

<p>Torres Strait PZJA Protected Zone Joint Authority</p>   <p>Queensland Government</p>	<p>TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY</p>	<p>Meeting No. 16 11-12 Dec 2003</p>
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DRAFT AGENDA

- Recommendations for the Prawn Fishery
 - Dr Die Stock Assessment Review **FOR DECISION**
 - 2004 Management Arrangements **FOR DECISION**
 - Applying reductions to the Islander, Non Islander and PNG Entitlement **FOR DECISION**
 - Other Arrangements **FOR DECISION**
 - Net Length
 - Policy for trading days
 - BRDs

- Management arrangements for the TRL fishery
 - Arrangements for 2004 **FOR DECISION**
 - Longer term arrangements and recommendations about a TAC **FOR DISCUSSION**
 - Strategic Assessment: Assessment Report and Statement of management arrangements **FOR ENDORSEMENT**

- Management of the Finfish fishery
 - Arrangements for 2004 **FOR DECISION**
 - Allocation of access principles **REPORT ON PROGRESS FOR INFORMATION**
 - Finfish Possession Limit **FOR DECISION**

- Licence amalgamation policy **FOR DECISION**

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
Recommendations for the Prawn Fishery: Dr Die Stock Assessment Review	Agenda Item No. 1.a

PURPOSE

To inform the PZJA of the outcome of the independent review of the tiger prawn assessment.

BACKGROUND

Following a meeting of the prawn working group in August 2002, Management undertook to have the prawn fishery stock assessment reviewed by an independent expert. Following consultation with Industry and Islanders, Dr David Die was contracted by AFMA to undertake the review.

Because of other commitments Dr Die was unable to undertake the review until October 2003. In conducting his review Dr Die consulted with both Industry, Islanders, scientists and managers. He presented his findings at a public meeting in Cairns.

A copy of the Dr Die's report is attached. It has been sent to all TS prawn entitlement holders.

The key findings of the review were:

- that the most recent "delay- difference" stock assessment was a significant improvement on earlier "production model" assessments;
- that the data from the fishery were comparatively high quality (relative to many other fisheries that are assessed);
- the analyses conducted for the estimation of the relative abundance and effort creep use state of the art methods and very comprehensive data;
- that the stock assessment is of high quality and is sustained by the use of state of the art statistical analysis and simulation modelling; and,
- that the choice of fishery indicators was appropriate.
- Collection of catch data from the PNG side of the fishery is recommended but is considered a low priority

Dr Die also noted that like any assessment there was room for further improvement but that such improvements were unlikely to lead to substantially different conclusions about the state of the fishery. He concluded that the current assessment is robust enough for management to base decisions on.

Dr Die recommended that the "delay-difference" model, rather than the "surplus production" model be used. The use of the delay-difference model was consistent with advice provided by Dr Peter Young in "A fair share of the catch" in 2002. The delay-difference model is also used in the adjacent Northern Prawn Fishery.

The delay-difference model is presented using two forms of stock-recruitment relationship; the "Beverton-Holt" and the "Ricker. There is no need to choose between the two relationships, they can both be used as sensitivity analyses to provide a picture of the range of appropriate effort caps. The following table summarises the MSY and Emsy figures for the delay-difference model using two different stock recruitment functions.

	Delay-Difference Richter curve	Delay Difference Beverton-Holt Curve
MSY	611	698

90% confidence interval	426-808	490-958
Emsy	7228	8257
90% confidence interval	5040-9559	5797-11333

Dr Die also recommended that target reference points be set at 75-80% of E_{MSY} and that biomass always be maintained above B_{MSY} .

Dr Die also commented that the Torres Strait prawn fishery is one of the best managed prawn fisheries in the world. This is a credit to the people who brought about measures to limit effort and set up exclusion areas to protect juvenile prawns

The endeavour prawn fishery has not undergone the same rigorous stock assessment, however a preliminary CPUE analysis was carried out by Dr Die. There is no evidence that the prawn fishery has substantially reduced the endeavour prawn stocks. There is a good possibility that the endeavour prawn stocks could sustain greater fishing effort and increased production if a method of doing this without increasing tiger prawn effort can be found.

Current fishery performance

The stock assessment indicates that standardised fishing effort exceeds E_{MSY} . In other words there is too much fishing effort.

Despite excess effort the biomass of tiger prawns in 2002 exceeded B_{MSY} which is a positive for the fishery. This means that there is time to adjust effort in the fishery to E_{MSY} .

Simulation modelling points to a high probability that the tiger prawn stocks will become over-exploited unless effort is reduced.

Endeavour prawns have not declined, and may support more effort and production.

POLICY ISSUES:

1. The stock assessment is substantially different than previous assessments. Most notably a new model has been applied to the fishery and its results are less optimistic than the results of earlier surplus production models. Industry has not had a long time to understand and consider these results, and many licence holders may find the technical aspects of the assessment of the review difficult to understand.
2. Industry maintains that the catch data have not been validated, that the assessment is missing the PNG catch and effort data, and that these lead to an erroneous assessment result. Industry also believes that the surplus production from the PNG area of jurisdiction is much more than 200 tonnes.
3. Management understands that the assessment has shown that Australia has, through harvesting the tiger prawn stock in its own area, driven tiger prawn stocks down. It does not believe that there is a large amount of unharvested surplus production in the PNG area (importantly this is different from saying that there are not large stock there). The independent review, Dr Die, confirmed this view. He advised that a survey would be required to establish if there was a large unknown standing stock. A survey of this type is undertaken in the adjacent Northern prawn Fishery at an annual cost to industry in excess of \$600,000. Management is confident that the stock assessment is robust and should be used to make management decisions.

Recommendations

That the PZJA NOTE:

1. the major findings of the stock assessment review performed by Dr David Die.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
Recommendations for the Prawn Fishery: 2004 management arrangements	Agenda Item No. 1. b

Purpose

To assist the PZJA to decide on management arrangements for 2004.

Background

There has been a decade long dialogue between Management and Industry about the need for further adjustment of effort in the Torres Strait Prawn Fishery (TSPF). This commenced immediately upon the allocation of days to prawn entitlement holders. The initial allocation to each operators was based on their maximum effort in the fishery in the previous four years plus an additional amounts for other purposes. The allocation was not scientifically based and the total allocation substantially exceeded real fishing effort in the fishery.

During the past decade the fishery has matured. Data have been added to the database and fisheries assessment methods have developed significantly as computing power has permitted more and more powerful techniques to be used.

PNG and Torres Strait Islanders have also started, or moved much closer, to taking up their entitlements to participate in the fishery.

Australia's ocean policy was developed in the late 1990s and the *Environment Protection and Biodiversity Conservation Act 1999* (the *EPBC Act*) came into being. Commonwealth and export fisheries must pass strategic and export assessment by meeting the principles and guidelines set down in the *EPBC Act*.

Together this chain of events has brought the TSPF to the point where an adjustment must be made in the management of the fishery to meet the multiple objectives of the *Torres Strait Treaty*, *Torres Strait Fisheries Act 1984* (the *TSF Act*), and *EPBC Act*.

At its 15th meeting on 13 June 2003 the PZJA:

- vii) *AGREED that effort in the fishery be capped at a level that the reviewed stock assessment model indicates has a low probability of adverse impact on the stock;*
- viii) *AGREED that:*
 - a) *PNG will maintain access to the fishery as per Article 23 of the Torres Strait Treaty and subsidiary agreements and that PNG will be approached on the need for any cut backs;*
 - b) *Industry, including Torres Strait Fishing Boat Licences and the three Islander licences will be provided a base allocation at the start of the season consisting of the balance of the cap minus the PNG and Torres Strait Islander shares;*
 - c) *Industry will have the opportunity to take up any of PNG's unused effort (preferential entitlement) following a review mid-season; and*
 - d) *Industry will have the opportunity to take up any of the unused effort from the three Islander licences until the three licences are activated.*

Therefore, in issuing licences at the beginning of the season, there will be three components identified – the base allocation, PNG supplement (if any) and Torres Strait Islander supplement (if any); and

- ix) *REAFFIRMED the 1994 decision of the PZJA, in relation to long-term management arrangements for the Torres Strait Prawn Fishery that “the arrangements do not apply to Papua New Guinea boats carrying out prawn trawling in the area of the prawn fishery in accordance with Article 23 of the Torres Strait Treaty”.*

Setting the effort cap

Following the independent review of the stock assessment the management agencies released a discussion paper on 5 November in which it proposed an interim cap for 2004 while further work is done to refine the assessment. Responses are due by 3 December. The responses will be reviewed by the PWG and the TSFMAC. A summary will be provided to the PZJA meeting.

The paper proposed that the effort cap be set at the average number of days actually fished for the last 10 years, that is 10,000 days. This includes an allowance for up to 7 PNG trawlers to be endorsed to fish in the Australian area of jurisdiction, and a further allowance for participation in the fishery by three Torres Strait Islander licences.

The cap is nearly 20% higher than that recommended by modelling (delay difference model). This could be seen as not being precautionary, however, as we are currently above B_{MSY} , the management agencies believe there is time to refine the stock assessment in 2004 before setting a longer term effort cap.

The interim year will allow time to:

- do the high priority research that Dr Die recommended;
- obtain additional PNG data;
- renegotiate the catch sharing agreement with PNG;
- agree appropriate target and limit reference points for the fishery that will allow a set of decision rules to be recommended;
- work with stakeholder to develop strategies to allow endeavour prawns to be targeted without catching tiger prawns; and
- consult with industry on issues such as an agreed phase-in of any adjustment to allow time for business planning and rationalisation.

Initial allocation to Australian commercial fishers

In line with the PZJA decision of 15 June 2003 the allocation to Australian commercial fishers is calculated as the effort cap, less the entitlement for PNG under the catch sharing agreement and less the allowance for the Islander licences.

This will result in an initial allocation to Australian operators of:

Effort cap	10,000
Less PNG entitlement	1,925
Less Islander licences	<u>825</u>
Allocation to Australian fishers	7,250

PNG preferential days

The Torres Strait Treaty specifies that PNG is entitled to 25% of the allowable catch of the prawn fishery in the areas of Australian jurisdiction in waters south of the fisheries jurisdiction line, and 50% in Australian Territorial Seas north of the fisheries jurisdiction line. Australia is entitled to 25% of allowable catch of prawns in the PNG area of jurisdiction.

The two countries found it difficult to set allowable catches and to monitor the harvests taken by operators in both countries and decided effort would be shared to provide each party with the opportunity to take catches according to the percentages set out in the Treaty.

Australia has not exercised its entitlement to fish in the PNG area of jurisdiction and this was traded against a reduction in the effort that PNG was entitled to in the Australian area of jurisdiction.

PNG has scarcely exercised its entitlements in the Australian prawn fishery and is unlikely to exercise their rights fully in the near future.

Under the Treaty, Australia is entitled to the share of effort (proxy for catch) PNG will not take up. Australia's rights in this regard are referred to as the "Preferential Entitlement"¹, and are specified in Article 25.

How many days PNG may use in the fishery is difficult to predict. Management has considered implementing administrative arrangements with PNG that would lead to greater predicability but these arrangements have not been finalised to a point where they could be applied to the 2004 season.

The management agencies believe it is possible to take a risk-weighted approach and make an estimate of the likely number of days that PNG operators will actually use at the beginning of the season. This allows some of these days to be allocated to the Australian industry at the beginning of the season with an acceptable risk of an over-shoot of the effort cap (where ever it may be set).

Based on activity in previous years and events such as the recent arrest by PNG authorities of the boats which were conducting fishing operations, the management agencies believe that it is unlikely that PNG will use more than 925 days in 2004. This will allow an allocation of 1,000 PNG preferential nights to be made to Australian commercial licences at the start of the 2004 Season.

Islander supplemental days

In 1989 the PZJA agreed to grant 3 licences for Islanders to operate in the prawn fishery. While to date there have been no licences granted, there has been genuine interest in operating the licences and over the past 12 months the TSRA has considered the criteria against which they would judge any applications made to them to operate the licences.

As with PNG entitlements, the management agencies believe that it is unlikely that the Islanders will use three trawlers for the full season and it is possible to take a risk-weighted approach and make an estimate of the likely number of days that Islander licensees will actually use at the beginning of the season. This allows some of these days to be allocated to the Australian industry at the beginning of the season with an acceptable risk of an over-shoot of the effort cap (where ever it may be set).

Before it is possible to determine surplus days among the Islander licences the PZJA will need to decide that how reductions in the effort cap effects Islander licences (see agenda item 1.c).

Based on the current stage of discussions and the likelihood that boats will be available to operate an entire season, the management agencies believe that it is unlikely that Islander licences will use more than 425 days in 2004. The level of supplement nights that this will provide to Australian commercial licences at the start of the 2004 Season will depend on the PZJA's decision on how reductions should effect these entitlements.

Allocating Preferential and Supplementary days to Australian operators

A method needs to be agreed on how preferential and supplementary days should be allocated between operators both the beginning of the year and at any mid-season review.

There appear two main options:

- An equal allocation to each operator regardless of their holding; or

¹ Australia's rights to the preferential entitlement also extend to the PNG area of jurisdiction, however Australia has never exercised its preferential entitlements there when PNG did no prawn fishing in its own waters. The reasons for this are varied but relate to administrative simplicity and Australian operators wanting to steer clear of issues that might arise out of fishing in the PNG area of jurisdiction.

- A pro-rata allocation to based on each licences share of the total number of days allocated to Australian operators.

Assuming that a total of 1400 days are available to be allocated, an equal allocation to each operator would result in each receiving 18 days. The management agencies have some concerns about this allocation method as:

- It is likely to effect the relative economic position of operators; and
- May lead to manipulation of the licensing system by operators to maximise their share of the days.

A pro-rata allocation is more likely to maintain each operators relative economic position in the fishery and would be consistent with the proposed method of making reductions.

Because of trading of days a “snapshot” date is needed to provide a point at which to calculate each operators share of the total days. The management agencies propose:

- for the initial allocation, 15 January 2004; and
- for the mid-season review, the day on which the PZJA agrees.

POLICY ISSUES

1. An immediate reduction in effort sufficiently large enough to reach E_{MSY} is not necessary. The tiger prawn fishery is not at risk of immediate decline or collapse. However, having been provided with the advice that one of the reference points has been exceeded it would be irresponsible not to take the first steps to reduce the potential effort in the fishery. The management agencies have proposed an interim year in which the effort cap would be set at 10,000 days.
2. The PNG preferential days and Islander supplemental days will provide entitlement holders with some extra days however these days are uncertain from year to year and will decrease in number as PNG and the Islanders take up their entitlements.
3. Industry has raised the issue of flow on effects from the reductions in areas like mother boat shipping, ships chandleries, employment opportunities for crew etc. These are all valid concerns. However there has not been any economic analysis of the situation that demonstrates the veracity of these claims. Nonetheless, there is no doubt that there would be some flow-on effects. However if the fishery is over exploited it will take several years to recover and is liable to result in much larger economic displacement.
4. From a biological perspective, a healthy stock and fishery are more likely to be sustained when effort in the fishery is controlled below E_{MSY} . In the long run it is in the fishers’ interests and the interests of the wider community to manage the fishery at effort levels below or equal E_{MSY} , or develop an alternative harvest strategy that optimises the mix of tiger and endeavour prawn fishing if that is possible.
5. The biggest issue is that the Australian prawn fishery has continued to operate as though there was never going to be a need to share the catch with PNG or grant three licences to the Torres Strait Island communities. Since the Treaty was ratified in 1985 and Australia and PNG agreed to cooperate in the management of the prawn fishery and one of Australian management objectives has been to manage the fishery to allow for catch sharing.

Recommendations

That the PZJA AGREE:

1. to an interim effort cap for 2004 for the Australian area of jurisdiction of 10,000 days
2. to an allocation of 7,250 days for Australian operators as a base allocation on a pro-rata basis.
3. That any PNG preferential days and Islander supplemental days be allocated to Australian entitlement holders pro-rata to their holdings on 15 January 2004.
4. The PNG preferential days be set at 1,000;
5. The Islander supplemental days be set at the residual number of days between Islanders entitlement and 425 days; and

6. to undertake a mid-season review of the use of PNG's entitlements and Islander licences on DATE and make as second allocation to Australian operators of any additional days at that time.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
Recommendations for the Prawn Fishery: Applying reductions to Islander, Australian and PNG entitlement	Agenda Item No. 1.c

Purpose

For the PZJA to clarify future administrative arrangements relating to effort reductions in the Torres Strait Prawn Fishery as they relate to Islander, Australian and PNG entitlement.

Background

Outcome from a recent review of the stock assessment has confirmed that there is a need to reduce effort in the Torres Strait Prawn Fishery. The fishery is made up of three sectors Islander, non-islander Australian, and PNG entitlement holders.

A number of different options to reduce effort have been suggested to address the effort concern in the fishery. The basis for and level of effort reduction and outcome of the review are covered under a separate agenda item, this paper will look at how effort reductions could be applied to each of the respective sectors with a view to gaining agreement to future effort reduction policy for each.

Discussion

Islander Entitlements

Since the three Islander licences were agreed to it has always been the intention that the licences could be used to fish the full fishing season in Torres Strait, which has run from 1 March to 1 December since 1991. This means that each licence would have 275 days to operate or 825 days in total.

In considering a need for reduction in the fishery as it applies to the three islander licences there are several options:

1. treat the entitlement to fish in the same manner to that of existing entitlement holders (reduce as necessary to reach a new effort cap);
2. reduce the entitlement by a different proportion to that of existing entitlement holders;
or
3. leave the entitlement unchanged (3 licences allowed to fish for full season with an allocation of 275 days)).

The question of priority of access to the fishery is raised where Islanders entitlements to the fishery are reduced. This issue was fully considered by the Torres Strait independent Advisory Panel in their report fair share of the catch. The PZJA considered the report and feedback from the working groups at their June 2003 meeting.

The following Table is provided to illustrate the three possible options and their respective consequences for both Islanders and existing entitlement holders. All options are aimed to reach the Management proposal of an effort cap in the Australian area of jurisdiction of 10,000 nights (this was prepared prior to the comments on discussion paper being received). Option 1 reduces the Australian holders' days by the amounts of 825 (3 Islander boats for a full season) and 1925 days (7 PNG boats for a full season). Option 2 treats the Australian holders and Islanders equally..

Fishing entitlements	entitlement holders	Option 1	Option 2
Entitlement holders	13486	7250	7609
Islanders	825	825	466
PNG	1925	1925	1925
Total	16236	10000	10000
Management proposal (cap)	10000		

Policy issues

1. The reduction of access rights for Islanders should be considered in light of the fact that their access was granted prior to and completely separate to the allocation of days to entitlement holders;
2. Reduced effort may affect economic viability and require Islanders to somehow purchase days that would potentially leave their licences as non-transferable but with some transferable days; and,
3. The legal advice on the priority of access may be relevant to any policy decision taken.

Non-islander Australian

In line with the PZJA decision of 15 June 2003 the allocation to non-islander Australian fishers is calculated as the effort cap, less the entitlement for PNG under the catch sharing agreement and less the allowance for the Islander licences.

This will result in an initial allocation to non-islander Australian operators (pending decision relating to any effort reduction to Islander permits) of:

Effort cap	10,000
Less PNG entitlement	1,925
Less Islander licences	<u>825</u>
Allocation to Australian fishers	7,250

In considering a need for reduction in the fishery as it applies to the Australian Operators the most equitable manner to achieve any reduction is to reduce current day holdings by the same proportion with the result rounded up to the next whole day.

PNG Entitlements

As with Islander supplemental days the allocation of PNG preferential days must be done in light of the amount of access PNG is granted to the Australian area. This access to the Australian area of jurisdiction should in turn be tied to the estimate of E_{MSY} . If and when the number of days allowed in the Australian area of jurisdiction are adjusted, PNG trawl effort should be tested to check that it is not exceeding their entitlement specified in article 23 (where effort is the proxy for catch) and the catch sharing calculations. This check is performed in the following Table for the PZJA's information.

	Australia	Territorial Seas	PNG
catch kg (1)	1,456,000		200,000
		21,000	0
cpue kg per day (2)	178	178	178
days to take catch (3)	8,180	118	1,124
Australian share of effort	6,135	59	281
PNG share of effort	2,045	59	843
Australian net effort	6,475		0
PNG net effort	1,823		1,124
Australia's percentage in Australian waters	78%		
PNG's percentage in Australian waters	22%		

Note 1. The PNG catch is an estimate of the allowable catch from the PNG area of jurisdiction and is not the average catch as reported for Australia.

Note 2. The CPUE is the catch rate of Australian trawlers operating in Australian waters and is assumed to be representative of PNG catch rates.

Note 3. The days shown in the table are less than the proposed 10,000 day cap because they exclude effort and catch from the Australian outside but near area.

The Table shows that 7 PNG trawlers (maximum potential of 1925 days) would exceed their net share of effort by 102 days (5.6%). This is a rounding issue (1823 days equals 6.62 trawler seasons and Australia agreed to endorse up to 7). If this approach was agreed one alternative to solve this issue might be to endorse the licences for a period of 260 days, ie the endorsement would be valid until 15 November 2004. This issue would need to be made clear to PNG, but they would have a limited basis to object. This is a significant improvement in the outcome for the Australian entitlement holders.

Recommendations

That the PZJA agree to:

1. a policy about how islander licences will be affected by any effort reduction that may take place;
2. effort reduction to Australian operators be by equal proportion (as agreed) and round up to the next whole day; and
3. the negotiated endorsement of up to 7 PNG trawlers for 2004 with subsequent catch sharing negotiations to reflect any subsequent reduction in Australian effort.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
Recommendation for the Prawn Fishery: Other Arrangements	Agenda Item No. 1.d

PURPOSE

To have the PZJA consider:

- amending the policy of boats requiring 50 allocated days in the fishery to operate, and the trade in days in parcels of 10
- relaxing the boat replacement policy;
- restoring net lengths to 88 metres;
- issues relating to the mid-season review of preferential and supplementary days; and
- whether preferential days and supplemental days should be tradeable.
- Introduction of Bycatch reduction devices (BRDs)

BACKGROUND

Minimum holdings and trading packets

Current arrangements require prawn entitlement holders to hold at least 50 days in order to operate in the fishery. The PZJA policy agreed in 1993 also required days to be traded in packets of 10.

While these policies may have been useful for preventing some entitlement holders from having unworkable (small) allocations, any reduction in the number of days available to entitlement holders would cause some existing operations fall below the 50 day minimum and be unable to operate.

If there should be any reduction in days, it is not the intention to force operators into a situation where they cannot operate their vessels with the days they have allocated to them.

A reduction in the minimum number of days 25 would avoid most operators falling below the minimum holding in the case of any reduction up to 45% (the 2 licences with current allocations less than 50 days would fall below 25 days)

Furthermore, the trading of days in packets of 10 may not be helpful during a time during a period of adjustment. The prawn working group will be considering these matters and updated advice from the group will be provided before the PZJA meeting.

Net length

The maximum length of net in the Torres Strait prawn fishery was reduced from 88 to 80 metres by decision of the PZJA at its twelfth meeting in October 2001. The reduction in net length was an offer by Industry to aid in the control of effective fishing effort.

Since the reduction in net length its affect on fishing power/catching efficiency has been debated. There have been no formal studies undertaken to evaluate its effect on effort in the Torres Strait fishery. There are no research funds set aside to undertake the experiments that would be necessary to determine the effect of the ten percent reduction.

However studies in the adjacent NPF have indicated that ten percent decrease in the length of gear reduces effective effort by three percent. While there are a number of differences between the two fisheries (in particular the NPF only use twin trawl compared to the quad trawl gear used in the TSPF), this does provide some indication of the level of reduction that the measure achieves.

Since this measure has an unquantified affect on fishing power which will not be resolved easily Management believes that net length should be allowed to increase to the 88 metres again and deal with excess effort by managing days in the fishery.

Compliance with net length has also been more difficult than anticipated when FMN⁵⁹ was introduced. The attached management notice (Attachment 1)amends the wording used in the former notice and makes it more enforceable.

Boat replacement policy

At the twelfth meeting of the PZJA in October 2001 it was agreed to introduce a boat replacement policy involving a 20% reduction in nights on vessel upgrade (from a smaller vessel to larger vessel, as defined by vessel length) and for the transfer of nights from a smaller to a larger vessel.

Since that time there has only been a 0.06 percent reduction in days as a result of the boat replacement policy. The extent to which the boat replacement policy has been an impediment to the transfer of days between licences is not known, however it is likely that it has had some influence on trade.

While the intention of the policy is to keep effective effort from growing, during a period where a rationalisation of the industry is needed it appears that this policy may stifle trading and limit operators' ability to adjust to any changes in effort.

Management believes that the policy should be temporarily waived for the 2004 season and reviewed at the end of the season following discussion by the working group and TSFMAC.

Mid season review

The mid-season review of the actual fishing by PNG and Islanders may result in additional days which can be allocated to operators.

Because of its timing this second allocation may not be able to be used by operators. Because of the uncertainty it will be difficult for them to build it in to their business planning. Many operators may have already used their allocation of days and relocated to other fisheries prior to the mid-season allocation and it may not be economical for them to return to fish an additional few days.

Management will be consulting with the PWG and MAC in the lead up to the PZJA meeting to develop arrangements that may be more advantageous to industry.

Trading preferential and supplementary days

Preferential and supplementary days would need to be allocated to fishers only on an annual basis and therefore would have no continuing value in the fishery.

While therefore they can not be traded permanently, seasonal trading would still be possible. To maximise operators' flexibility and their ability to adjust their holding to suit their fishing plan, the management agencies recommend that operators be able to trade their preferential and supplementary days. Trading of these days may also assist addressing concerns about a mid-season allocation.

Introduction of BRDs

At its meeting on 11-12 December 2002 the PWG agreed on a process for trialing and evaluating new BRDs. The PWG also agreed that the following should be adopted:

- A pro-forma application form should be developed for the trialing of new BRDs;
- A simplified explanation should accompany the trialing process diagram to explain why each step is required;
- As improved and more efficient BRDs would benefit all stakeholders, the costs of testing should be defrayed as follows: Operator to pay for fuel, provisions, crew payments etc, and scientists to pay for scientists time, data administration and analyses etc. The proceeds from the catch to defray the costs of testing.
- Step 6 in the process "Testing under rigorous scientific conditions" to be conducted under a Scientific Permit. Allocated Fishing Days not to be deducted during this stage.

Specifications for BRDs in Torres Strait

At its October 2003 meeting, the PWG discussed the introduction of BRDs into the Torres Strait Prawn Fishery. With a shared fleet between the Queensland east coast and Torres Strait, and BRDs already required in Queensland, the PWG based its recommendations on complementarity, where possible, between the two jurisdictions.

The TSDMAC will be considering the advice of the PWG at its meeting on 10 December 2003. If there are any changes to the recommendations following the MAC's consideration of the issues these will be relayed at the PZJA meeting.

Recommendations

That the PZJA agree to:

1. reducing the minimum number of days to operate in the fishery to 25 days ;
2. the attached FMN (Attachment 1) that reinstates 88 metres total net length and amends the wording of the notice it replaces to make it more enforceable;
3. waive the boat replacement policy effective on the signing of the record of the meeting and review the policy at the end of 2004; and
4. allow seasonal trading of preferential and supplementary days.

That the PZJA consider recommendations arising from the PWG and MAC on making any mid-session allocation more practical for industry.

That the PZJA consider recommendations arising from the PWG regarding minimum number of days that can be traded between entitlement holders.

BRD Recommendations

That subject to the outcome to the TSFMAC discussion and consideration the PZJA approve:

- i) the process for testing and evaluating new BRDs in the fisheries;
- ii) that the following BRDs (square mesh codend, square mesh panel, fisheye, bigeye, and radial escape section) be implemented as approved BRDs commencing 1 March 2004 (subject to subsequent review given any new information);
- iii) the V Flap BRD for use in the 2004 season, subject to review by the PWG following receipt of information from the east coast trials of the V Flap; and
- iv) the continued use of these BRDs and that their respective specifications be revisited at the end of the 2004 season once pertinent research information is available.

Process for Testing New BRDs

COSTS

1) Expert Panel formed	This panel could consist of a small subgroup of the PZJA (e.g. AFMA, QFS, TSPEHA, QSIA, Scientist/AFFS, TSRA) (6)	
2) Operator makes written application to PZJA to trial new BRD design	Detailed descriptions and specifications (e.g. diagrams, photographs), and detailed explanations about the device be provided.	Minor costs to operator in preparing models, letters etc.
3) Desktop Review of the proposed device	The Panel will examine the device based on the information provided.	Minor costs in distributing application material and organising telephone conference/meetings
4) Fisher Trials	Provided the desktop review indicates that the device might work, the fisher will then conduct preliminary testing. This will involve trawling with the device in one net and a simplified experimental design standards net (i.e. a same net without the device). The operator will be required to record the weight of the bycatch, target species and byproduct from the net with the device as well as the standard net. These should be recorded shot-by-shot over several weeks. The BRD should be trialled in different positions to account for net positional effects (eg port-outer, starboard-inner etc).	Possible minor costs in lost earnings from following simplified experimental design and fees for requisite permits.
5) Analysis	The panel will review the results provided by the operator to decide whether the device warrants a more rigorous investigation.	Similar costs to desktop review
6) Testing under rigorous scientific conditions	Provided this step is warranted, a scientific staff will undertake further testing with greater scientific rigour. These trials will require: <ul style="list-style-type: none"> • Scientific staff on board for several nights • That the operator has identical nets (ie all nets identical) • The operator be prepared to rotate the net positions to take account of any net-positional effects; and • The operator be prepared to work in areas 	Trialling over an eight day period would include costs such as fuel, food, lost earnings and scientists time
7) Analysis	The scientists will be responsible for the analysis of results and preparation of a report on each device. The panel will consider the report and results in terms of its effectiveness. An acceptable level of bycatch reduction by the device will need to be determined by the panel.	The analysis of results, statistical testing and drafting of a report will require significant time and staff resources, to a value of ~ \$5000 per device
8) Recommendation	The panel will present the final recommendation to the Prawn Working Group.	

Notes Once an operator has identified merit in a particular design, it is necessary to transfer the observations of the operator to a scientific context. The process is designed to provide scientifically robust and acceptable evidence on the effectiveness of a proposed BRD. The process, while following standard experimental protocol, also eliminates unnecessary costs if a device fails to deliver promising results i.e. the testing to progress from preliminary (lower costs involved) assessment (Steps 3 & 4) to a more rigorous (higher costs involved) assessment (Step 6). An Expert Panel (Steps 1 & 8) is necessary to pool together practical and scientific expertise.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11-12 December 2003
Recommendations for the Tropical Rock Lobster Fishery: 2004 management arrangements	Agenda Item No. 2.a

PURPOSE

To facilitate decision making about 2004 management arrangements in the Tropical Rock Lobster Fishery.

BACKGROUND

2003 season

Catches during the 2003 season, which ends December 31, have rebounded strongly. With the strength of the 2+ year class has come extra effort. Despite the 30% reduction in the number of tenders, effort in 2003 will be the third highest in the past 10 years (Table 1). It is acknowledged that the figures from the early years probably under represent true effort levels because the logbook program did not capture the catch or effort data as well as it should have.

Effort increased 28 percent above 2002 levels among the predominantly non-traditional inhabitants “freezer boats”. There is no doubt that this was a real increase in effort.

Table 1. Recorded effort (tender days) from “freezer” boats submitting logbooks. It is expected that final figures for 2003 will increase slightly above 4000 days.

Season	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Tender days	2228	1560	3270	3932	5253	2226	2515	1923	3055	3896

Numbers of TIB licences with Cray endorsements increased from 356 to a maximum of 382 and then declined again to 357 when the closed season took effect. It is believed that many TIB licences would have individually fished more days than in recent years because of the strong economic incentive through higher catch rates.

Catch rates among the logbook reporting vessels was the highest during the past 10 years, even exceeding 1998 which was a particularly good season.

The fishing culture among some licences underwent a tangible change in 2003. The ‘industrial’ style of fishing became more apparent – less time off, longer dive times etc. While difficult to quantify, the change equates to more effective effort.

2004 season outlook

Signs for the 2004 season are relatively good. The abundance of 1+ lobsters detected by the CSIRO survey in 2003 was nominally higher than the previous year. Fishers also reported a high abundance of 1+ lobsters in many parts of the fishery but also reported seeing fewer in the “deep water” in the eastern area of the fishery which was very good in 2003.

Status of latent effort

The latent effort reduction strategy adopted by the PZJA is in the early stages of implementation. Licence holders have received the first letter advising each one of the process that will be followed.

Data are being extracted from the AFMA catch and effort database to make the first determination of each licence holders’ status relative to the qualifying criteria.

Since the first data were extracted from the data base (prior to June 2003), at least two licence holders have pro-actively provided additional catch dockets and/ or logbook data that qualifies them to retain their endorsements. At this point it is unclear how many licences will remain in the fishery after this process is completed.

The season will certainly start and may progress substantially before there is any realistic chance of removing the latent effort through this process.

To put the effort issue into perspective the following table illustrates the potential effort that exists in the fishery at the present time. PNG's effort is on top of the Australian effort shown in Table 2 but the agreed effort for PNG under the catch sharing agreement is capped at 1757 days for 2004 (pending agreement on catch sharing arrangements).

Table 2. Potential effort in the fishery compared with a reasonable target level of effort.

Stakeholder group	Potential days (304 day season)	Potential days (fishing 1/3 season)	Target level of effort (approximate)
TIB	108528	36057	6000-8000
Islander F licences	2432	808	
Fully transferable	24624	8181	
Non transferable dinghies	2432	808	
Total	138016	45854	

Consultation process

Anticipating the need and difficulty of implementing interim arrangements for 2004, AFMA held two open Industry (traditional inhabitants and non-) meetings in August and October 2003.

At these meetings participants brainstormed a wide range of future management alternatives and at the last meeting considered interim arrangements for 2004. There was a general consensus that something should be done to prevent effort growing in 2004 but there was not agreement on a specific mechanism nor whether measures should apply to both sectors or to just the non-traditional inhabitants.

The consultation process is continuing at the time of drafting this document with representatives of the two sectors consulting their relevant constituents. Islanders are consulting on bringing in a ceiling on the number of cray endorsements on TIB licences while others are consulting on a reduction in numbers of tenders. The outcome of these consultations will be reported as soon as the information is available.

Issues

1. There has not been a formal stock assessment of the fishery since 2001 because the catch data are not complete for the period 2001 to 2003. There are a variety of reasons for this including the lack of resources to collect and summarise the data.
2. The fishery was classed as overfished because the level of fishing mortality exceeded the benchmark level that ensured future good recruitment according to the stock-recruitment model.
3. While the level of fishing mortality has not been estimated for 2001 or 2002 (2003 season in not over yet), it can be deduced that as fishing effort has increased in 2002 and 2003 that fishing mortality will have also increased again.
4. Management have been advised that several additional "freezer" boat operations will return to Torres Strait in 2004. There has been strong demand for suitable vessels reported by one Cairns broker.
5. Management decision making is impeded by the lack of information and by the opposing views of the traditional inhabitant and non-traditional inhabitant sectors. Increases in effort are undesirable but it is hard to mount a convincing argument without current comprehensive catch and effort data and supporting stock assessments.
6. The priority of access issue is a major impediment to the control of effort. While both sectors argue about their access rights neither wishes to be 'the one' to reduce or control their effort.

7. Nonetheless, agreement by traditional inhabitants to impose an interim ceiling on the number of endorsements for lobster is closer than it has been previously.
8. Both sectors are more aware of the strategic assessment requirements for the fishery now than they were before and the working group was provided with the public comments received on the draft report and with preliminary comments from DEH. There is concern that the impasse on access rights and controls on effort will lead to a negative outcome for the fishery as a whole.
9. Long-term arrangements for the fishery are an important issue and are discussed separately.

Irrespective of the impasse between sectors on access rights and effort control mechanisms for 2004 and longer term, stakeholders acknowledge the likely consequences of a 'failed' Strategic Assessment should effort not be controlled in all sectors. In this respect and from a stock perspective, it is imperative that effort be controlled in 2004.

RECOMMENDATIONS

That the PZJA AGREE

- i) to bring an end to the 30% reduction of tenders imposed as an interim measure for 2003 at the end of December; and,
- ii) to introduce new interim measures for the 2004 season as may be recommended following the completion of the consultative process.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11-12 December 2003
Recommendations for the Tropical Rock Lobster Fishery: Longer term arrangements with specific reference to a TAC	Agenda Item No. 2.b

PURPOSE

To provide the PZJA with the response from the TRL Working Group on the proposal to manage the fishery by TAC, and provide other feedback on long term management arrangements.

BACKGROUND

At its 15th meeting the PZJA suggested that the TRL fishery could be managed by TAC. The PZJA *AGREED* to refer to the TRLWG for consideration the Chair's proposal to manage the fishery through a Total Allowable Catch (TAC) system based on the following process:

- *A sustainable TAC be determined for the fishery;*
- *PNG's share of the TAC determined as per Treaty arrangements and deducted from the available TAC for Australian fishers;*
- *Commercial operators (non-Islander) allocated a proportion of the TAC, based on previous catch history, potentially through ITQ's;*
- *Islanders be allocated a proportion of the TAC based on catch history and multiplied by two (to ensure the move to limited islander catches is acceptable). The islander allocation would be distributed among Communities as determined by them. This allocation could not be sold, but could be traded or leased amongst communities and to the commercial sector on an annual basis so that the allocation remains within this sector permanently; and*
- *All sectors' initial allocation be calculated periodically as proportions of the estimated sustainable TAC.*

The Chair invited the TRLWG to develop variations or alternatives to his proposal if they would better achieve the underlying objectives for managing the fishery.

Industry and Islanders were consulted on the proposal twice at open fishing meetings on Thursday Island, and most recently at the TRL Working Group meeting. The general outcome of the open fishing meetings is summarised in the following dot points:

- There was concern about how the relative catch shares would be established when there was such poor data about the catches;
- There was concern among traditional inhabitants that if their catch share was much lower than the catch share of the non-traditional inhabitants then even with the proposed doubling of their share that they would still be left with a smaller share (this did not equate to preferential access to them);
- There was concern among many people that the allocation of the TAC into ITQs and community quotas would be very divisive within and between communities;
- There was concern from many people that the TAC could not be adequately monitored and enforced.
- There was also support for the proposal because some people saw the allocation process as one that would deliver greater certainty for their future, and some people understood that this method if administered well could lead to good outcomes for the management of the stock.

The working group undertook an analysis of the TAC management option for the fishery. The working group agreed that the proposal should be considered and tested against:

1. The newly developed draft objectives for managing the fishery²;
2. The ability to set biologically meaningful TACs; and
3. The ability to ensure that quotas are not exceeded or that excesses are within acceptable limits.

Test 1 -

Does a system of total allowable catch comply with the management objectives of the TRL fishery?

Management Objective 1 – To maintain the stock above the point where it produces its maximum sustainable yield. Setting the maximum sustainable yield at a conservative level implies that the ecosystem and environment function will be maintained.- The working group determined that **yes** a TAC could address this issue very effectively.

Management Objective 2 – To implement and maintain mechanisms that can be used to effectively manage effort and/or catch to give effect to Articles 10, 21, 23, 25 and 26 of the Torres Strait Treaty and section 8 of the *Torres Strait Fisheries Act 1984* .- the working group determined that **yes** TAC can effectively address these statutory requirements.

Management Objective 3 - To promote economic development and employment opportunities in the Torres Strait and to ensure that these development opportunities are socially and culturally appropriate - The working group decided that whilst in some ways a TAC system would meet this objective it may also divide communities and individuals within the communities.

Test 2 – Is it possible to set a meaningful TAC ?– The working group determined that in principle it is possible to set an appropriate TAC in the Torres TRL fishery however the design and implementation of the current survey would need to be altered considerably. CSIRO researchers and the working group estimated that the costs of a redesigned survey would increase approximately 4 fold.

Test 3 – The ability to ensure that quotas are not exceeded or that excesses are within acceptable limits – The working group agreed that compliance with a TAC is achievable but at tremendous cost. The administration of the system would be very cumbersome and expensive. Having adjacent fisheries without complementary arrangements would be very problematic.

The Working Group considered some variations on conventional TAC (in weight) that included the simplifying the TAC system by making it one based on numbers. Such a system would probably require fishers to use a special tag to mark each live lobster or lobster tail. Tags are already being used in some fisheries to mark lobsters and fish taken under some quota systems.

The down side of tags is that the adjacent jurisdictions might not use the same method and therefore complicate compliance. There is also the issue of the cost of tags and perhaps even the design cost for a special ‘tail tag’.

The up side is that fishers would tend to target the larger lobsters, which may improve yield per recruit and total yield. Tags might also be used to market Torres Strait “hand captured” lobsters or similar.

DISCUSSION

The proposal to manage the fishery by setting a TAC was given thorough consultation but the balance of opinion was that it would not be a workable management tool under the present circumstances.

The working group was not in a position to recommend an alternative management method but will continue to pursue long term management arrangements when it meets in 2004. Controlling effort in the fishery appears to offer the greatest opportunity to manage the fishery in the near to medium term.

After 18 years of management the gap between the current arrangements and those that will lead to good management outcomes and give effect to Australia’s obligations under the Treaty is very wide. As pointed out earlier, the realistic potential effort in this fishery probably exceeds the desirable levels of effort by 6 to 8 times, or more.

² The new objectives will be provided to the PZJA at the next available opportunity for formal consideration by the PZJA.

Progress on any management arrangement will be difficult until the access rights issue is resolved in this fishery. Although the principles proposed by the Chair, with respect to the share of the TAC being multiplied by a factor of two for community fishers, implies a priority access, some member of industry have disputed this interpretation. Making the rights of stakeholders explicit will not, in itself, lead to management outcomes but would greatly facilitate discussions for the consultative committees. In the short term a decision on rights is likely to intensify the debate and/ or lead to a legal challenge by either or both parties who may feel aggrieved.

RECOMMENDATIONS

That the PZJA NOTE that:

- i) the TRL Working Group concluded that a TAC management approach is not recommended because research resources are insufficient to set the TAC, there are difficulties in allocating the TAC (cultural and other issues), and the lack of compliance resources preclude effective compliance and monitoring;
- ii) stakeholders are unsure of their access rights in the fishery and are not willing to compromise sufficiently so management can make real progress on fishery management issues; and
- iii) until a clear decision is made regarding priority of access in the rock lobster fishery, Management's ability to implement effective, agreed mechanisms to control effort is inhibited

That the PZJA ADOPT:

- iv) an explicit policy on the priority of access for this fishery.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
Torres Strait Finfish Fishery	Agenda Item No. 3

3(a) ARRANGEMENTS FOR 2004 - FOR DECISION

Background

The PZJA at its June 2003 meeting, agreed to implement a 30% reduction in tenders in the Torres Strait Line Fishery as a precautionary measure to prevent significant increases in fishing effort resulting from the displacement of boats from the Queensland Coral Reef fishery before the Torres Strait latent effort process is implemented.

It was also agreed that the time frame for implementation of the 30% reduction would coincide with the implementation of the Queensland Line Fishery Plan. This was expected to be 1 August 2003. However, the Plan provided for a phased in implementation and in effect, the trigger date relating to the decision of the June 2003 PZJA would be 13 December 2003.

Given that the 'fishing season' in Torres Strait does not begin until February each year and the latent effort process is expected to be completed by July 2004, the period of concern is a 3 to 4 month window.

In assessing the risk of those vessels not qualifying for quota in the east coast fishery, moving into the Torres Strait to fish before the latent effort process is completed, the Finfish Working Group considered the risk low.

This analysis revealed that the maximum possible extra effort would be 20% for the 2004 season. The Working Group were of the view that it was unlikely that all this potential effort would be realised and considered it improbable that more than 10% of this potential effort would likely be realised.

The Working Group also recognised that there is potential for more interaction between the two sectors if any of this additional effort was realised, but that the risk of this occurring was low enough to be acceptable for the short term.

Recommendation

That the PZJA:

- i. NOTE the Finfish Working Group's view that the potential additional effort likely to be realised during the 2004 season will be unlikely to exceed 10%;
- ii. NOTE the Finfish Working Group's view that there is potential for more interaction between the two sectors should any additional effort be realised, but the risk was considered to be low enough to be acceptable for the short term.; and
- iii. AGREE to set aside its decision to implement a 30% reduction in the number of tenders in the line fishery.

3(b) ALLOCATION OF ACCESS - FOR INFORMATION

Background

The PZJA at its last meeting agreed to refer to the Finfish Working Group the task of developing a strategy to address the historic difficulties of allocation of access within the finfish fishery and report back to the PZJA at its next meeting. To assist the Finfish Working Group the principles of the strategy were to be determined by the PZJA out of session and provided to the Working Group.

Officials from PZJA member agencies put a significant amount of work into finding a workable solution for the reef line fishery however, they are yet to determine how the fishery may be handled in a way which satisfies islander and non-islander operators without undue disadvantage to certain operators. Officials are continuing to discuss how to resolve the issues in the line fishery and will provide a report to the PZJA out of session.

Despite this the Finfish Working Group at its November meeting, undertook further discussion on this issue and again no resolutions were found. During this discussion both the commercial line industry members and Islander members reaffirmed their respective positions on this issue by making the follow statements:

- ***Non Indigenous Commercial Industry Statement*** - *Industry would like to maintain their access right to the Torres Strait finfish fishery. Industry believes that the solution to some of the problems that exist in this fishery could be resolved through the development of a comprehensive management plan for the fishery that addresses the biological, economic and cultural aspects of the fishery.*

Commercial fishers agree with the statement made by the chair of the PZJA that the sharing of the resources fairly amongst the sectors would be the preferred option to a buyback. Industry would like to see the results of research currently being undertaken to enable more informed discussion on the status of the resource and it not to be an emotive issue.

Industry believes that the issues could be resolved by managing the fishery sustainably and by providing the necessary expertise to up-skill community fishers to make the fishery more economically viable to them.

- **Traditional Inhabitant Statement** - Islanders acknowledge that Industry have an entitlement to fish in the Torres Strait finfish fishery and further acknowledge industry's desire to remain in the fishery. However there is limited employment and economic development opportunities aside from fisheries in the Torres Strait, not enough fish stocks in the short and long term, and the hierarchy of rights under the Treaty allows priority of access to traditional inhabitants for community fishing.

A possible strategy to resolve the conflict is to shift effort to areas outside of the Darnley and Meriam economic zone to other areas in the Protected Zone that are not closed down to commercial fishing. Islanders would like to ensure that fishing effort is not concentrated for long periods of time in small areas.

As it stands at this moment the communities (Darnley, Murray and Stephen) wish to maintain dinghy operations that limits effective effort. This restricts effort by limiting:

1. The number of people that can fish from the vessel
2. Limit the distance that can be travelled particularly in bad weather, along with fuel restrictions
3. Limited capacity to hold/transport product
4. Due to cultural reasons these three communities do not want to own and operate commercial freezer boats at this stage.

Following this discussion it was agreed by the Finfish Working Group that the following statement should be made from the Working Group to the PZJA:

- **Finfish Working Group Statement:** The Working Group could not provide a united resolution to the issues in this fishery. The Working Group is committed to finding a resolution to the issue of differing opinions between sectors and agreed that the issue needs to be quickly resolved. Despite our best efforts we could not resolve the differences between sectors and look forward to having direction from the PZJA in the form of a clear set of principles as soon as possible.

Recommendation

That the PZJA:

- i. NOTE the statements made by representatives of the non-indigenous commercial line fishers and Traditional Inhabitants;
- ii. NOTE the Finfish Working Group was unable to provide a united resolution to the access issues in the fishery; and
- iii. NOTE the Finfish Working Group's request for the PZJA to provide direction to the Working Group in the form of a clear set of principles for management of the fishery.

3(c) FINFISH POSSESSION LIMIT - FOR DECISION

Background

The PZJA at its June 2003 meeting agreed to refer the reduction of the take and possession allowances described in FMNs 54 and 55, to a maximum of 20kg for both finfish and Spanish mackerel, to the Finfish Working Group to allow for further consultation.

Management is concerned that the limits currently reflected in FMNs 54 and 55 may be excessive. While these allowances are intended for personal use, circumvention for commercial intent is possible. Management is of the view that 50kgs of reef fish or Spanish mackerel in the form of fillets represents a commercially viable quantity.

Although the Latent Effort Subcommittee did not make a recommendations to the PZJA on take and possession limits for licences affected by the latent effort process, the PZJA did endorse an allowance of 20 kgs of reef fish and mackerel being permitted to be taken by these operators.

The Finfish Working Group have considered this issue and agreed that an allowance of 20 kg of reef fish in any form and 20 kg of Spanish mackerel also in any form for all holders of Section 19(2) and 19(3) licences were reasonable quantities for personal use. Following this discussion by the Finfish Working Group the following recommendation was made:

- **The Working Group considered that 20kg of finfish would be appropriate as a take and carry allowance and consequently the FMN 54 and 55 should be amended to reflect this.**

The Finfish Working Group recommendation was also raised at the most recent meeting of the Tropical Rock Lobster Working Group. Following discussion within that Working Group the following recommendation was made:

- **The TRL Working Group supported the recommendation from the Finfish Working Group that 20kg of finfish would be appropriate as a take and carry allowance and consequently that FMN 54 and 55 should be amended to reflect this.**

The Finfish Working Group recommendation was also to be raised at the December meeting of the Prawn Working Group. The PZJA will be advised of the Prawn Working Group's recommendation at the meeting.

Recommendation

That the PZJA:

- i. NOTE that both the Finfish Working Group and Tropical Rock Lobster Working Group supported the reduction of the take and possession allowances described in FMNs 54 and 55; and
- ii. ENDORSE the reduction of the take and possession allowances described in Fisheries Management Notices 54 and 55, to a maximum combined allowance of 20kg of finfish.

TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
Torres Strait Finfish Fishery	Agenda Item No. 3

3(a) ARRANGEMENTS FOR 2004 - FOR DECISION

Background

The PZJA at its June 2003 meeting, agreed to implement a 30% reduction in tenders in the Torres Strait Line Fishery as a precautionary measure to prevent significant increases in fishing effort resulting from the displacement of boats from the Queensland Coral Reef fishery before the Torres Strait latent effort process is implemented.

It was also agreed that the time frame for implementation of the 30% reduction would coincide with the implementation of the Queensland Line Fishery Plan. This was expected to be 1 August 2003. However, the Plan provided for a phased in implementation and in effect, the trigger date relating to the decision of the June 2003 PZJA would be 13 December 2003.

Given that the 'fishing season' in Torres Strait does not begin until February each year and the latent effort process is expected to be completed by July 2004, the period of concern is a 3 to 4 month window.

In assessing the risk of those vessels not qualifying for quota in the east coast fishery, moving into the Torres Strait to fish before the latent effort process is completed, the Finfish Working Group considered the risk low.

This analysis revealed that the maximum possible extra effort would be 20% for the 2004 season. The Working Group were of the view that it was unlikely that all this potential effort would be realised and considered it improbable that more than 10% of this potential effort would likely be realised.

The Working Group also recognised that there is potential for more interaction between the two sectors if any of this additional effort was realised, but that the risk of this occurring was low enough to be acceptable for the short term.

Recommendation

That the PZJA:

- i. NOTE the Finfish Working Group's view that the potential additional effort likely to be realised during the 2004 season will be unlikely to exceed 10%;
- ii. NOTE the Finfish Working Group's view that there is potential for more interaction between the two sectors should any additional effort be realised, but the risk was considered to be low enough to be acceptable for the short term.; and
- iii. AGREE to set aside its decision to implement a 30% reduction in the number of tenders in the line fishery.

3(b) ALLOCATION OF ACCESS - FOR INFORMATION

Background

The PZJA at its last meeting agreed to refer to the Finfish Working Group the task of developing a strategy to address the historic difficulties of allocation of access within the finfish fishery and report back to the PZJA at its next meeting. To assist the Finfish Working Group the principles of the strategy were to be determined by the PZJA out of session and provided to the Working Group.

Officials from PZJA member agencies put a significant amount of work into finding a workable solution for the reef line fishery however, they are yet to determine how the fishery may be handled in a way which satisfies islander and non-islander operators without undue disadvantage to certain operators. Officials are continuing to discuss how to resolve the issues in the line fishery and will provide a report to the PZJA out of session.

Despite this the Finfish Working Group at its November meeting, undertook further discussion on this issue and again no resolutions were found. During this discussion both the commercial line industry members and Islander members reaffirmed their respective positions on this issue by making the follow statements:

- ***Non Indigenous Commercial Industry Statement*** - *Industry would like to maintain their access right to the Torres Strait finfish fishery. Industry believes that the solution to some of the problems that exist in this fishery could be resolved through the development of a comprehensive management plan for the fishery that addresses the biological, economic and cultural aspects of the fishery.*

Commercial fishers agree with the statement made by the chair of the PZJA that the sharing of the resources fairly amongst the sectors would be the preferred option to a buyback. Industry would like to see the results of research currently being undertaken to enable more informed discussion on the status of the resource and it not to be an emotive issue.

Industry believes that the issues could be resolved by managing the fishery sustainably and by providing the necessary expertise to up-skill community fishers to make the fishery more economically viable to them.

- **Traditional Inhabitant Statement** - Islanders acknowledge that Industry have an entitlement to fish in the Torres Strait finfish fishery and further acknowledge industry's desire to remain in the fishery. However there is limited employment and economic development opportunities aside from fisheries in the Torres Strait, not enough fish stocks in the short and long term, and the hierarchy of rights under the Treaty allows priority of access to traditional inhabitants for community fishing.

A possible strategy to resolve the conflict is to shift effort to areas outside of the Darnley and Meriam economic zone to other areas in the Protected Zone that are not closed down to commercial fishing. Islanders would like to ensure that fishing effort is not concentrated for long periods of time in small areas.

As it stands at this moment the communities (Darnley, Murray and Stephen) wish to maintain dinghy operations that limits effective effort. This restricts effort by limiting:

1. The number of people that can fish from the vessel
2. Limit the distance that can be travelled particularly in bad weather, along with fuel restrictions
3. Limited capacity to hold/transport product
4. Due to cultural reasons these three communities do not want to own and operate commercial freezer boats at this stage.

Following this discussion it was agreed by the Finfish Working Group that the following statement should be made from the Working Group to the PZJA:

- **Finfish Working Group Statement:** The Working Group could not provide a united resolution to the issues in this fishery. The Working Group is committed to finding a resolution to the issue of differing opinions between sectors and agreed that the issue needs to be quickly resolved. Despite our best efforts we could not resolve the differences between sectors and look forward to having direction from the PZJA in the form of a clear set of principles as soon as possible.

Recommendation

That the PZJA:

- i. NOTE the statements made by representatives of the non-indigenous commercial line fishers and Traditional Inhabitants;
- ii. NOTE the Finfish Working Group was unable to provide a united resolution to the access issues in the fishery; and
- iii. NOTE the Finfish Working Group's request for the PZJA to provide direction to the Working Group in the form of a clear set of principles for management of the fishery.

3(c) FINFISH POSSESSION LIMIT - FOR DECISION

Background

The PZJA at its June 2003 meeting agreed to refer the reduction of the take and possession allowances described in FMNs 54 and 55, to a maximum of 20kg for both finfish and Spanish mackerel, to the Finfish Working Group to allow for further consultation.

Management is concerned that the limits currently reflected in FMNs 54 and 55 may be excessive. While these allowances are intended for personal use, circumvention for commercial intent is possible. Management is of the view that 50kgs of reef fish or Spanish mackerel in the form of fillets represents a commercially viable quantity.

Although the Latent Effort Subcommittee did not make a recommendations to the PZJA on take and possession limits for licences affected by the latent effort process, the PZJA did endorse an allowance of 20 kgs of reef fish and mackerel being permitted to be taken by these operators.

The Finfish Working Group have considered this issue and agreed that an allowance of 20 kg of reef fish in any form and 20 kg of Spanish mackerel also in any form for all holders of Section 19(2) and 19(3) licences were reasonable quantities for personal use. Following this discussion by the Finfish Working Group the following recommendation was made:

- **The Working Group considered that 20kg of finfish would be appropriate as a take and carry allowance and consequently the FMN 54 and 55 should be amended to reflect this.**

The Finfish Working Group recommendation was also raised at the most recent meeting of the Tropical Rock Lobster Working Group. Following discussion within that Working Group the following recommendation was made:

- **The TRL Working Group supported the recommendation from the Finfish Working Group that 20kg of finfish would be appropriate as a take and carry allowance and consequently that FMN 54 and 55 should be amended to reflect this.**

The Finfish Working Group recommendation was also to be raised at the December meeting of the Prawn Working Group. The PZJA will be advised of the Prawn Working Group's recommendation at the meeting.

Recommendation

That the PZJA:

- i. NOTE that both the Finfish Working Group and Tropical Rock Lobster Working Group supported the reduction of the take and possession allowances described in FMNs 54 and 55; and
- ii. ENDORSE the reduction of the take and possession allowances described in Fisheries Management Notices 54 and 55, to a maximum combined allowance of 20kg of finfish.