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**TORRES STRAIT TROPICAL ROCK LOBSTER
WORKING GROUP (TRL WG)
10-11 APRIL, 2013**

PEARLS BUILDING, THURSDAY ISLAND, QLD

MINUTES

CHAIR: MS ANNE CLARKE

These minutes were ratified at TRLWG meeting No.2 on the 7th August, 2013 held at the AFMA Pearls Building on Thursday Island.

Prepared by the Australian Fisheries Management Authority on behalf of the Torres Strait Protected Zone Joint Authority



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FINAL AGENDA

AGENDA

1. Preliminaries
 - 1.1. Preliminaries – Chairs opening remarks/Apologies
 - 1.2. Adoption of agenda
 - 1.3. Correspondence (AFMA)
 - 1.4. Fisheries Management Paper #1 - Membership Code of Conduct (AFMA)
 - 1.5. Action Items from previous working group(s) (AFMA)
2. Background
 - 2.1. 2012 Structural Adjustment (QLD)
 - 2.2. The allocation of resources within the fishery (AFMA)
 - 2.3. PZJA Commitments to a Management Plan (TSRA)
3. Management Plan Implementation
 - 3.1. Timeline for Management Plan development (AFMA)
 - 3.2. Communications Strategy (AFMA)
 - 3.3. Legislative Process for Management Plan implementation (AFMA)
4. Objectives and Indicators
 - 4.1. Management Plan Objective (AFMA)
 - 4.2. Management Plan Performance Indicators (AFMA)
5. Management Plan content
 - 5.1. Current draft of the Management Plan (AFMA)
 - 5.2. Unresolved issues from the draft Management Plan (AFMA)
 - 5.3. Fisheries Management Provisions outside of the Management Plan (AFMA)
6. Other business
 - 6.1. Research priorities (AFMA)
 - 6.2. Interim Management Arrangements (TSRA)
 - 6.3. Compliance Update (QLD)
7. Next Meeting





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DECISION RECORD – TRLWG

That the TRLWG:

- Noted the decisions made to date by the Protected Zone Joint Authority (PZJA) regarding future management arrangements for the TRL fishery;
- Noted the Torres Strait Regional Authorities (TSRA) request for the PZJA to meet exclusively with the TRL fishery stakeholders.
- Supports the idea of a PZJA meeting as soon as practicable to agree to a framework for the development and implementation of the Tropical Rock Lobster (TRL) Management Plan;
- Noted support for the TSRA to seek PZJA commitment to assist the TIB sector to achieve one hundred per cent allocation of the fishery over time.
- Noted concerns regarding the removal of interim arrangements and that AFMA will continue to monitor catches.





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- The following members and observers were in attendance at the APRIL TRLWG:

Name	Role
Anne Clarke	WG Chairperson
Adam Leatherbarrow	AFMA Executive Officer
Darren Dennis	Scientific member
Shane Fava	AFMA representative
Ian Jacobson	QDAFF representative
John Adams	TSRA support member
Raymond Moore	TVH Industry Member
Luke Dillon	TVH Industry Member
Mark Dean	TVH Industry Member
Ned Larry	Traditional inhabitant member
Kiwat Lui	Traditional inhabitant member (TSRA Board Member)
Romina Fujii	Traditional inhabitant member (TSRA Board Member)
Mario Sabatino	Traditional inhabitant member (TSRA Board Member)
Kenny Bedford	Traditional inhabitant member (TSRA Fisheries Portfolio Member)
Maluwap Nona	Traditional inhabitant member (TSRA Native Title Portfolio Member) (left at 9.30am on day 2)
Charles David	Observer (left at 9.30am on day 2)
Neville Nakata	Observer
Geoff Mckenzie	Observer (left at 10.00am on day 1)
Joseph Elu	Observer (PZJA member) (day 1 only, 10.30am to 12.45pm)
Steve Hall	Observer (day 2 only)
Ipad Nona	Observer (day 2 only, left at 9.30am)
Edmond Tamwoy	Observer (day 2 only, left at 9.30am)





ACTION ITEMS

#	Action Item	Agenda	Champion	Due Date
1)	AFMA to follow up on the previous research conducted on tail marking of lobster and to provide any report/s along with information on current legislation to the TRLWG out of session.	1.5	AFMA	June 2013
2)	Consult with communities and return to the next Working Group with proposed areas where traditional inhabitants would seek to have any form of commercial fishing prohibited (i.e. areas provided for traditional fishing only).	1.5	TSRA	June 2013
3)	What are the arrangements for managing the number and operation of charter boats in the Torres Strait.	1.5	QDAFF	June 2013
4)	QDAFF to provide the TRLWG out of session with contacts/ information on the process for TIBs accessing East Coast quota.	2.2	QDAFF	June 2013
5)	QDAFF to provide the TRLWG out of session with detailed information on the process for TIB and TVH fishers seeking cross-endorsement to fish in Papua New Guinea (PNG) waters.	2.2	AFMA	June 2013
6)	TSRA to provide the TRLWG with an update on work conducted by the Fisheries and Economic development program.	4.2	TSRA	June 2013
7)	Scientific member to present results on recent MSE at the next TRLWG and to circulate any background information out of session	4.2	CSIRO	June 2013
8)	QDAFF to provide information on the provisions for mariculture and aquaculture of TRL in the Torres Strait	5.1	QDAFF	June 2013
9)	To investigate whether a register of TIB Master Fishermen's License holders has been kept in order to facilitate traditional inhabitant employment in the TVH sector.	5.2	AFMA/ Chair	December 2013
10)	AFMA to provide out of session FMN 47 (Restrictions on size of boats) to the TRLWG.	5.2	AFMA	June 2013
11)	TSRA as the lead agency for facilitating consultation with Torres Strait Communities to prepare an information package with assistance from AFMA and QDAFF regarding consultation on the development of the TRL Management Plan.	5.2	PZJA	TBC
12)	AFMA to circulate CSIRO Hookah Diving Research Report from 1994	6.1	AFMA	June 2013





MINUTES

DAY 1

10th April 2013

Meeting start: 8.40am.

1. Preliminaries

Agenda item 1.1 Chairs opening remarks/Apologies

Chair Anne Clarke welcomed all in attendance to the meeting and outlined the purpose of convening the TRL Working Group and the guidelines for which the members and observers are to operate under Fisheries Management Paper number 1.

Apologies: Yen Loban.

Traditional inhabitant member Maluwap Nona tabled a letter from Gur A Baradhaw Sea and Land Council to the PZJA. The letter advised that Gur A Baradhaw Sea and Land Council had agreed to nominate Mr Charles David to represent its interests as Torres Strait Islander Traditional Owners on the TRL WG. Mr David was not a permanent member of the TRL WG and attended part of the meeting in the capacity as a casual observer before leaving at the start of the second day.

Agenda item 1.2 Adoption of Agenda

Following discussion by the TRLWG Chair regarding the flow of items on the agenda item no. 3 as per agenda was shifted to after agenda item 5.

Agenda Item 1.4 FMP #1 – Membership code of conduct

The Tropical Rock Lobster Working Group (TRLWG) acknowledged PZJA Fisheries Management Paper no. 1 (FMP 1) with particular reference to the finer detail regarding the membership code of conduct. In addition, all members were requested to sign a declaration to state that:

- they had read and understood FMP 1;
- that any conflict of interest be announced;
- they would give assurance that participation at meetings will be in an objective and impartial manner; and
- those members will serve the best interests of the TRLWG and have regard for the legislative objectives of the *Torres Strait Fisheries Act 1984*.

The TSRA support member John Adams asked about the timeframe for distributing minutes and the release of relevant documents for public distribution following the TRLWG meeting. The AFMA representative agreed to seek out the specified timeframe.





Agenda item 1.5 Previous Action items

The purpose of this paper was for the TRLWG to note the content and progression of action items from previous meetings leading up to the February 2007 and May 2007 TRLWG meetings. The group decided that some of the action items from previous working groups were still relevant and therefore have been retained (as observed under the action items table above), while others were no longer relevant.

2. Background

Agenda item 2.1 2012 Structural Adjustment

The results of the 2012 Structural Adjustment were presented to the TRLWG for noting by Ian Jacobsen on behalf of the Queensland Department of Agriculture, Fisheries and Forestry (QDAFF). Ian went on to say that on 20 December 2011, the PZJA announced a structural adjustment of the Torres Strait TRL fishery to reallocate resources from the non-traditional inhabitant sector to the traditional inhabitant sector. QDAFF received two offers from licence holders in the non-traditional inhabitant sector willing to surrender their licence as part of the structural adjustment process.

These offers were assessed by a tender evaluation panel which in turn recommended that one of the offers be accepted. QDAFF subsequently accepted these recommendations and as a consequence the following was achieved from the structural adjustment process:

- the total proportion of the Australian TRL resources nominally allocated to the traditional inhabitant sector (TIB) sector increased from 53.5% to (approximately) 55.5%;
- the proportion of the Australian TRL resources nominally allocated to the non-traditional inhabitant (TVH) sector decreased from 46.5% to approximately 44.5%;
- the total number of licences held by TVH operators decreased from 13 to 12; and
- the total number of tenders associated with licences held by TVH operators decreased from 34 to 33.

There were no further questions from members of the TRLWG.

Agenda item 2.2 The Allocation of Resources within the Fishery

Shane Fava of AFMA presented this discussion paper to provide the TRLWG with an overview of the allocation of resources between the traditional, non-traditional and Papua New Guinean (PNG) sectors. Using the preliminary TAC (notional) as an example the current split for the 2013 fishing season was detailed as:

- TIB 331t;
- TVH 253t;
- PNG 287t.

(In percentage terms for the overall Torres Strait Protected Zone Fishery the current allocation is 38% to the TIB sector, 29 % to the TVH sector and 33% to the PNG sector).





The process for PNG vessels to gain cross-endorsement was raised by the group and this process was then outlined by AFMA and QDAFF representatives. Traditional Inhabitant Boat (TIB) licence fisher representative, Ned Larry asked what the process is Australian fishers to access TRL in PNG waters, Shane Fava provided an overview of the required process noting the possible passport/ visa requirements. AFMA also agreed to distribute this information to the group out of session.

Discussions around the portions of Queensland East Coast quota being reserved for TIB licenced fishers evolved, it was then that Mr David (observer) raised the question around who would be the appropriate authority/contact for him to talk to about TIB licence holders accessing East Coast quota. QDAFF stated that as at previous meetings, they would be happy to provide this information out of session.

There was then discussion around what species can be fished in PNG waters by Australian fishers. The group looked at mud crabs as an example. It was explained that mud crab was not currently an article 22 species (as detailed under the Torres Strait Treaty) therefore catch sharing arrangements under article 23 are not defined for this species. The AFMA representative reiterated that if there was interest for a species to become listed as an article 22 species then this could be negotiated at the Bilateral Meetings process with PNG.

An interesting point raised by Ray Moore concerned the accessibility of uncaught PNG quota. It was noted that If Australia forgoes cross border fishing in PNG then at present the PNG entitlement in Australia waters is reduced proportionally. Scientific member Darren Dennis then stated that once quota is uncaught then it's very hard to reallocate within a fishing season as the stock would have already migrated to spawn before we had realised there was uncaught quota, this was agreed by the group.

Agenda item 2.3 PZJA Commitments

The group was provided with an overview of the key commitments and decisions made by the Torres Strait Protected Zone Joint Authority (PZJA) relating to future management arrangements for the TRL fishery.

TSRA Fisheries Portfolio Member, Mr Kenny Bedford thanked TSRA for the update and reiterated the concerns from the TIB sector over the current level of effort from large scale TVH operators within the fishery. Mr Bedford asked the group to consider making recommendations to ensure the stock remains sustainable.

The TRLWG:

- Noted the decisions made to date by the Protected Zone Joint Authority (PZJA) regarding future management arrangements for the TRL fishery;
- Noted the Torres Strait Regional Authorities (TSRA) request for the PZJA to meet exclusively with the TRL fishery stakeholders.





- Supports the idea of a PZJA meeting as soon as practicable to agree to a framework for the development and implementation of the Tropical Rock Lobster (TRL) Management Plan;
- Noted support for the TSRA to seek PZJA commitment to assist the TIB sector to achieve one hundred per cent allocation of the fishery over time.
- Noted concerns regarding the removal of interim arrangements and that AFMA will continue to monitor catches. Noted the decisions made to date by the PZJA regarding future management arrangements for the TRL fishery;

4. Objectives and Indicators

Agenda item 4.1 Management Plan Objectives

This agenda item was for the TRLWG to review the current fisheries management objectives as contained in the draft TRL Management Plan. The development of clear and achievable objectives is an essential component to good fisheries management and is one of the recommendations made by the Department of Sustainability, Environment, Water, Populations and Communities (SEWPaC) through the fisheries assessment process. The objectives were as follows:

Objective 1	To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield.
Objective 2	In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster.
Objective 3	To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea.
Objective 4	To monitor interactions between the prawn and lobster fisheries.
Objective 5	To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment.
Objective 6	To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. To ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community.
Objective 7	Optimise the value of the fishery, ensure cooperative, efficient and cost effective management of the Fishery.

These objectives were considered by the group and amended to the following (see below):

Objective 1	To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. To ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community.
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Objective 2	To maintain fishing mortality at a level below that which produces the Maximum Sustainable Yield (FMSY), accounting for all sources of stock mortality.
Objective 3	In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster.
Objective 4	To provide for the optimal utilisation, co-operative management with Queensland, Torres Strait Islander and Aboriginal Traditional Owners and Papua New Guinea and for catch sharing to occur with Papua New Guinea.
Objective 5	To monitor interactions between the prawn and lobster fisheries.
Objective 6	To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment.
Objective 7	Optimize the value of the fishery; ensure cooperative, efficient and cost effective management of the Fishery.

There was much discussion on each of the objectives and their order of importance. Although there were some slight reiterations on the wording and some minor re-ordering it was decided by the group that all the objectives are relevant and should remain. Fisheries Queensland however raised concerns with respect to the inclusion of objective 5 as meeting this objective relies on a non-TRL fishery. Fisheries Queensland noted that a) the prawn fishery had a management plan that included bycatch minimisation objectives, b) the prawn fishery were not permitted to retain TRL under current legislation, c) the prawn fishery has no obligation to uphold, meet and / or adhere to objectives obtained within a TRL management plan and / or any mitigation measures recommended by the TRL working group and d) that non-compliance with this objective could have significant implications for the fishery i.e. WTO approval and export accreditations.

AFMA also reflected that the objectives should be consistent with the objectives of the Torres Strait Fisheries Act in addition to the Torres Strait Treaty. The group agreed that this is the case.

Agenda item 4.2 Management Plan Performance Indicators

The concept behind this particular paper was to seek the TRLWGs views on the draft Management Plan's performance indicators. The TRLWG used the draft plan as a working document to fill in any gaps. It was agreed by the group that many of the performance indicators previously devised are still relevant. It is envisaged that these performance indicators will be reviewed and continually refined at future working group meetings.





Day 2

11th April 2013

Meeting start: 9.05am.

There was some disagreement from Mr David on continuing with the rest of the agenda, particularly any agenda item that dealt with progressing to a management plan ahead of progressing the ownership aspirations of the TIB sector.

The scientific member made comment that without a significant increase in research and management funding the best available science suggests that this fishery should be input controlled and not output (quota) managed. The development of input controls in the TRL fishery to ensure sustainability was discussed including the implementation of the seasonal closures and increased minimum size in 2003, in response to declining stocks. The scientific member explained how fishers under current input restrictions are fishing one cohort that exits the fishery in August/September and stressed that recruitment to the fishery is highly variable year to year. Hence, under quota management there would be a stronger mandate to accurately predict the stock size and subsequent TAC given that sectoral allocations would rely on these estimates. The scientific member noted this is why pre-season surveys were conducted during 2005-2008, to improve precision of the recruitment estimates and given the intention to move to quota. The scientific member also noted the need for comprehensive, mandatory and timely catch monitoring under quota management to ensure allocations were not breached. It was also noted that the Northern Prawn Fishery has also delayed implementation of quota management for very similar reasons.

The meeting was halted to give Mr Nona and Mr David a chance to express their views. Mr Nona asked for sections of the Torres Strait Treaty to be read out to the group. These largely dealt with protecting the traditional way of life and fishing rights of Torres Strait Islander and Aboriginal people and allowing for adequate consultation. Mr Nona then stated that could not support the meeting and must leave on the grounds that there continues to be a lack of consultation with Traditional Owners on fisheries matters by the PZJA. Several members along with the Chair reiterated that all at the meeting were actively involved in the consultation process and that this is the best opportunity to express any views (both Mr Nona and Mr David exited the meeting).

5. Management Plan content

Agenda item 5.1 Current draft of the Management Plan

The purpose of this agenda item was to provide the TRLWG with an overview of the current draft Management Plan, as developed prior to the November 2007 TRLWG meeting. The group also made note of a list of the key decisions made by the PZJA shaping the future management arrangements for the TRL fishery since 2005, in particular those that were responsible for guiding the content of the draft Management Plan.





The group supported the recommendation from traditional inhabitant member Mario Sabatino that there is a need to leave as much detail in the plan throughout the draft stages as possible to allow flexibility and comment on these issues from our key stakeholders.

There was much conversation about what input controls would remain in the plan with a move to quota based management. The AFMA representative mentioned that it will be up to the working group to continue to discuss unresolved issues including input restrictions to provide advice to the PZJA to determine what remains. There was also a discussion around what legislation should sit outside of the plan (e.g. already stated in the Act or within Fisheries Management Instruments) and what would sit inside the plan.

Agenda item 5.2 Unresolved issues from the draft Management Plan

The purpose of this particular agenda item was to seek the TRLWG views on the unresolved issues within the TRL draft Management Plan including:

- Master Fisherman Licences (MFLs);
- Boat Replacement Policies;
- Season Opening for the TRL fishery; and
- Landing and unloading places for TVH operators

There was much interesting conversation around Master Fishermen's Licences. Ray Moore advised that the Master Fisherman's licence was created in 1986 to solve the issue that under commonwealth law tenders did not exist and all dinghies were vessels that had to have a master in charge of them. For \$20 across the counter, no experience or qualification required anybody could obtain a Torres Strait Masters licence. In 1999, when TIB licences were introduced, it was decided that TIB vessels did not require a MFL but TVH dinghies still did. Further, no more MFLs would be issued to non-traditional inhabitants. In this way management has tried to use the MFL to force the TVH sector to employ traditional inhabitants. The TVH sector wants to employ more traditional inhabitants but unfortunately it is extremely difficult to find traditional inhabitants that want to work on the boats. The TIB sector has the same problem. Management needs to address the real issue here.

AFMA representative Shane Fava explained that the MFL was not to be thought of as an input control but more so as a social objective to employing Traditional Inhabitants. Members of the TVH industry claimed that even if the requirement for holding MFLs were removed that sector would still encourage and employ traditional inhabitants within their operations.

There was little discussion on boat replacement policies due to time constraints; however it was noted that the TIB sector would need to start thinking about what boat replacement arrangements could be in place under a management plan.





Scientific member Darren Dennis reiterated the importance of the biological end of season closures to protect stock sustainability. He suggested that the group err on the side of caution when and if making decisions on removing or shifting closures when moving to output controls.

Landing and unloading places for TVH sector unfortunately did not receive the coverage that was envisaged pre meeting. It is hoped that these issues can be discussed and recommendations developed at future TRLWG meetings.

Agenda item 5.3 Fisheries Management Provisions outside the Management Plan

The purpose of Agenda item 5.3 was to advise the TRLWG of the provisions (management arrangements) relating to the Tropical Rock Lobster (TRL) fishery that are not contained within the draft TRL Management Plan and to discuss the basis for maintaining some provisions outside of the management plan and also to consider recommendations from the TRLWG to either add or remove provisions from the draft TRL Management Plan. Although there was insufficient time to explore this comprehensively, the group acknowledged that some thought at future working group meetings would need to be given on this subject.

3. Management Plan Implementation

Agenda item 3.1 Timeline for Management Plan Development

AFMA presented the TRLWG with an overall picture of the legislative steps and set timeframes required to implement a TRL Management Plan under the Commonwealth framework. This provided the TRLWG with the opportunity to consider an achievable draft timeline for the plan. There was discussion from the group and agreement that the time allocated for consultation with communities would need to be lengthened (to up to six to eight months). Other aspects of the timeline were noted with minimal comment.

Agenda item 3.2 Communications Strategy

The PZJA Standing Committee at its March 2013 meeting recommended that a communication strategy detailing the implementation of the TRL Management Plan be developed and discussed during the first TRLWG. The purpose of this discussion paper was to provide the TRLWG with an overview of the value of an effective communication strategy and to seek comment from the TRLWG on the content of a draft communication strategy associated with the development and implementation of the TRL Management Plan to be worked up by the PZJA agencies.

The aim of the communication strategy is to ensure that all key stakeholders are fully informed about the development and implementation of the TRL Management Plan including how and when they can provide input into the development of the TRL Management Plan.





The working group agreed that the strategy should consist of three phases:

- **Phase 1 Getting the message out:**
Describing the history behind moving to a management plan, any key working group decisions and an overview of the management plan.
- **Phase 2 Dealing with unresolved issues:**
Informing the discussion regarding the unresolved issues and seeking input and resolution.
- **Phase 3 Getting the draft out:**
Getting the draft plan out to key stakeholders and community in a format which is most useful for the target audience.

The Working Group recommended that the TSRA be the lead agency for developing communications materials with assistance from the other PZJA agencies. It was also established that consultations would need to be conducted as a PZJA activity.

Agenda item 3.3 Legislative Process for Management Plan implementation

The TRLWG acknowledged that this paper was for noting. Due to time constraints AFMA asked that the group read out of session and that any questions be posed directly to AFMA if required or alternatively, discussed further at the next meeting.

6. Other Business

Agenda item 6.1 Research Priorities

The group was provided with the opportunity to review and comment on the research priorities listed in the draft 2012 Annual Operational Plan as drafted by the Torres Strait Scientific Advisory Committee (TSSAC). The group noted the research priorities listed and at the time of the meeting. Traditional inhabitant member Kenny Bedford noted the discussion at the March 2013 TSSAC meeting about the need for further investigation into the availability of Kaiar on reef tops where hookah diving occurs on the same reef. The AFMA representative offered to distribute copies of the summary brochure of the work undertaken by CSIRO in 1993 on local depletion of TRL on shallow home reefs in Torres Strait. The AFMA representative explained that they would be happy to take on any comments for this agenda item out of session.

Agenda Item 6.2 Interim Management Arrangements

The purpose of this paper as delivered by TSRA was to inform the TRLWG of the TSRA's view on the need for interim management arrangements prior to the implementation of a management plan for the Torres Strait TRL Fishery. The group noted concerns from some members of the TRLWG about the removal of interim arrangements.

Representatives from the TVH sector advised that the first buyback had been successful because the PZJA had stated that quota would be introduced in 2007 and licence holders decided to sell based on this. But those licences that remained had not been restricted by quota for the last 7 years and there is the perception that this





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would continue. They went on to say that there is a reluctance to sell while catches remain unlimited.

The group noted that AFMA would continue its process of monitoring catch data in the fishery.

Agenda Item 6.3 Compliance Update

The group noted the compliance update as delivered by Ian Jacobsen of QDAFF. There were some queries regarding the effectiveness of the current compliance program considering that there was no longer an office on Thursday Island. The paper described that the amount of operational days was still the same as what was being carried out with officers positioned on Thursday Island.

Meeting closed 1:00pm 11 April 2013.

