection and apprehension, and the prosecution of illegal fishers.

The success of Australia's action against illegal fishing has been watched closely by our northern neighbours. With Australian encouragement, cooperation is increasing, bilaterally and multilaterally. In addition to cooperation on direct enforcement there is now a strong focus on building fisheries management capacity in-country, especially in fisheries administration and enforcement.

Cooperation is continuing on several fronts:

- direct action with Papua New Guinea (and Indonesia) on joint fisheries enforcement patrols
- fisheries management traineeships to Australian academic institutions
- development and implementation of the 'Regional Plan of Action to Promote Responsible Fishing Practices in the region (RPOA). The RPOA is an Australia and Indonesia-led initiative which aims to promote responsible fishing practices and combat IUU fishing through regional cooperation. Commencing with ministerial signature in May 2007, the RPOA has 11 cooperating members - Australia, Indonesia, Papua New Guinea, East Timor, Singapore, Malaysia, the Philippines, Brunei Darussalam, Thailand, Cambodia and Vietnam. Since its commencement, the RPOA has convened several training and strategic planning workshops to build practical fisheries management skills, particularly aimed at combating IUU fishing, including monitoring, control and surveillance and port monitoring techniques.

Over the last three years, the foreign vessel incursion rate has decreased in the Torres Strait region by approximately seventy percent. Specific details of apprehensions of both PNG and Indonesian vessels in the Torres Strait are as follows:

- 37 in 2006–07;
- 25 in 2007–08;
- 10 in 2008–09; and
- nil in 2009–10.

There have been few sightings of Indonesian fishing vessels recently, with only one apprehension occurring in 2008-09.

A high number of incursions by PNG nationals occur, with a specific purpose of targeting tropical rock lobster (TRL) and beche-de-mer (BDM) for commercial gain.

Details of PNG vessel apprehensions are as follows:

- 3 in 2006-07;
- 15 in 2007-08
- 9 in 2008-09; and
- nil in 2009-10.

Eight of the apprehensions that took place in 2008-09 occurred on or in the vicinity of Warrior Reef.

In 2008-09 Australia also seized catch and gear from five PNG boats that were found to be operating unlawfully in Australia's jurisdiction. Four of the five seizures occurred as a result of Australian authorities being unable to make contact with PNG authorities to facilitate handover of offending fishers.

Separately, AFMA has also prosecuted Australian vessels for fishing illegally in PNG waters. One such example was on 25 March 2009, when an Australian cray vessel was sighted by Coastwatch aircraft anchored in PNG waters within the Torres Strait Protected Zone. The sighting was subsequently investigated and the concession holder prosecuted.

Australia has had a zero total allowable catch on high value BDM species for several years because of the low level of the stock. Australia has been seeking similar restrictions to fishing in the PNG area of jurisdiction to reduce the incidence of illegal catch by PNG national in Australian waters. On 1 October 2009 PNG advised that they have introduced a nation wide three year moratorium on the harvesting of BDM. Provided PNG is able to enforce the closure in PNG waters, this should minimise, if not prevent all together, fishers from crossing into Australia's territorial waters for the purpose of targeting BDM.

d) PNG's Torres Strait Enforcement Program

PNG authorities currently place a level of priority on compliance and enforcement matters in the Torres Strait Islands that differs from Australia's. This difference in understanding has posed numerous challenges for Australian authorities, particularly when dealing with issues emanating from the coastal island of Daru. With a population of 15 000 people and a local economy primarily structured around the fishing industry for both subsistence and commercial purposes, Daru's inhabitants represent a significant challenge to sustainable fisheries management in the Torres Strait. As a result, Australia has dedicated numerous resources to monitor and respond to illegal fishing within the Torres Strait Protected Zone. These resources include the permanent allocation of an Australian Customs vessel to the Torres Strait, permanent staff on Thursday Island and participation in Treaty liaison visits to PNG villages to assist with education.

e) Identification of legitimate traditional fishers

Under the provisions of the Treaty, PNG nationals who reside or have family links to one of 13 nominated PNG Treaty villages are afforded the right to undertake traditional activities on the Australian side of the Torres Strait Protected Zone. One such activity is traditional fishing. When a PNG fisher undertakes traditional fishing in Australian waters he or she is subject to the same rules that would apply to an Australian traditional fisher, for example bag limits and restrictions on how dugong can be taken.

Whilst Daru is not one of the listed Treaty villages, there are a significant number of people that reside in Daru that have family ties to the Treaty villages and therefore are afforded the same rights under the Treaty as those who actually reside in a Treaty designated village. The percentage of Daru's population that falls within this category is less than 10%. The remainder of the population have no legal rights under the Treaty to undertake fishing on the Australian side of the TSPZ (exceptions apply if on a licensed PNG fishing vessel endorsed to operate in Australian waters).

With few employment opportunities in Daru many of the non traditional inhabitants are returning to fishing as a source of income with several crossing into Australian waters seeking tropical rock lobster or BDM which provide a healthy financial return for a relatively small outlay and take a short period of time to collect.

When an Australian enforcement officer boards a PNG vessel that has a small amount of catch on board (inside the bag limits) or no catch at all, the officer must determine whether the fishers are genuine traditional inhabitants who have a right to fish in Australian waters, or if they are from outside the Treaty villages and the same rights cannot be extended to them within Australian waters. PNG fishers are not required to carry any form of identification, or recognition of place of residence. This makes it challenging for Australian authorities in determining whether an offence has been committed.

f) Unsurveyed waters

Much work has been undertaken in surveying unchartered waters in the Torres Strait, however this has not yet been transposed into published documentation. The lack of such formalised documentation has been a significant issue in the past, as it has prevented the direct passage of response vessels to the location of possible illegal, unreported and unregulated (IUU) fishing vessels.

g) Air, Sea and Land Transport Linkages

The remote location of the Torres Strait and a lack of competition amongst businesses create difficulties for government agencies and stakeholders alike. For example, the limited number of flights into and out of Horn Island mean that it is difficult to travel to and from the Torres Strait.

Limited competition influences the cost of transport in the Torres Strait. Consultation on fisheries management is expensive and time consuming because of the need to either bring representatives in from the many dispersed communities or fly agency staff out to the more than twenty communities involved in fisheries management.

Limited competition and the cost of transport of produce and materials also increase the cost of food and services such as accommodation and housing. The housing

market is substantially inflated on Thursday Island as a result of limited supply. The quality and cost of food impacts significantly on local communities.

The lack of infrastructure and the remote location also influence the viability of fishing operations. For example the travel time and limited infrastructure for fuel, product storage, transport, repairs, maintenance and relief crew all have a bearing on the profitability and the willingness of operators to fish in the Torres Strait. The cost of transporting caught fish reduces the return from fishing. The cost of fuel means that it is very expensive for fishers to operate and for many Torres Strait Islanders to travel between communities. The necessary infrastructure to get caught fish out of the Torres Strait is limited, creating hurdles to the development of profitable businesses. Communities need to invest in freezer facilities or facilities for the storage and transport of live product.

Communities and fishers rely on barges that routinely bring supplies to the Torres Strait, principally from Cairns. This is expensive and there are limited competitors.

Whilst there is a scheduled barge that operates from Bamaga on the Cape to Thursday Island, driving to the Cape is difficult with poor quality roads.

(iv) Cooperation and Capacity Building

a) Capacity Building

AFMA is facilitating capacity building, through a fisheries officer exchange program with the Papua New Guinea National Fisheries Authority (NFA). The project, funded through AusAID, will provide several opportunities for PNG Fisheries Officers to be trained in Australia in a range of fisheries compliance matters, including investigations, evidence collection and handling, brief preparation, and legislation awareness. The program will also afford an opportunity for the exchange of an Australian Fisheries Officer to work with the NFA in Papua New Guinea. The PNG Fisheries Officers will accompany AFMA Fisheries Officers on a number of sea patrols including a patrol in the Torres Strait, they will also undergo training and information sessions in Canberra, Thursday Island, and Darwin. The program commenced in October 2009 with an initial (two) PNG officers. A further two officers are expected to partake in the program commencing in February 2010.

b) Co-operation

The NFA participates as an observer on the Torres Strait Scientific Advisory Committee which advises the PZJA on research for the Torres Strait Protected Zone and on the Torres Strait Resource Assessment Group which provides advice on the sustainable management of the Torres Strait Tropical Rock Lobster fishery. These forums provide an effective opportunity for information exchange on fisheries management between both jurisdictions. It also leads to improvements in the relationship between Australia and PNG and a capacity to work effectively at officer level. AFMA is working with NFA to further strengthen these relationships with routine and informal discussions on the management of Torres Strait fisheries.

ATTACHMENT A

Graphic depiction of quarantine zones as defined within the Quarantine Act 1908 and the Quarantine Proclamation 1998.



ATTACHMENT B

Examples of recent collaborative animal health projects

- ▶ The PNG animal monitoring program is a passive surveillance system supported by OCVO and undertaken by NAQIA officers. Key regions of PNG, based on disease risk, are visited regularly to take samples from healthy livestock, investigate disease reports and provide public awareness information on animal health to the local community. This concept is enthusiastically supported by NAQIA.
- ▶ Surveillance for targeted exotic animal diseases in 2008 included animal health surveys of Western Province, a European honey bee health survey predominately in the Highlands region and a bat health survey in Western Province and Madang. During the European honey bee survey, a pathogenic Varroa mite was detected for the first time in PNG.
- ▶ A capacity building project completed in Sandaun and Western Province in October 2007 explored the use of existing PNG health High Frequency radio networks to encourage villagers to report poultry disease, including avian influenza, to NAQIA. Several reports of poultry deaths have since been investigated as a result and PNG continues to benefit from this project.
- ▶ In December 2007, an outbreak of virulent Newcastle disease was reported in East New Britain Province. This disease is of serious concern to the PNG and Australian poultry industries. The department assisted NAQIA to implement a successful eradication plan for this incursion and provided financial support for ongoing follow-up testing.
- ▶ The Papua New Guinea-Australia Quarantine Twinning Scheme (PAQTS), a formal cooperative partnership, was established between AQIS and NAQIA in March 2007. This agreement is funded by AusAID and builds NAQIA's quarantine capacity through joint surveys and training in aspects of animal and plant biosecurity. A training program in animal pest and disease surveillance, recognition and identification is proposed for early 2010.
- ▶ Validating field rapid tests for highly pathogenic avian influenza in field conditions with naturally infected poultry in east Java contributed to the international fight against avian influenza. The Indonesian Government adopted the test that performed best for use in Indonesia. It enabled distribution of the test that performed best to regional offices in northern Australia and Western Province in PNG. The research confirmed the value of rapid testing in chickens.
- ▶ The Indonesian Quarantine Strengthening Project (IQSP), a two year AusAID funded project managed by DAFF, concluded in December 2008. This project focused on supporting Indonesia to implement a risk based approach to the development of quarantine policy through training workshops.
- ▶ In March 2008, a collaborative animal pest and disease survey of Indonesia's Nusa Tenggara Timur Province was conducted. Samples were then tested in Bali in a separate collaboration with the Australian Animal Health Laboratory (AAHL).

ATTACHMENT C

Examples of collaborative plant health projects

Two collaborative plant health survey activities in PNG will be undertaken in the 2009-2010 financial year:

- ▶ Survey of Morobe, Eastern Highlands and Madang Provinces in October 2009 and follow up on reports of diseased coconuts and bananas.
- ▶ Survey in Alotau, Milne Bay Province in November 2009 to address increases in people movement associated with tourism and the expansion of the airport to accommodate international travel. This is an AusAID funded project under the Papua New Guinea - Australia Quarantine Twinning Scheme (PAQTS) and is designed to increase NAQIA's capacity in this province to assess and manage the quarantine risks associated with these upcoming changes in quarantine risk pathways.

Two collaborative plant health survey activities were undertaken in PNG and Indonesia in 2008-2009:

- ▶ Survey of PNG Sandaun Province, June 2009, this covered the border area with Indonesian Papua.
- ▶ Survey and diagnostic training in province of West Java, Indonesia, April 2009.

ATTACHMENT D

Summary of Torres Strait Fisheries

Prawn Fishery

The Torres Strait Prawn Fishery is a multi-species prawn fishery (endeavour, tiger and king prawns) that operates in the eastern part of the Torres Strait. This is the most valuable commercial fishery in the Strait.

This fishery comprises approximately 61 operators, all of whom hold TVH licences.

Tropical Rock Lobster Fishery

The Torres Strait Tropical Rock Lobster Fishery is the second most valuable commercial fishery in Torres Strait and very important to many Torres Strait Islanders. The fishery is based on a single species, the tropical rock lobster (*Panulirus ornatus*). In 2000 it was found that the stock was possibly over-exploited and a range of controls (such as area closures and a reduction in effort) were put in place.

This fishery comprises approximately 400 TIB licence holders and 13 TVH licensees (with 34 tenders).

Finfish Fishery

The Torres Strait Finfish Fishery has two sectors: Spanish Mackerel and Reef Line.

Spanish Mackerel

The Spanish Mackerel Fishery operates mostly in the eastern Torres Strait, targeting the narrow-barred Spanish mackerel (*Scomberomorus commerson*). In 1999, the fishery was expanded to include school mackerel (*Scomberomorus queenslandicus*), grey mackerel (*Scomberomorus semifasciatus*), spotted mackerel (*Scomberomorus munroi*) and shark mackerel (*Grammatorcynus bicarinatus*). Current information indicates that this stock has been relatively stable over several decades. Although the Spanish Mackerel stocks in Torres Strait were once thought to be migratory, there is emerging evidence that there is limited movement between the Torres Strait and the Gulf of Carpentaria or Queensland east coast.

There are approximately 220 TIB licences in this fishery and no TVH licensees following a reallocation process undertaken by the PZJA in 2007-08. The TSRA leases licences on a yearly basis under an open market process.

Reef Line

The Torres Strait Reef Line sector targets multiple species of reef fish and is concentrated in the eastern section of the Torres Strait. The fishery focuses on the coral trout (*Plectropomus spp.*), mixed reef fish (*Lutjanus spp.* and *Lethrinus spp.*) and numerous species of rock cods (*Epinephelus spp.*). Barramundi is also harvested although the harvest of this species is very low and there is little commercial activity beyond community markets.

There are approximately 196 TIB Licences and no TVH licensees following a reallocation process undertaken by the PZJA in 2007-08. The TSRA leases licences on a yearly basis under an open market process.

Turtle and Dugong Fishery

Hunting for turtle and dugong is important in Torres Strait Islander culture and a significant source of protein for Islanders. Dugong and turtle can only be taken by traditional fishers and used for traditional purposes.

As this fishery comprises traditional harvest only, there are no licenses. The TSRA has been developing community based management plans for these fisheries and there are currently eight implemented. These community based management plans are not part of the legislative framework.

Pearl Shell Fishery

The gold-lipped pearl shell (*Pinctada maxima*) and the black-lipped pearl shell (*Pinctada margaritifera*) are the main species targeted in the Torres Strait, although there are five other species. Past surveys show the abundance of pearl shell is low. There is a prohibition on wild harvest although there has been occasional harvest for recruitment.

Bêche-de-mer (Sea Cucumber) Fishery

The fishery was mostly based on sandfish (*Holothuria scabra*) however harvesting of this species has been discontinued. Currently, fishing focuses on surf redfish (*Actinopyga mauritiana*), black teatfish (*Holothuria whitmaei*), white teatfish (*Holothuria fuscogilva*) and other lower value species. Bêche-de-mer is susceptible to overfishing because they are large, easily seen and caught. The PZJA has recently implemented a reduction in the (annual) total allowable catch for this fishery as a precautionary measure.

Trochus Fishery

The Torres Strait Trochus (*Trochus niloticus*) Fishery is a small, single-species commercial and subsistence fishery. The fishery was an important source of income for the region between 1920 and 1950, and again during the 1980's. The fishery remains a source of income for Islanders, especially women and children; however activity in the fishery is low due to a decline in the market demand for shells in button manufacture.

There are no TVH and approximately 130 TIB licence holders in this fishery

Crab Fishery

The Torres Strait Crab Fishery mostly targets mud crab (*Scylla spp.*) although a small quantity of blue swimmer crab (*Portunus pelagicus*) is taken. Mud crabs are mostly caught by hand or using scoop nets. Stock levels of the fishery are not known however participation in this fishery is low because other fisheries are more profitable.