

Torres Strait Tropical Rock Lobster Working Group

Meeting Record

5 and 6 April 2016

Note all meeting papers and record available on
the PZJA webpage:

www.pzja.gov.au

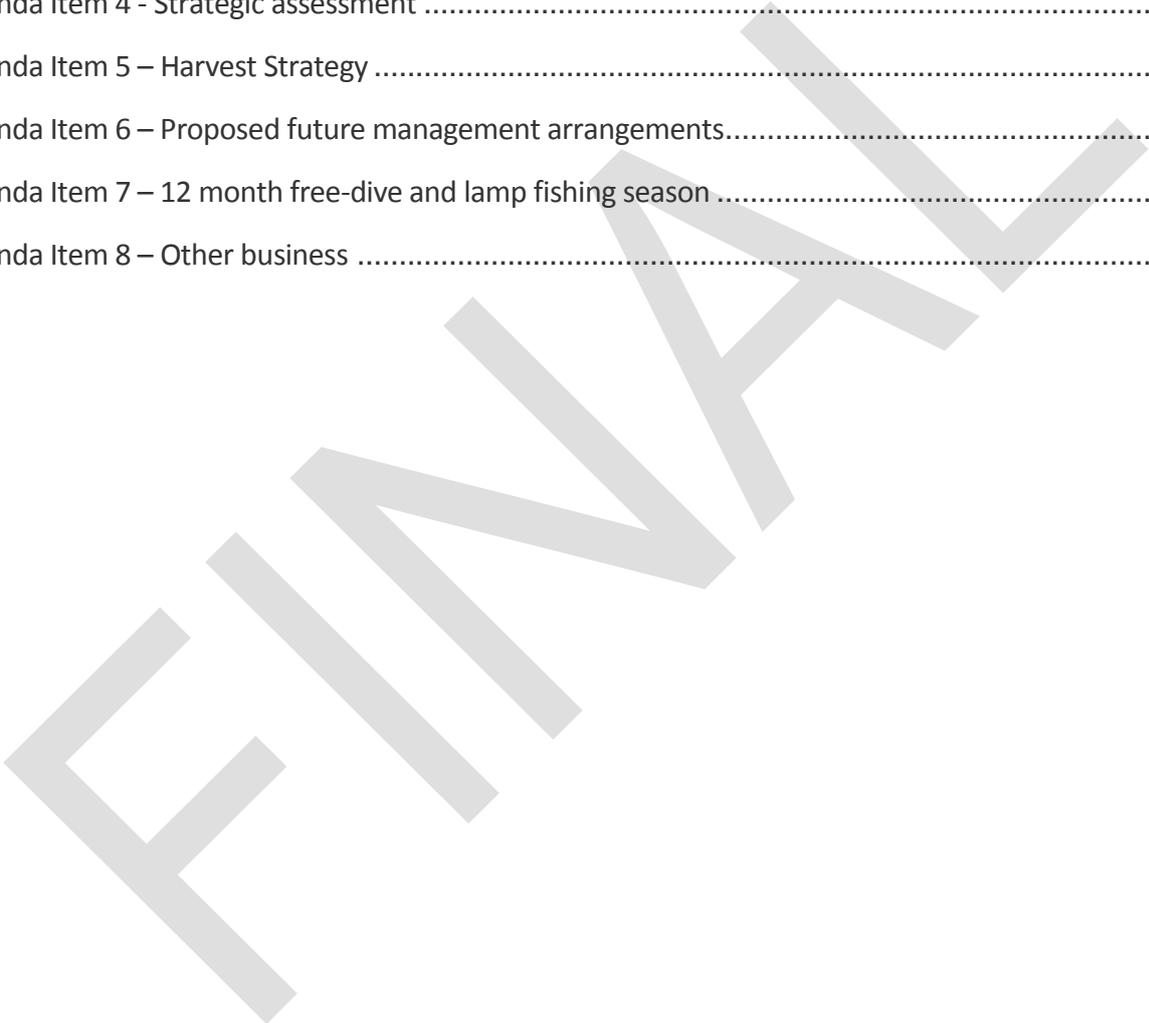


Australian Government

Australian Fisheries Management Authority

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Meeting Participants

Members

Date	Name	Position	Declaration of interest
5-6 April 2016	Sandy Morison	Chair	Nil
5-6 April 2016	Dean Pease	TRLRAG Executive Officer	Nil
5-6 April 2016	Selina Stoute	AFMA Member	Nil
5-6 April 2016	Maluwap Nona	Chairperson Malu Lamar	TIB Licence Holder
5-6 April 2016	Mark David	Industry Member	TIB licence holder
5-6 April 2016	Terrence Whap	Industry Member	Nil
5-6 April 2016	Les Pitt	Industry Member	TIB licence holder
5-6 April 2016	Aaron Tom	Industry Member	Nil
5-6 April 2016	Ray Moore	Industry Member	TVH licence holder
5-6 April 2016	Luke Dillon	Industry Member	TVH licence holder
6 April 2016	John Ramsay	TSRA Member	Nil
5-6 April 2016	Mariana Nahas	TSRA Member	Nil
5-6 April 2016	Tom Roberts	QDAF Member	Nil
5-6 April 2016	Darren Dennis	CSIRO Scientific Member	Project staff for PZJA funded research

Observers

Date	Name	Position	Declaration of interest
5-6 April 2016	Kenny Bedford	TSRA Fisheries Portfolio	TIB licence holder, Erub Fisheries Association president
5-6 April 2016	Kevin Sabatino	Fisher	TIB licence holder
5-6 April 2016	Kevin Sabatino Jnr	Fisher	TIB licence holder
5-6 April 2016	Graham Hirakawa	Fisher	TIB licence holder
6 April 2016	Timothy Gibuma		Nil
5-6 April 2016	Phil Hughes	Fisher	TVH licence holder

Action Items

Number	Action
1.	AFMA to circulate further information to TRLWG members and observers on the AMSA requirements for commercial vessels under 10 m.
2.	AFMA to circulate the sea surface water temperature website to the TRLWG members and observers out-of-session.
3.	AFMA to amend the draft Plan to stipulate that the PZJA must review the TIB quota unit allocation within two years of the Plan commencing.
4.	AFMA to circulate additional information regarding cancellation provisions under the <i>Torres Strait Fisheries Act 1984</i> .
5.	TRLRAG to provide advice on any findings relating to the impacts of changing the season start date to provide industry with a longer TAC notice period.
6.	AFMA to provide further information on whether the Act could restrict foreign ownership of fishing entitlements in the fishery.
7.	CSIRO to provide an update of the harvest strategy development at the next TRLWG meeting.
8.	The following agenda items to be considered at the next TRLWG meeting: a) proposed 12 month season for free-dive and lamp fishing for TIB sector tender vessels only; and b) proposal to permit lamp fishing from TIB vessels only.
9.	QDAF member to circulate to members and observers out-of-session the regulations regarding the recreational take of TRL in the Torres Strait.
10.	AFMA to circulate the paper titled FRDC Report 2002/008 "Biology, larval transport modelling and commercial logbook data analysis to support management of the QLD TRL Fishery" to members and observers out-of-session.
11.	TRLRAG review the advice and justification for opening the east coast TRL season on 1 January and AFMA present that advice as an update at the next TRLWG meeting.
12.	QDAF member to circulate to TRLWG members and observers further information regarding the approval process for the indigenous fishing permit.

Preliminaries

Apologies / adoption of agenda / declaration of interest

Apologies were received from Phillip Ketchell (industry member) due to difficulties with the teleconference facilities, and Suzannah Salam (industry observer), Sevaly Sen (fishery economist) and Daniel Takai (industry observer).

The TRLWG adopted the agenda with no changes.

The TRLWG generally noted that there could be potential conflicts of interest for members and observers when providing information and advice on some agenda items. The Chair explained that members may be asked to leave the room for certain agenda items if specific conflicts arose.

The Chair noted that all meeting participants are required to behave in accordance with PZJA Fisheries Management Paper No. 1; the chair noted the roles and functions of the TRLWG and the responsibilities of members and observers in the TRLWG when providing recommendations and advice.

Agenda Item 2 - Updates

The TRLRAG noted the following updates provided by members and observers:

- The AFMA member advised that the PZJA is scheduled to meet on 4 May with the key item for discussion being the draft TRL Plan. The AFMA member further advised that due to the federal budget now being delivered on 3 May 2016, the Commonwealth minister responsible for fisheries cannot attend a PZJA meeting on Thursday Island. Alternative arrangements for the meeting are being reviewed; no final decision has been made.
- Some industry members raised concern with the current low numbers of fishers who complete the voluntary catch and effort docket-books and implications this may have under a quota management system, members noted the importance of reporting catch and effort information. Some industry members identified that PNG vessels (specifically 'banana boats') are entering the Torres Strait through rights for traditional visit and then undertaking commercial fishing for TRL in Australian waters and selling the product in Australia. The AFMA member advised that no PNG vessels were currently cross-endorsed to commercially fish in Australian waters and that any suspected foreign illegal fishing activities should be reported to AFMA compliance.
- Industry members and observers noted the season started well with more TRL caught compared to 2015; however during the month of March there was a higher rate of rejection of live TRL by buyers/processors coinciding with a spike in sea temperature and TRL becoming moribund. The TSRA Fisheries Portfolio observer noted there has been a recent establishment of holding facilities for live TRL at Erub.
- One member requested further information of Australian Marine Safety Authority (AMSA) requirements for commercial vessels under 10 m.
- The CSIRO member noted there is an internet website that provides up to date sea-surface temperature for the Torres Strait and agreed to circulate the website link to TRLRAG and TRLWG members and observers out-of-session.
- The QDAF member noted the east coast TRL fishery is performing at about the long term average, the fishery has caught ~46 t, east coast operators have also reported higher than average sea-surface temperatures.

- The TSRA member noted community consultation has finished for the roadmap to 100 per cent ownership, the draft roadmap is available on the PZJA website, feedback from community consultations will be posted on the PZJA website at a later date and no date has been set for implementation.
- The Malu Lamar representative noted the organisation represents the rights and interests of native title holders and Malu Lamar is seeking to expand its links to aboriginal people from the Northern Peninsula Area and with PNG treaty villages. The representative noted Malu Lamar seeks to work in partnership with industry and government agencies while aiming to achieve outcomes for traditional owners.

The TRLWG **agreed** to the following action items:

1. AFMA to circulate the contact details of the relevant AMSA officer handling industry inquiries on AMSA requirements for commercial vessels under 10 m; and
2. AFMA to circulate the sea-surface water temperature website to the TRLWG members and observers out-of-session.

Agenda Item 3 – TRL Management Plan

The TSRA member noted the meeting papers were provided three working days prior to the meeting and, given this short lead time, the TSRA is unable to recommend the Plan be released for public comment at this meeting.

The AFMA member discussed the provisions of the Plan as detailed in the paper provided. The following discussions were raised in discussing provisions of the Plan:

Objectives, measures and performance indicators

One industry member questioned what the timeframe was to achieve 100 per cent ownership of Torres Strait commercial fisheries by traditional owners. The AFMA member noted the Plan does not stipulate a timeframe to achieve 100 per cent ownership but it is one tool that may be used to transition to greater ownership of the fishery. The Plan will enable the TIB sector to lease unused quota units to the TVH sector or new entrants to raise revenue, and over time the TIB sector could use the revenue raised to buy quota units from the TVH sector.

The AFMA member noted the PZJA supports the transition to 100 per cent ownership, while recognising the TVH sector hold legitimate licences to operate in the fishery. The AFMA member noted there are no trading restrictions imposed on either sector within the Plan.

The QDAF member noted that the government is not in a position to conduct a voluntary buy-back of TVH licences similar to the tender reduction process completed in 2008. The TSRA fisheries portfolio observer noted the need to explore future buy-out options that

include co-funding by industry recognising that any assistance would likely be assessed on a case-by-case basis.

Review of other management measures

One industry member sought clarification on whether or not current input controls will remain in place once the Plan enters into force. The AFMA member confirmed that current input controls would remain in place at the commencement of the plan and be enforced by separate and already existing legislative instruments. The AFMA member further reiterated that the scope of the Plan is limited to elements of the quota management system only (TAC setting, allocating and trading of quota units). Once the plan enters into force AFMA will facilitate a review of management arrangements in the fishery in line with the work-plan recommended by the TRLWG at its meeting in August 2015. One industry member noted that the review should have a specific timeframe for completion to reduce uncertainty for the TVH sector and allow licence holders to develop informed businesses plans (for example investment in vessel refits and/or upgrades).

Allocation of quota to TIB sector

One industry member sought advice on what management actions would be taken if the TIB sector used all of its available quota in a fishing season. The AFMA member advised that if the total allowable catch was taken then the fishery would close for the remainder of that fishing season. The AFMA member noted if there were available (uncaught) quota units the TIB sector could enter the market to buy or lease those quota units to continue fishing. The industry member noted this would be an issue for many communities where they are dependent on the fishery for a source of income. The AFMA member noted that based on recent notional TAC's there is currently room for growth in the TIB sector but that ultimately industry expansion must be done sustainably. Adhering to the TAC is important to ensure the ongoing sustainability (and availability) of the resource.

One industry member noted the TIB sector wants security that their industry can grow under a management plan and the share of the fishery between sectors should be reviewed. The AFMA member noted the Plan sets the sectoral allocations at 56.2 per cent TIB sector and 43.8 per cent TVH sector which is the result of previous PZJA decisions and Government funded buyouts. The Plan offers a tool for building the TIB share overtime through quota trading.

The Malu Lamar representative noted the TIB sector is comprised of approximately 300 active licences and only a small portion of those are full-time fishers. The representative further noted that the industry needs to identify why only a small portion of licence holders are full time fishers and how the industry can increase both participation and catch. The TSRA Fisheries Portfolio observer noted a recent MyPathway employment initiative to increase participation of Torres Strait Islanders on TVH sector vessels had been successful.

The Malu Lamar representative noted the draft Plan initially allocates the TIB sector's quota to the TSRA and for that approach to be reviewed; however it does not stipulate the two year timeframe for review as originally agreed by the PZJA. Some industry members

noted that as a high priority once the Plan enters into force, a meeting should be facilitated for the TIB sector to discuss options for allocating quota within the TIB sector.

The Malu Lamar representative sought advice on whether under a quota management system, there is greater flexibility for private companies to own or hold quota on behalf of TIB fishers. The AFMA member noted this would need to be considered under the TIB allocation review.

3. The TRLWG **recommended** that the draft plan be amended to stipulate that the PZJA must review the TIB quota unit allocation within two years of the Plan commencing.

Allocation of quota to TVH sector

One industry member sought advice on how licence holders in the TVH sector are allocated quota. The AFMA member noted that the allocation within the TVH sector is based on the formula developed by the independent allocation advisory panel and agreed by the PZJA in 2007.

Provisions relating to PNG

One industry member questioned whether PNG was allocated quota under the Plan and if the Australian industry can access PNG's share of the fishery. The AFMA member confirmed the draft plan only allocates quota units to the Australian licence holders. Australia would continue to meet its obligations under the Treaty by supporting cross endorsement and, as stipulated in the draft plan, having regard to its Treaty obligations when setting a TAC (for example ensuring the TAC is set at a level that allows PNG to access its catch share without the global catch exceeding the recommended global biological catch).

The AFMA member further advised that draft provisions in the plan for increasing the total allowable catch for a fishing season may be used to adjust the Australian TAC in the, albeit unlikely, event that PNG does not agree to catch sharing arrangements for a particular season. If the TAC is increased the value (kilogram value) of all quota units would be adjusted accordingly.

The TSRA fisheries portfolio observer questioned if there are provisions within the plan to manage over-catch by PNG and if PNG over-caught can they be penalised under the Plan. The AFMA member noted there are no provisions in the draft plan to directly manage PNG over-catch; instead these issues would be considered through the annual Treaty meetings between Australia and PNG.

Defeasibility

Some industry members sought clarification on the basis for the provision which states that the quota units are defeasible, that is they may be cancelled and further, that no compensation is payable. One industry member noted they do not support the provision. The AFMA member noted the *Torres Strait Fisheries Act 1984* provides for the cancellation of licences and that it is now a drafting standard for defeasibility of statutory rights to be

clearly outlined in relevant legislation. Further it has been established through case law that compensation is not payable in such circumstances

4. The TRLWG **agreed** for AFMA to circulate additional information regarding cancellation provisions under the *Torres Strait Fisheries Act 1984*.

The TRLWG noted the editorial error in the paper which referred to 'indefeasible' rights instead of defeasible.

Setting the TAC

The Working Group noted the importance of providing industry greater time between the notification of the TAC and the value of quota units and the season start date. Additional time would enable operators to prepare adequately for the fishing season. The AFMA member advised that the draft plan does provide AFMA with the flexibility to determine season dates and that the TRLRAG requested advice from CSIRO at its last meeting (March 2016) on any possible risks or concerns to the sustainability of the stock if the season start date is changed to 1 January (instead of 1 December).

5. The TRLWG **recommended** that the TRLRAG provide advice on any findings relating to the impacts of changing the season start date to provide industry with a longer TAC notice period.

Conversion factor

The AFMA member noted the Plan provides that AFMA must determine the conversion factor to be applied if a person processes TRL so that only the tail remains, the current conversion ratio is 2.677 to 1.

Ownership and trading of licences and quota units

In response to questions from members the AFMA member confirmed the following:

- the draft Plan provides for fully transferable quota units; there are no restrictions on transferring or leasing. The Malu Lamar representative advised that there should be no trading restrictions on quota units held by the TIB sector;
- like the finfish management plan, the draft Plan provides for new entrants; that is the number of fishing licences are not limited under draft plan;
- the draft Plan does not require a person to hold a fishing licence to hold quota units however a fishing licence is required to operate in the fishery; and
- the draft Plan does not place any restrictions on foreign ownership.

One industry member was concerned that foreign ownership would make it harder for the TIB sector to achieve 100 per cent ownership and that restrictions had been included in previous drafts of the Plan. Others were eager to ensure there were no restrictions on the

TIB sector in accessing foreign buyers. The AFMA member advised that she was unaware of any provisions in the Act that would enable foreign ownership restrictions and would need to report back to the Working Group. The AFMA member also advised that any policy proposal to restrict foreign ownership would require significant consideration against broader government policy approaches.

6. The TRLWG **agreed** for AFMA to provide further information on whether the Act could restrict foreign ownership of fishing entitlements in the fishery.

Monitoring, Control and Surveillance

Industry members raised concerns about the level of compliance in the Torres Strait and believe that the current level of compliance in the fishery is inadequate.

The member for Malu Lamar questioned if PNG cross-endorsed vessels can unload/sell product to the TIB sector. The AFMA member advised that under the cross-endorsement arrangements, any commercial catch taken by cross endorsed PNG vessels must be landed in Daru, PNG. One industry member raised concerns that catch taken by PNG vessels fishing illegally in Australian waters has been unloaded in Australia and attributed to the TVH sector.

TIB sector licensing conditions

The member for Malu Lamar noted that the licence conditions for the TIB sector that prohibit the hiring of non-indigenous persons to work on TIB vessels is restricting growth of their industry. The member noted there should be opportunities for non-indigenous persons, including foreigners, to work on TIB vessels.

Agenda Item 4 - Strategic assessment

The AFMA member provided an update to members and observers regarding the strategic assessment process and draft report for the TRL fishery as detailed in the paper provided.

One industry member noted that concerns regarding the sustainability of the fishery were raised at the lama management plan community consultation meeting (held on 31 July 2015) and the community recommended further work on negotiating reef closures and restricting anchorage sites. The Working Group noted that in the first instance, the industry sectors should work together to develop appropriate codes of practices.

The Working Group noted that the Ecological Risk Assessment undertaken for the fishery in 2006 found no high risks to species or habitats and that the *ABARES fishery status report 2015* assessed the TRL Fishery as not overfished and not subject to overfishing.

Agenda Item 5 – Harvest Strategy

The CSIRO member provided an update to members on the recent outcomes of the TRLRAG meeting on 31 March 2016 towards finalising a TRL Harvest Strategy. The member noted the TRLRAG recommended the following reference points for the fishery:

- B_0 is the model-estimate of the unfished spawning stock biomass in 1973 (start of the fishery).
- B_{TARG} , the target reference point, is the agreed proxy for B_{MEY} ; $B_{TARG} = 0.65$ of B_0 .
- B_{THRES} is the agreed threshold biomass level below which more stringent rules for calculating the TAC apply, $B_{THRES} = 0.48$.
- B_{LIM} , the limit reference point, is agreed to be half of B_{TARG} , $B_{LIM} = 0.32$ of B_0 .
- If the limit reference point (B_{LIM}) is triggered two years out of the most recent three year period, then the fishery is closed.
- F_{TARG} is the model-estimated level of fishing mortality that keeps the stock around B_{TARG} , $F_{TARG} = 0.15$.

The AFMA member noted that CSIRO will undergo further testing of alternative harvest control rules and present the information to the TRLRAG at its next meeting in July/August, this information will be presented to the TRLWG.

7. The TRLWG **agreed** for CSIRO to provide an update of the harvest strategy development at the next TRLWG meeting.

Agenda Item 6 – Proposed future management arrangements

6.1 Vessel monitoring system

The AFMA member presented the proposal to introduce mandatory vessel monitoring systems (VMS) for all commercially licenced primary and carrier vessels operating under the *Torres Strait Fisheries Act 1984* by 1 July 2017 as detailed in the paper provided.

The TRLWG noted the costs associated with implementing VMS for both industry and AFMA and agreed VMS is likely to be an effective tool to increase monitoring and surveillance in the fishery and it provides increase safety.

The TRLWG **supported** the proposal to implement mandatory VMS for all commercially licenced primary and carrier vessels operating under the *Torres Strait Fisheries Act 1984* by 1 July 2017 where;

- a) a primary boat is the boat nominated to the licence as the primary commercial fishing boat for the licence from which tender boats are authorised to operate;
- b) freight shipping vessels are exempt; and

- c) exemptions may be provided for carrier vessels that are 6 meters or less in length.

6.2 Fish receivers

The AFMA member presented the proposal to introduce a mandatory fish receiver system for all Torres Strait fisheries, excluding the Torres Strait Prawn Fishery, by 1 December 2017.

The TRLWG noted that a mandatory fish receiver system would assist in monitoring catches particularly under a quota management system but also recognised that the details of the system need to be carefully developed to fit Torres Strait Fisheries. Industry members questioned what arrangements would be in place for example, for product that is landed to a barge or plane for transit to a buyer/processor. The AFMA member noted it would work with industry to develop the operation details of the system over the next 18 months.

The TRLWG **recommended** that, once the system is in place, a public register be developed to list all licenced fish receivers for Torres Strait fisheries. Some industry members also recommended that a register for Fishing Licence Holders be established to assist Fish Receivers and improve the overall integrity of the system.

The TRLWG **supported** the proposal to replace the current Torres Strait Seafood Buyers and Processors Docket Book system with a mandatory Fish Receiver System for all Torres Strait Fisheries, excluding the Torres Strait Prawn Fishery by 1 December 2017 noting that the system will require:

- a) all licence holders (including Traditional Inhabitants) to only dispose of commercially caught fish in those fisheries (not fish caught during the course of traditional fishing) to a holder of a Fish Receiver licence; and
- b) it will be mandatory for holders of Fish Receiver licences to comprehensively report details of all fish received (landed) for each fisher.

Agenda Item 7 – 12 month free-dive and lamp fishing season

The Working Group noted advice that since the TRLWG meeting on 27-28 August 2015 there were concerns raised from the TIB sector with removing the current free-dive ban (October and November) if it were to apply equally to the TIB and TVH sectors.

The Working Group noted the following key points raised by industry members:

- the TRLRAG reviewed the proposal and agreed that a 12 month open season for free-dive and lamp fishing would not pose a risk to overall stock status;
- some industry members noted free-dive and lamp fishing is an important part of traditional way of life and livelihood and needs to be respected;

- some industry members noted there is potential for concentrated fishing by primary vessels (TIB and TVH) with multiple tenders to have an impact on returns to dinghy fishers operating from local communities;
- some industry members noted the TVH sector generally does not have any interest in free-dive and lamp fishing during the months of October and November. However, in principle the TVH sector doesn't want a different sets of rules for the TIB and TVH sectors
- codes of practice or memorandum of understanding may help resolve the issues but there is still a concern from some industry members that it would not be effective and that regulation would be required.

Recommendations made by TIB industry members were for:

- the current two month closure for free-dive and lamp fishing be opened to TIB tender vessels only; and
- the Working Group to consider limiting lamp fishing to the TIB sector only at its next meeting.

A TIB industry observer advised they required further time to consult with other TIB primary vessel operators before agreeing to the option of limiting fishing to TIB tenders only while TVH industry members advised they also required further time to consider the recommendations.

The AFMA member noted that consistent with the Working Group's agreed workplan (developed at its August meeting,) input controls like the free dive closure, may be reviewed following implementation of a quota management system. The AFMA member also advised any changes to the closure would require an amendment to the current fisheries instrument and that this was unlikely to be achieved this year noting the approval process required to amend the instrument and impact of expected election caretaker periods (federal and TSRA) and .

8. The TRLWG **agreed** for the following agenda items to be considered at the next TRLWG meeting: a) proposed 12 month season for free-dive and lamp fishing for TIB sector tender vessels only and b) proposal to permit lamp fishing from TIB vessels only.

Agenda Item 8 – Other business

Recreational fishing

Some industry members raised concerns regarding recreational fishers taking more than their recreational bag limit. TRLWG members and observers noted there is some confusion regarding the rules for recreational fishing for TRL in the Torres Strait.

9. The TRLWG **agreed** for the QDAF member to circulate to members and observers out-of-session the regulations regarding the recreational take of TRL in the Torres Strait.

TRL east coast fishery – January season start date

One industry member raised concerns about the decision to change the season start date for the east coast TRL fishery to 1 January. The industry member questioned whether opening the season one month earlier would have any implications for the Torres Strait TRL Fishery noting that berried females can be caught off the east coast at the time.

The Working Group noted CSIRO had provided scientific advice to QDAF on the likely impacts of changing the season start date of east coast fishery to 1 January. As detailed in the August 2015 TRLRAG report titled “Background Information: Proposed 12 month free diving open season,” CSIRO found that a 1 January opening of the fishery would pose no risk to stock sustainability.

The QDAF member noted 22 t of TRL was taken in the east coast fishery during the month of January.

10. The TRLWG **agreed** for AFMA to circulate the FRDC Report “Biology, larval transport modelling and commercial logbook data analysis to support management of the QLD TRL Fishery” to members and observers out-of-session.
11. The TRLWG **recommended** the TRLRAG review the advice and justification for opening the east coast TRL season on 1 January and AFMA present that advice as an update at the next TRLWG meeting.

Minimum size limit

Some industry members raised concerns that some lobsters whilst not above the legal whole size limit (90 mm minimum carapace size limit) can be legally sized ‘tailed’ (115 mm tail length). Due to this discrepancy some fishers are forced to ‘tail’ some catches that could otherwise be landed ‘live’ at a higher return.

Other industry members did not think that this issue was widespread however the TRLWG **recommended** the compliance implication of having ambiguity of carapace and tail minimum size limits for TRL be further considered at future meeting.

Access quota east coast fishery

The Malu Lamar representative sought advice on any opportunities for the TIB sector to access the east coast TRL Fishery.

The QDAF member noted there is five tonne of quota which may be accessed by traditional inhabitants under an indigenous fishing permit.

12. The TRLWG **agreed** for the QDAF member to circulate to TRLWG members and observers further information regarding the approval process for the indigenous fishing permit.

Next Meeting

The TRLWG noted the next face-to-face meeting was scheduled for July/August.